



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.04.1999  
COM(1999) 196 final

Proposal for a

**COUNCIL REGULATION (EC)**

**prohibiting the sale and supply of petroleum and certain petroleum products to  
the Federal Republic of Yugoslavia**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

1. The present proposal for a Regulation is for an embargo on the sale and supply of petroleum and certain petroleum products, to the Federal Republic of Yugoslavia.
2. This Regulation is proposed in order to implement Common Position 99/.../CFSP of the Council, defined with a view to enhance the impact of the current NATO air strikes against the Federal Republic of Yugoslavia.
3. Article 1 prohibits the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia, as well as activities which will, directly or indirectly, promote such sales or supplies.
4. The prohibition shall not apply to sales and supplies for humanitarian purposes and to exports which have been authorised prior to the entry into force of the Regulation.
5. This Regulation shall, as usual, apply within the territory of the Community, including aircraft and vessels under the jurisdiction of Member States, as well as to nationals of the Member States.

Proposal for a

**COUNCIL REGULATION (EC)**

**prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Common Position 99/... /CFSP of ... 1999 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning ....

Having regard to the proposal from the Commission,

- (1) Whereas the Government of the Federal Republic of Yugoslavia has not stopped the use of indiscriminate violence and brutal repression against its own citizens, which constitute serious violations of human rights and international humanitarian law, and has not taken effective steps to find a political solution to the issue of Kosovo through a process of peaceful dialogue with the Kosovar Albanian Community in order to maintain the regional peace and security, and Common Position 99/.../CFSP foresees a prohibition to sell or supply petroleum and petroleum products;
- (2) Whereas the prohibition to sell or supply petroleum and petroleum products to the Federal Republic of Yugoslavia falls under the scope of the Treaty establishing the European Community;
- (3) Whereas, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of this prohibition as far as the territory of the Community is concerned, such territory being deemed to encompass, for the purposes of the present Regulation, the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty;
- (4) Whereas, in order to avoid an undue interruption of trade, it is necessary to exempt supplies in respect of which the relevant procedures were completed before the entry into force of this Regulation;
- (5) Whereas there is a need for the Member States and the Commission to inform each other of the measures taken under this Regulation and other relevant information at their disposal in connection with this Regulation,

HAS ADOPTED THIS REGULATION:

### *Article 1*

The following shall be prohibited:

- (a) the sale or supply of petroleum and petroleum products listed in the Annex to any person or body in the Federal Republic of Yugoslavia or to any person or body for the purpose of any business carried on in, or operated from, the territory of the Federal Republic of Yugoslavia;
- (b) the shipment of products referred to under (a) to the territory of the Federal Republic of Yugoslavia;
- (c) the participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to under (a).

### *Article 2*

Article 1 shall not apply to:

- (a) supplies of petroleum and petroleum products for humanitarian purposes, in particular for needs of displaced persons within the Federal Republic of Yugoslavia and returnees, provided that conclusive evidence is provided to the competent authorities of the Member States through the UN High Commissioner for Refugees or the International Red Cross that these supplies are necessary to implement programmes under their surveillance;
- (b) exports of petroleum and petroleum products provided that conclusive evidence is provided to the competent authorities of the Member States that the relevant procedures for export from the exporting country concerned were completed before the entry into force of this Regulation.

### *Article 3*

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

### *Article 4*

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as violation and enforcement problems or judgments made by national courts.

### *Article 5*

This Regulation shall apply within the territory of the Community including its air space and on any aircraft or 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 which is incorporated or constituted under the law of a Member State.

*Article 6*

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

**Petroleum and petroleum products referred to in Article 1(a)**

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75 % of oil
<i>ex</i> 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphalties and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)

3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3824 90 10	Petroleum sulphonates, excluding petroleum sulphates of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts

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