

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.09.1999
COM(1999) 455 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 900/1999 prohibiting the sale and supply of petroleum and petroleum products to the Federal Republic of Yugoslavia

(presented by the Commission)

EXPLANATORY MEMORANDUM

In order to attain a sustainable solution to the Kosovo crisis the European Union has imposed several economic and financial sanctions against the Federal Republic of Yugoslavia (FRY).

Although a definitive solution has not yet been attained, developments in the Province of Kosovo and in the Republic of Montenegro point to the need of lifting of the oil embargo in respect of these two territories within the FRY in support of the political and economic reforms taking place.

The present proposal of the Commission for a Council Regulation aims at exempting the Province of Kosovo and the Republic of Montenegro from the oil embargo.

However, in order to avoid that this exemption will undermine the measures which will remain in force in respect of the rest of the FRY, provisions are proposed that should minimise the risk of such undermining.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 900/1999 prohibiting the sale and supply of petroleum and petroleum products to the Federal Republic of Yugoslavia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Commuity, and in particular Article 301 thereof,

Having regard to Common Position 1999/…/CFSP of .. September 1999, adopted by the Council on the basis of Article 15 of the Treaty on European Union, amending Common Position 1999/273/CFSP concerning a ban on the supply and sale of petroleum and petroleum products to the Federal Republic of Yugoslavia (FRY), and Common Position 1999/318/CFSP concerning additional restrictive measures against the Federal Republic of Yugoslavia,

Having regard to the proposal from the Commission,

Whereas:

(1) the developments with regard to the Federal Republic of Yugoslavia permit a partial lifting of the oil embargo imposed by Regulation (EC) No 900/1999;

(2) such partial lifting should not prejudice the remaining applicability of Regulation (EC) No 900/1999 with regard to the Federal Republic of Yugoslavia,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following Article shall be added to Regulation (EC) No 900/1999:

" Article 2a

1. Notwithstanding the provisions of Article 1, the competent authorities listed in the Annex of Commission Regulation (EC) No 1084/1999 [1], may, in conformity with the model set out in Annex I to this Regulation, authorise the sale, supply or export, directly or indirectly, of petroleum and petroleum products listed in the Annex to this Regulation, whether or not originating in the Community, to any person or body in the Federal Republic of Yugoslavia

[1] OJ L 131 of 27.5.1999, p. 29.

or to any person or body for the purpose of any business carried on in, or operated from, the territory of the Republic of Yugoslavia, and the shipment to the territory of the Republic ofYugoslavia, if conclusive evidence is presented to these authorities that the products sold, supplied, exported or shipped will not leave the Province of Kosovo or the Republic of Montenegro for their end-use or final destination.

2. Presentation of a declaration of the competent authorities of the Province of Kosovo or the Republic of Montenegro, listed in Annex II to this Regulation, in conformity with the model set out in Annex III to this Regulation, shall serve as conclusive evidence as meant in paragraph 1 of this Article.

3. In cases where the competent authorities of the Province of Kosovo or the Republic of Montenegro do not provide such a declaration, the competent authority within the Community shall not grant a prior authorisation before it has requested the competent authorities of the other Member States and the Commission their comments on the evidence presented, which, if any, shall be given within a period of five working days after sending the request. After these five days and on the basis of the comments received or any other information obtained in the meantime, the competent authority concerned shall take a decision in respect of the granting of an authorisation, and notify the Commission and the other Member States of this decision."

2. The following shall be added to Article 6:

"The Commission shall, if necessary, modify, the list of competent authorities of the Province of Kosovo and the Republic of Montenegro referred to in Article 2a, paragraph 2, and the models of prior authorisation and prior end use/final destination declaration referred to Article 2a paragraphs 1 and 2. The Commission shall publish any changes to this list and these models in the Official Journal of the European Communities."

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ANNEX I

Model of authorisation document of EC competent authorities referred to in Article 1 paragraph 1 of this Regulation.

EUROPEAN COMMUNITY PRIOR AUTHORIZATION

<table>
<tr><td colspan="2">1. APPLICANT (name, full address, country)</td><td colspan="3">ORIGINAL</td></tr>
<tr><td colspan="2" rowspan="2"></td><td colspan="3">2. No
Date
Period of validity</td></tr>
<tr><td colspan="2">3. END-USER/FINAL DESTINATION (name, full address, country/territory)</td><td colspan="3">4. COUNTRY OF EXPORT</td></tr>
<tr><td colspan="2"></td><td colspan="3">5. TERRITORY OF DESTINATION</td></tr>
<tr><td colspan="2">6. PLACE AND DATE OF SHIPMENT – MEANS OF TRANSPORT</td><td colspan="3">7. NUMBER OF DECLARATION OF END USE/FINAL DESTINATION</td></tr>
<tr><td colspan="2">NOTE :
This authorization does not discharge the exporter from fulfilling any other conditions applicable in the export of the goods concerned.</td><td colspan="3">8. SUPPLEMENTARY DETAILS</td></tr>
<tr><td>9. MARKS AND NUMBER – NUMBER AND KIND OF PACKAGES – DESCRIPTION OF GOODS AND THEIR USE.</td><td>10. CN CODE</td><td>11. QUANTITY (1)</td><td>12. VALUE(2)</td></tr>
<tr><td colspan="4">13. CERTIFICATION BY THE COMPETENT AUTHORITY OF THE EUROPEAN COMMUNITIES
Certified that the sale, supply, export of shipment to the FRY of products described above has been authorized.
Place and Date
Signature</td></tr>
<tr><td colspan="4">14. COMPETENT AUTHORITY (name, full address, country) Stamp</td></tr>
</table>

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight.

(2) In the currency of the sale contract.

ANNEX II

List of competent authorities in the Province of Kosovo and the Republic of Montenegro, referred to in Article 1 paragraph 1 of this Regulation

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ANNEX III

Model of prior final destination declaration of competent authorities of the Province of Kosovo or the Republic of Montenegro referred to in Article 1 paragraph 1 of this Regulation.

PRIOR FINAL DESTINATION DECLARATION

<table>
<tr><td colspan="2">1. APPLICANT (name, full address, country)</td><td colspan="3">ORIGINAL</td></tr>
<tr><td colspan="2" rowspan="2"></td><td colspan="3">2. No
Date
Period of validity</td></tr>
<tr><td colspan="3">3. END-USER/FINAL DESTINATION (name, full address, country/territory)
4. COUNTRY OF EXPORT</td></tr>
<tr><td colspan="2"></td><td colspan="3">5. TERRITORY OF DESTINATION :

PROVINCE OF KOSOVO/REPUBLIC OF MONTENEGRO (3)</td></tr>
<tr><td colspan="5">6. SUPPLY DETAILS</td></tr>
<tr><td>7. MARKS AND NUMBER – NUMBER AND KIND OF PACKAGES – DESCRIPTION OF GOODS AND THEIR USE.</td><td>8. CN CODE</td><td>9. QUANTITY (1)</td><td>10. VALUE (2)</td></tr>
<tr><td colspan="4">11. CERTIFICATION BY THE COMPETENT AUTHORITY OF THE PROVINCE OF KOSOVO/REPUBLIC OF MONTENEGRO (3)

The said goods are subject to official control as regards their end-use/final destination. The certificate ceases to be valid unless presented to the competent foreign authorities within three months from the date of issue. Certificates which have not been used must be returned to the competent authority. Diversion (reexportation) to another country only possible with the authorization of the competent licensing authority.

I, the undersigned, certify that the end use/final destination of the goods described above is in the territory of Province of Kosovo/Republic of Montenegro (3).

Place and Date

Signature</td></tr>
<tr><td colspan="3">12. COMPETENT AUTHORITY (name, full address, country)</td><td>13. Stamp</td></tr>
</table>

(1) Show net weight (kg) and also quantityin the unit prescribed for category where other than net weight

(2) In the currency of the sale contract

(3) Indicate which of both territories/authorities.