



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.10.1999  
COM(1999) 466 final

Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EC) No 1064/1999 imposing a ban on flights between the  
European Community and 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 flight ban 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 flight ban.

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 1064/1999 imposing a ban on flights between the European Community and the Federal Republic of Yugoslavia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, 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 ban on flights imposed by Regulation (EC) No 1064/1999;
- (2) such partial lifting should not prejudice the remaining applicability of Regulation (EC) No 1064/1999 with regard to the Federal Republic of Yugoslavia,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 1064/1999 shall be modified as follows:

1. The following Article shall be added:

" Article 3a

Notwithstanding the provisions of Articles 1 and 2, the competent authorities listed in the Annex of Commission Regulation (EC) No 1520/1999<sup>1</sup>, may authorise individual or series flights with civil aircraft as defined in Article 1 (c) between the European Community and the Federal Republic of Yugoslavia, on the condition that

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<sup>1</sup> OJ L 177 of 13.7.1999, p. 10

(a) the aircraft used for these flights is not registered in the Federal Republic of Yugoslavia and not operated by a Yugoslav carrier, as defined in Article 1 (a), other than Montenegro Airlines;

(b) the point of landing or of departure in the Federal Republic of Yugoslavia is located only in the Republic of Montenegro or the Province of Kosovo;

(c) in cases of flights to or from points in the Province of Kosovo, payments for the provision of essential services necessary for the normal execution of these flights are made only to the providers of these services and that the level of such payments corresponds to the average rates applicable for such services during the six months period before 19.6.1999 and are applied on a non-discriminatory basis;

(d) in cases of flights to or from points in the Republic of Montenegro, payments for the provision of essential services necessary for the normal execution of these flights are made into the account of the competent authorities of the Republic of Montenegro, listed in the Annex to this Regulation, and at rates corresponding to the average rates applicable during the six months period before 19.6.1999 and applied on a non-discriminatory basis. "

2. The following shall be added to Article 8:

"3. The Commission shall establish, and, if necessary, modify, the list of competent authorities of the Republic of Montenegro referred to in Article 3a (d) and of the providers of essential services in the Province of Kosovo . The Commission shall publish this list and any changes thereto 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*