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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

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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,

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

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),

HAS ADOPTED THIS REGULATION:

Definitions

Article 1

For the purpose of this Regulation:

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 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 (3), 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

(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

(1) See page 10 of this Official Journal.(2) OJ No L 102, 28. 4. 1993, p. 14.(3) OJ No L 182, 16. 7. 1994, p. 1.

ANNEX

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

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c/o Monsieur le Gouverneur de la Banque Nationale

de Belgique

Service des accords internationaux

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de Heer Minister von Financiën

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1000 Brussel

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Office central des contingents et licences (OCCL)

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Bundesamt fuer Ernaehrung und Forstwirtschaft

Postfach 18 02 03

60083 Frankfurt

Tel. 0 69/15 64-0

Bundesanstalt fuer landwirtschaftliche Marktordnung

Postfach 18 01 07

60082 Frankfurt

Tel. 0 69/15 64-0

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