

Official Journal

of the European Communities

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2471/94

of 10 October 1994

introducing a further discontinuation of the economic and financial relations between the European Community and the areas of Bosnia-Herzegovina under the control of Bosnian Serb forces

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Definitions

Having regard to the Treaty establishing the European Community, and in particular Articles 228a and 73g thereof,

Article 1

For the purpose of this Regulation:

Having regard to Council Decision 94/672/CFSP of 10 October 1994 on the common position defined on the basis of Article J.2 of the Treaty on European Union and concerning the reduction of economic and financial relations with those parts of the territory of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, in view of the refusal of the Bosnian Serb party to accept the settlement accepted by the other Bosnian parties, and acting under Chapter VII of the Charter of the United Nations, has decided in its Resolution 942 (1994) to reinforce and extend the measures imposed by its previous resolutions with regard to the areas of the Republic of Bosnia-Herzegovina under the control of Bosnian Serb forces;

Whereas, under these conditions, the Community has to reinforce and extend the measures imposed by Council Regulation (EEC) No 990/93 of 26 April 1993 concerning trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro) ⁽²⁾,

1. *economic activities* shall mean:

- (a) all activities of an economic nature, including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property, or interests in property;
- (b) the exercise of rights relating to property or interests in property; and
- (c) the establishment of any new body or change in management of an existing body;

2. *property or interests in property* shall mean:

funds, financial, tangible and intangible assets, property rights and publicly and privately traded securities and debt instruments, and any other financial and economic resources;

3. *to freeze funds or other financial assets or resources* shall mean:

to take steps to prevent any change in volume, amount, location, ownership, possession, character, destination or other change that would enable the use of the funds or other financial assets or resources concerned;

4. *funds or other financial assets or resources* shall mean:

funds or other financial assets or resources of whatever kind or origin, including, but not limited to, cash, liquid assets, dividends, interest or other income

⁽¹⁾ See page 10 of this Official Journal.

⁽²⁾ OJ No L 102, 28. 4. 1993, p. 14.

on shares, interest, bonds or debt obligations or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with, tangible and intangible assets and property rights;

5. *designated person or body* shall mean:

- (a) any body, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by:
 - (i) any person in, or resident in, or any body, including any commercial, industrial or public utility undertaking, in the areas concerned; or
 - (ii) any body incorporated in, or constituted under the law of, the areas concerned; as well as
- (b) any person or body, including those identified by States for the purpose of Resolution 942 (1994) of the Security Council of the United Nations, found to be acting for or on behalf of and to the benefit of any body, including any commercial, industrial or public utility undertaking, in the areas concerned, or any body referred to under (a) above;

6. *areas concerned* shall mean:

those areas of the Republic of Bosnia-Herzegovina under the control of Bosnian Serb forces.

Prohibition of economic activities

Article 2

No economic activities shall be carried on by any designated person or body unless they have been authorized by the competent authorities of the Member States.

Article 3

The competent authorities of the Member States may authorize economic activities by a designated person or body, having satisfied themselves on a case-by-case basis that the activities do not result in the transfer of property or interests in property to any person or body described in subparagraph (i) or (ii) of paragraph (a) of Article 1, point 5.

Article 4

Existing authorizations under Article 3 shall be revoked by the competent authorities of the Member States, and no further authorizations issued in respect of any person

or body violating the measures imposed by this Regulation or violating any measures imposed by Regulation No (EEC) 990/93 or Council Regulation (EC) No 1733/94 of 11 July 1994 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757 (1992) and related resolutions ⁽¹⁾, where these latter violations have occurred after the entry into force of this Regulation.

Article 5

Nothing in this Regulation shall prevent the competent authorities of the Member States from issuing an authorization if the economic activity concerned serves solely the purpose of providing supplies intended strictly for medical purposes and foodstuffs notified to the committee, established by Resolution 724 (1991) of the United Nations Security Council, or commodities and products for essential humanitarian needs approved by the said committee.

Freezing of funds or other financial assets or resources

Article 6

All funds or other financial assets or resources belonging to any designated person or body or to any body in the areas concerned, including any commercial, industrial or public utility undertaking, shall be frozen.

Neither the funds or other financial assets or resources referred to in the first subparagraph nor any other funds or financial assets or resources shall be made available directly or indirectly to, or for the benefit of, any designated persons or body or any body in the areas concerned.

Article 7

Nothing in this Regulation shall prevent the competent authorities of Member States from authorizing:

- (a) payments made in connection with economic activities authorized in accordance with Article 3 where the competent authorities are satisfied on a case-by-case basis that the payments do not result in the transfer of funds or other financial assets or resources to any person or body described in subparagraphs (i) or (ii) of Article 1, point 5 (a); or

⁽¹⁾ OJ No L 182, 16. 7. 1994, p. 1.

- (b) payments made in connection with transactions authorized by the Government of the Republic of Bosnia-Herzegovina with regard to persons or bodies within its territory,

provided that Member States shall not authorize payments to persons outside their territories unless they are satisfied that those payments will be used for the purpose of, or in connection with, the activities and transactions for which authorization is sought.

Prohibition of provision of services

Article 8

The provision of financial or non-financial services to any person or body for the purposes of any business carried on in the areas concerned shall be prohibited.

Article 9

1. Article 8 shall not apply to telecommunications, postal services and legal services consistent with this Regulation as well as with Regulations (EEC) No 990/93 and (EC) No 1733/94.

2. Provided that the competent authorities of the Member States are satisfied that the conditions below are met, Article 8 shall not apply to:

- (a) services whose supply may be necessary for humanitarian or other exceptional purposes, as approved on a case-by-case basis by the Committee referred to in Article 5;
- (b) services authorized by the Government of the Republic of Bosnia-Herzegovina.

Article 10

Commercial riverine traffic shall not enter any port in the areas concerned unless authorized on a case-by-case basis by the committee referred to in Article 5, by the Government of the Republic of Bosnia-Herzegovina for its territory or in case of *force majeure*.

Article 11

All shipments of commodities and products destined for the areas concerned shall be properly manifested and either be physically inspected by the Sanctions Assistance Missions or the competent authorities at loading to verify and seal their contents, or be laden in a manner which permits adequate physical verification of the contents.

Article 12

In notifying or submitting applications to the committee referred to in Article 5 in respect of supplies intended strictly for medical purposes and foodstuffs and essential humanitarian supplies in respect of the areas concerned, the source of funds from which payment for the supplies is to be made shall be reported to the committee for information purposes.

General provisions

Article 13

1. Member States shall take the necessary measures to ensure the implementation of this Regulation, including the imposition of sanctions where the provisions of this Regulation are infringed.

2. Member States shall inform the Member States concerned and the Commission of the measures taken pursuant to paragraph 1 and of other relevant information at their disposal in connection with this Regulation, in particular on the identity of designated persons and of authorizations given pursuant to Article 3.

3. The names and addresses of the competent authorities of the Member States referred to in this Regulation are contained in the Annex.

Relevant information concerning the geographical scope of the areas defined in Article 1, point 6 of this Regulation may be obtained from these authorities.

4. The Commission is hereby empowered to amend the Annex on the basis of notifications of the Member States. Such amendments shall be published in the *Official Journal of the European Communities*.

Article 14

The provisions of this Regulation shall not apply to activities related to Unprofor, the International Conference on the Former Yugoslavia or the European Community Monitoring Missions.

Article 15

The provisions of this Regulation are applicable without prejudice to the provisions of Regulation (EEC) No 990/93, in particular Articles 3, 4 and 5 thereof, which remain in force.

Article 16

This Regulation shall apply within the territory of the Community including its air space and in any aircraft or on any vessel under the jurisdiction of a Member State and to any person elsewhere who is a national of a Member State and any body elsewhere which is

incorporated or constituted under the law of a Member State.

Article 17

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 Luxembourg, 10 October 1994.

For the Council

The President

Th. WAIGEL

ANNEX

NAMES AND ADDRESSES OF THE COMPETENT AUTHORITIES OF THE MEMBER STATES
REFERRED TO IN ARTICLE 13 (3) OF THIS REGULATION

BELGIQUE — BELGIË

Le Ministre des finances
c/o Monsieur le Gouverneur de la Banque Nationale
de Belgique
Service des accords internationaux
Boulevard de Berlaymont 14
B-1000 Bruxelles

de Heer Minister von Financiën
c/o Heer Goeverneur van de Nationale Bank van België
Dienst Internationale Akkoorden
de Berlaymontlaan 14
1000 Brussel

Ministère des affaires économiques
Office central des contingents et licences (OCCL)
Rue de Mot 24-26
B-1040 Bruxelles
Tél.: 233 61 11
Télécopieur: 230 83 22

Ministerie van Economische Zaken
Centrale Dienst van Contingenten en Vergunningen (CDCV)
de Motstraat 24-26
1040 Brussel

DANMARK

Jens Anton Vestergaard
Head of Section
Ministry of Business and Industry
Slotsholmsgade 12
DK-1216 Copenhagen K
Danmark
Tlf. (45) 33 92 33 50
Fax (45) 33 12 37 78

Ebbe Nielsen
Head of Section
Ministry of Transport
Frederiksholms Kanal 27
DK-1220 Copenhagen K
Danmark
Tlf. (45) 33 92 43 48
Fax (45) 33 15 61 36

Leif Jacobsen
Head of Section
Ministry of Taxation
Central Customs and Tax Administration
Amaliegade 44
DK-1256 Copenhagen K
Danmark
Tlf. (45) 33 15 73 00
Fax (45) 33 75 52 04

Helle Nielsen
Head of Section
Ministry of Foreign Affairs
Asiatisk Plads 2
DK-1448 Copenhagen K
Danmark
Tlf. (45) 33 92 00 00
Fax (45) 31 54 05 33

DEUTSCHLAND

1. Für Genehmigungen im Bereich der Beschränkungen des
Warens und Dienstleistungsverkehrs gemäß den geltenden
Zuständigkeitsverordnungen

Bundesausführamt
Postfach 51 60
65726 Eschborn
Tel. 0 61 96/9 08-0
Fax 0 61 96/9 42-2 60

Bundesamt für Ernährung und Forstwirtschaft
Postfach 18 02 03
60083 Frankfurt
Tel. 0 69/15 64-0

Bundesanstalt für landwirtschaftliche Marktordnung
Postfach 18 01 07
60082 Frankfurt
Tel. 0 69/15 64-0

2. Für Genehmigungen im Bereich der Beschränkungen des
Kapital und Zahlungsverkehrs

Landeszentralbank in Baden-Württemberg
Postfach 10 60 21
70049 Stuttgart
Tel. 07 11/9 44-11 20/21/23
Fax 07 11/9 44-19 06

Landeszentralbank im Freistaat Bayern
80281 München
Tel. 0 89/28 89-32 64
Fax 0 89/28 89-38 78

Landeszentralbank in Berlin und Brandenburg
Postfach 11 01 60
10831 Berlin
Tel. 0 30/23 87-24 66/-25 20
Fax 0 30/30 65-25 05

Landeszentralbank in der Freien Hansestadt Hamburg, in
Mecklenburg-Vorpommern und Schleswig-Holstein
Postfach 10 40 20
20027 Hamburg
Tel. 0 40/37 06-66 40/-66 20
Fax 0 40/37 07-66 15

Landeszentralbank in Hessen
Postfach 11 12 32
60047 Frankfurt a.M.
Tel. 0 69/23 88-19 20
Fax 0 69/23 88-19 19

Landeszentralbank in der Freien Hansestadt Bremen in
Niedersachsen und Sachsen-Anhalt
Postfach 245
30002 Hannover
Tel. 05 11/30 33-7 23/-2 12
Fax 05 11/30 33-7 30

Landeszentralbank in Nordrhein-Westfalen
Postfach 10 11 48
40002 Düsseldorf
Tel. 02 11/8 74-20 22
Fax 02 11/8 74-23 78

Landeszentralbank in Rheinland-Pfalz und im Saarland
Postfach 30 09
55020 Mainz
Tel. 0 61 31/3 77-4 10/-4 11/-4 13/-4 15/-4 16
Fax 0 61 31/3 77-4 24

Landeszentralbank im Freistaat Sachsen und in Thüringen
Postfach 268
10107 Berlin
Tel. 03 41/21 71-5 76/-5 77
Fax 03 41/21 71-4 74

3. Für Genehmigungen im Bereich der Beschränkungen auf dem Gebiet des Verkehrswesens

Bundesministerium für Verkehr
Postfach 20 01 00
Tel. 02 28/3 00-0
Fax 02 28/3 00-34 28

ΕΛΛΑΔΑ

Υπουργείο Εξωτερικών

α) Α3 Διεύθυνση Πολιτικών Υποθέσεων, με αρμοδιότητα και για Βοσνία-Ερζεγοβίνη,

Ακαδημίας 1,
Δημήτριος Ράλλης, Σύμβουλος Πρεσβείας Α',
τηλ. (30-1) 360 88 64
Μιχαήλ Διάμεσης, Γραμματέας Πρεσβείας Α',
Τηλ. (30-1) 362 08 09
Τέλεφαξ: (30-1) 362 50 27

β) Εθνικός Συντονιστής Κυρώσεων κατά Σερβίας/Μαυροβουνίου,

Ακαδημίας 1,
Γεώργιος Χριστοφής, Σύμβουλος Πρεσβείας Α',
τηλ. (30-1) 36 32 456/36 37 569
Τέλεφαξ: (30-1) 362 56 68

γ) Γ1 Διεύθυνση Εξωτερικών Ευρωπαϊκών Σχέσεων, Βασιλίσσης Σοφίας 1

Δημήτριος Κοντούμας, Πρέσβης, Τηλ. (30-1) 33 94 036
Τέλεφαξ: (30-1) 36 24 133.

Υπουργείο Οικονομικών, 19η Διεύθυνση Τελωνείων, Γεγική Διεύθυνση Τελωνείων,

Καραγεώργη Σερβίας 10,
Νικόλαος Γλεντζής, τηλ. (30-1) 32 32 305
Τέλεφαξ: (30-1) 32 32 927

Υπουργείο Εθνικής Οικονομίας Διεύθυνση Διαδικασιών Εξωτερικού Εμπορίου/Τμήμα Γ,

Μητροπόλεως 1,
Μαρία Φλώκου, τηλ. (30-1) 32 39 016
Τέλεφαξ: (30-1) 32 34 393

ESPAÑA

Dirección General de Comercio Exterior
Ministerio de Comercio y Turismo
Paseo de la Castellana 162
E-28071 Madrid

FRANCE

— aux articles 2, 3, 4, 5 et 7:

Ministre de l'économie — Direction du trésor
Bureau D 3 Télédéc 267
139, rue de Bercy
F-75572 Paris Cedex 12

— aux articles 9 et 11:

Secrétariat général de la défense nationale
Cellule Embargo
51, Boulevard Latour-Maubourg
F-75700 Paris

IRELAND

Mr Ronnie Breen
Single Market Unit
Department of Tourism and Trade
Kildare Street
Dublin 2

Mr Philip Dalton
Central Bank of Ireland
Dame Street
Dublin 2

Mr. Pat Ring
Department of Finance
Government Buildings
Upper Merrion Street
Dublin 2

ITALIA

Vittorio Paolini
Coordinatore Sanzioni
c/o Ufficio II
Direzione generale Affari economici
Ministro degli Affari Esteri
P. le Farnesina 1
Roma

LUXEMBOURG

Ministère des affaires étrangères
Office des Licences
21, rue Philippe II
L-2340 Luxembourg
Télécopieur: 466 138

Ministère du Trésor
3, rue de la Congrégation
L-2941 Luxembourg
Télécopieur: 466 212

NEDERLAND

Mr K.J. Hartogh
Ministerie van Economische Zaken
Directoraat-generaal Buitenlandse Economische Betrekkingen
Afdeling Strategische Goederen en Sanctiebeleid
Bezuidenhoutseweg 30
2500 EC Den Haag
Tel. (0031-70) 379 76 58
Telefax (0031-70) 379 73 92

PORTUGAL

Ministério das Finanças
Dr. Eduardo Catroga
Av. Infante D. Henrique
1100 Lisboa
Tel. 888 46 75
Telefax 86 23 60

Ministério do Comércio e Turismo
Eng. Fernando M. Faria de Oliveira
Av. da República, 79, 9º
1000 Lisboa
Tel. 793 40 49
Telefax 769 34 27

UNITED KINGDOM

Import Licensing Branch
Department of Trade and Industry
Queensway House
West Precinct
Billingham
Cleveland TS23 2NF

Export Control Organization
Department of Trade and Industry
Kingsgate House
66-74 Victoria House
London SW1E 6SW

European Division
Department of Transport
2 Marsham Street
London SW1P 3EB

Banking Group
HM Treasury
Parliament Street
London SW1P 3AG

Sanctions Emergency Unit
Bank of England
London EC2R 8AH

COUNCIL REGULATION (EC) No 2472/94

of 10 October 1994

suspending certain elements of the embargo on the Federal Republic of Yugoslavia
(Serbia and Montenegro)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a, thereof,

Having regard to Council Decision 94/673/CFSP of 10 October 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union and regarding the suspension of certain restrictions on trade with the Federal Republic of Yugoslavia (Serbia and Montenegro) ⁽¹⁾, as decided upon by the United Nations Security Council in its Resolution 943 (1994),

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, in view of the support by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the proposed territorial settlement for the Republic of Bosnia and Herzegovina and in view of the report of the Secretary-General of the United Nations with regard to the closure of the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces, has decided in its Resolution 943 (1994) to suspend certain elements of the embargo on the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas, under these conditions, the Community has to adapt the existing legislation accordingly, and in particular Council Regulation (EEC) No 990/93 of 26 April 1993 concerning trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro) ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (2) (a) of Regulation (EEC) No 990/93 is suspended, in so far as civilian passenger flights, carrying only passengers and personal effects and no cargo, to and from Belgrade airport are concerned.

Article 2

Article 1 (1) (c) of Regulation (EEC) No 990/93 is suspended, in so far as the ferry service, carrying only passengers and personal effects and no cargo, between Bar in the Federal Republic of Yugoslavia (Serbia and Montenegro), and Bari in Italy is concerned.

Article 3

Notwithstanding the provisions of Articles 1 and 2 of this Regulation, the competent authorities of the Member States may, in accordance with the decisions and procedures of the committee established by United Nations Security Council Resolution 724 (1991), authorize the carrying of cargo on the flights or ferry service concerned.

Article 4

All restrictions with regard to the provision of goods and services to the Federal Republic of Yugoslavia (Serbia and Montenegro) and in particular the provisions of Article 1 (1) (a), (b), (d) and (e) of Regulation (EEC) No 990/93 are suspended as far as the flights and ferry service permitted pursuant to Articles 1 and 2 are concerned.

Article 5

The provisions of Article 8 of Regulation (EEC) No 990/93 are suspended with regard to aircraft or vessels which had not been impounded at 23 September 1994 and to vessels, in so far as such aircraft or vessels are used for the purpose of flights or the ferry service permitted pursuant to this Regulation.

Article 6

The provisions of this Regulation are applicable without prejudice to the provisions of Council Regulation (EC) No 1733/94 of 11 July 1994 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757 (1992) and related resolutions ⁽³⁾.

⁽¹⁾ See page 11 of this Official Journal.

⁽²⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽³⁾ OJ No L 182, 16. 7. 1994, p. 1.

Article 7

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

This Regulation shall have effect from 5 October 1994 until 12 January 1995.

This Regulation shall be Binding in its elements and directly applicable in all Member States.

Done at Luxembourg, 10 October 1994.

For the Council

The President

Th. WAIGEL

(Common positions defined by the Council of the European Union)

COUNCIL DECISION

of 10 October 1994

on the common position defined on the basis of Article J.2 of the Treaty on European Union and concerning the reduction of economic and financial relations with those parts of the territory of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces

(94/672/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Having regard to Resolution 942 (1994) adopted by the United Nations Security Council on 23 September 1994,

HAS DECIDED AS FOLLOWS:

Article 1

Economic and financial relations with those parts of the territory of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces will be reduced in accordance with the relevant provisions of Resolution 942 (1994) adopted by the United Nations Security Council on 23 September 1994.

Article 2

This Decision shall be published in the Official Journal.

Done at Luxembourg, 10 October 1994.

For the Council

The President

Th. WAIGEL

COUNCIL DECISION**of 10 October 1994**

concerning the common position defined on the basis of Article J.2 of the Treaty on European Union and regarding the suspension of certain restrictions on trade with the Federal Republic of Yugoslavia (Serbia and Montenegro)

(94/673/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Having regard to Resolution 943 (1994) adopted on 23 September 1994 by the United Nations Security Council,

HAS DECIDED AS FOLLOWS:

Article 1

In accordance with Resolution 943 (1994) adopted on 23 September 1994 by the United Nations Security Council, certain restrictions on trade with the Federal Republic of Yugoslavia (Serbia and Montenegro) will be suspended.

Article 2

This Decision shall be published in the Official Journal.

Done at Luxembourg, 10 October 1994.

For the Council

The President

Th. WAIGEL
