

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 301final

Brussels, 22 June 1993

Proposal for a

COUNCIL REGULATION (EEC)

**INTRODUCING AN EMBARGO CONCERNING CERTAIN TRADE BETWEEN THE
EUROPEAN ECONOMIC COMMUNITY AND HAITI**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The United Nations Security Council in Resolution 841 of 16 June 1993 decided that a trade embargo concerning Haiti (limited to petroleum, petroleum products and arms, munitions and equipment and the freezing of certain funds) shall be effective from 23 June 1993, unless the special envoy of the Secretaries General of the Organisation of the American States (OAS) and of the United Nations, has made sufficient progress towards an acceptable solution.

In order that the embargo be implemented by Member States, the Commission has proposed that the Council adopt the attached Regulation.

Member States will be required to introduce legislation individually on the question of the freezing of funds.

COUNCIL REGULATION (EEC) N° /
OF
INTRODUCING AN EMBARGO CONCERNING CERTAIN TRADE BETWEEN THE
EUROPEAN ECONOMIC COMMUNITY AND HAITI

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas the Security Council of the United Nations has determined that the continuation of the situation with regard to Haiti threatens international peace and security ;

Whereas the Community and its Member States, meeting within the framework of political cooperation, have repeatedly expressed their concern about the persistent absence of democracy and the rule of law in Haiti and the need for effective action to end this situation ;

Whereas the Security Council, acting under Chapter VII of the Charter of the United Nations, has adopted on 16 June 1993 Resolution 841 (1993) which obliges all states to restrict trade with Haiti in conformity with paragraphs 5 to 14 of the Resolution in order to obtain the solution of the crisis in Haiti desired by the international community ;

Whereas the Security Council has also decided that this restriction shall apply notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 23 June 1993, and therefore the fourth Lomé Convention to which the Community and Haiti are parties, does not pose an obstacle to the implementation of the said Security Council decision ;

Whereas under these conditions the Community has to restrict its trade with Haiti ;

Whereas the Community and its Member States have agreed to have recourse to a Community instrument, inter alia, in order to ensure an uniform implementation throughout the Community of the embargo ;

Having regard to the Treaty establishing the European Economic Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS REGULATION :

Article 1

As from 23 June 1993, the following shall be prohibited :

- (a) the export to Haiti of petroleum and petroleum products contained in the Annex to this Regulation ;
- (b) the export to Haiti of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned ;
- (c) any activity the object or effect it is directly or indirectly to promote the transactions mentioned under (a) and (b) ;
- (d) the entering of the territory of the territorial sea of Haiti by any means of transport engaged in the export activities described under (a) and (b).

Article 2

The prohibition of Article 1 shall not apply to the export of petroleum or petroleum products, including propane gas for cooking, when

- (a) authorized on an exceptional case-by-case basis under a no-objection procedure by the United Nations Security Council Committee established by paragraph 10 of Resolution 841 (1993) and

- (b) destined for verified essential humanitarian needs and
- (c) exported in non-commercial quantities and only in barrels or bottles and
- (d) subject to acceptable arrangements for effective monitoring of delivery and use.

Article 3

Exports to Haiti of petroleum and petroleum products which are not prohibited under Article 1 shall be subject to prior authorization to be issued by the competent authorities of the Member States.

Article 4

Article 1, 3 and 4 shall apply notwithstanding any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence granted before 23 June 1993.

Article 5

The competent authorities of the Member States shall bring proceedings against persons and entities violating the provisions of Articles 1 to 3 and shall impose appropriate penalties.

Article 6

This Regulation shall apply within the territory of the Community, including its air space and in any aircraft or vessel under the jurisdiction of a Member State, and to any person elsewhere who is a national of a Member State and anybody elsewhere which is incorporated or constituted under the law of a Member State.

Article 7

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

It shall be applicable as off 23 June 1993.

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

Done at , June 1993

For the Council,

The President

ANNEX

PROPOSAL FOR A COUNCIL REGULATION (EEC) CONCERNING TRADE
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND HAITI

| | |
|------------|---|
| 2709 | Huiles brutes de pétrole ou de minéraux bitumineux |
| 2710 | Huiles de pétrole ou de minéraux bitumineux, autres que les huiles brutes; préparations non dénommées ni comprises ailleurs, contenant en poids 70 % ou plus d'huiles de pétrole ou de minéraux bitumineux et dont ces huiles constituent l'élément de base |
| 2711 | Gas de pétrole et autres hydrocarbures gazeux |
| 2712 10 | Vaseline |
| 2712 20 00 | Paraffine contenant en poids moins de 0,75 % d'huile |
| ex 2712 90 | "Slack wax" "scale wax" |
| 2713 | Coke de pétrole, bitume de pétrole et autres résidus des huiles de pétrole ou de minéraux bitumineux |
| 2714 | Bitumes et asphaltes, naturels; schistes et sables bitumineux; asphaltites et roches asphaltiques |
| 2715 | Mélanges bitumineux à base d'asphalte ou de bitume naturels, de bitume de pétrole, de goudron minéral ou de brai de goudron minéral (mastics bitumineux, "cut-backs", par exemple) |
| 2901 | Hydrocarbures acycliques |
| 2902 11 00 | Cyclohexane |
| 2902 20 | Benzène |
| 2902 30 | Toluène |

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|------------|--|
| 2902 41 00 | o-Xylène |
| 2901 42 00 | m-Xylène |
| 2901 43 00 | p-Xylène |
| 2902 44 | Isomères du xylène en mélange |
| 2902 50 00 | Styrène |
| 2902 60 00 | Ethylbenzène |
| 2902 70 00 | Cumène |
| 2905 11 00 | Méthanol (alcool méthylique) |
| 3403 19 10 | Préparations lubrifiantes (y compris les huiles de coupe, les préparations pour le dégrillage des écrous, les préparations antirouille ou anticorrosion et les préparations pour le démoulage, à base de lubrifiants) et préparations des types utilisés pour l'ensimage des matières textiles, l'huilage ou le graissage du cuir, des pelleteries ou d'autres matières, contenant en poids 70 % ou plus d'huiles de pétrole ou de minéraux bitumineux non considérés comme constituants de base |
| 3811 21 00 | Additifs pour huiles lubrifiantes contenant des huiles de pétrole ou de minéraux bitumineux |
| 3823 90 10 | Sulfonates de pétrole, à l'exclusion des sulfonates de pétrole de métaux alcalins, d'ammonium ou d'éthanolamines; acides sulfoniques d'huiles de minéraux bitumineux, thiophénés et leurs sels |

DOCUMENTS

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