

**DRAFT COMMUNITY PROVISIONS (PROHIBITING THE
SALE AND SUPPLY OF PETROLEUM AND CERTAIN
PETROLEUM PRODUCTS TO THE FEDERAL REPUBLIC OF
YUGOSLAVIA) (JERSEY) REGULATIONS 199**

**Lodged au Greffe on 11th May 1999
by the Finance and Economics Committee**



STATES OF JERSEY

STATES GREFFE

Explanatory Note

Council Regulation (EC) 900/99 prohibits the sale and supply to the Federal Republic of Yugoslavia of petroleum and certain petroleum products. These Regulations -

- (a) make it an offence to infringe that prohibition;
- (b) provide for licensing of sales or supplies in accordance with the Council Regulation; and
- (c) make provision for enforcement.

The Regulations were made on 1999.

Council Regulation (EC) 900/1999 showing the modifications made by these Regulations, in brackets, is attached hereto for information only.

**European Communities Legislation (Implementation) (Jersey)
Law 1996**

COMMUNITY PROVISIONS (PROHIBITING THE SALE AND
SUPPLY OF PETROLEUM AND CERTAIN PETROLEUM
PRODUCTS TO THE FEDERAL REPUBLIC OF YUGOSLAVIA)
(JERSEY) REGULATIONS 1999

(Promulgated on the day of 1999)

STATES OF JERSEY

The day of 1999

THE STATES, in pursuance of Article 2 of the European Communities (Implementation) (Jersey) Law 1996,¹ have made the following Regulations -

1. In these Regulations -

“the Committee” means the Finance and Economics Committee;

“the Community provisions” means the provisions of Council Regulation (EC) No. 900/1999 concerning prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia.

2. The Community provisions shall have full force and effect in the Bailiwick subject to the following modifications -

(a) in Article 2 -

¹ Recueil des Lois, Volume 1996-1997, page 4.

- (i) in paragraph 1 there shall be inserted the words “and the Bailiwick” after the word “authorities” in the second line;
- (ii) in paragraph 2 the expressions “a Member State” and “the Member State” shall be read as references to “the Bailiwick”;
- (b) in Article 4 the expression “Each Member State” shall be read as a reference to “the Bailiwick”;
- (c) in Article 5 the expression “the Member States” shall be read as a reference to “the Bailiwick”;
- (d) in Article 6 there shall be inserted the words “the Bailiwick and” after the word “by” in the third line;
- (e) in Article 7 the expressions “the Community” and “a Member State” shall be read as references to “the Bailiwick”.

3.-(1) Any person who contravenes Article 1 of the Community provisions or paragraph (2) or (3) of Regulation 4 commits an offence and is liable to a fine or imprisonment for two years or both.

(2) Where a body corporate commits an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in a like capacity, he, as well as the body corporate, commits that offence.

(3) Any person who aids, abets, counsels or procures the commission of an offence under these Regulations is liable to be dealt with, tried and punished as a principal offender.

(4) No proceedings for an offence under these Regulations shall be instituted without the consent of the Attorney General but a person may be arrested for, charged with and remanded on bail or in custody in respect of that offence notwithstanding that that consent has not been obtained.

4.-(1) Authorizations for the sale, supply or export of petroleum or petroleum products on a case-by-case basis pursuant to Article 2 of the Community provisions shall be given by or on behalf of the Committee.

(2) No person shall, in connection with a request for that authorization -

- (a) make any statement or furnish any document or information which is to his knowledge false in a material particular; or
- (b) recklessly make any statement or furnish any document or information which is false in a material particular,

and any authorization granted pursuant to the request shall be void as from the time it was granted.

(3) Any person who, having sold or supplied petroleum products under an authorization granted under this Regulation, fails to comply with any requirements or conditions to which the authorization is subject commits an offence unless -

- (a) the authorization had previously been modified by the Committee without that person's consent;
- (b) the alleged failure to comply would not have been a failure had the authorization not been so modified; and
- (c) that person proves that the sale or supply had taken place before the modification had been made.

5. These Regulations may be cited as the Community Provisions (Prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia) (Jersey) Regulations 1999 and shall come into force on the day following promulgation.

THE TEXT OF THE COMMUNITY PROVISIONS AS MODIFIED IS
SET OUT BELOW FOR INFORMATION ONLY AND DOES NOT
FORM PART OF THE REGULATIONS

COUNCIL REGULATION (EC) No. 900/1999

of 29 April 1999

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

THE COUNCIL OF THE
EUROPEAN UNION,

rights and international
humanitarian law;

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

(2) Whereas the prohibition of
selling, supplying or exporting
petroleum and petroleum
products to the FRY falls
within the scope of the Treaty
establishing the European
Community;

Having regard to Common Position
1999/273/CFSP of 29 April 1999
defined by the Council on the basis
of Article J.2 of the Treaty on
European Union, concerning a ban
on the sale or supply of petroleum
and petroleum products to the
Federal Republic of Yugoslavia
(FRY)⁽¹⁾,

(3) Whereas, therefore, and
particularly 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; whereas for the
purposes of this Regulation
such territory is deemed to
encompass the territories of the
Member States to which the
Treaty establishing the
European Community is
applicable, under the conditions
laid down in that Treaty;

Having regard to the proposal from
the Commission,

(1) Whereas the Government of the
Federal Republic of Yugoslavia
("FRY") has continued to
violate United Nations Security
Council Resolutions and to
pursue extreme and criminally
irresponsible policies, includ-
ing repression against its own
citizens, which constitute
serious violations of human

(4) 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

⁽¹⁾ OJ L 108, 27.4.1999, p. 1.

relevant information at their disposal in connection with this Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited, knowingly and intentionally, to:

- (a) sell, supply or export, directly or indirectly, petroleum and petroleum products listed in the Annex to this Regulation, whether or not originating in the Community, to any person or body in the FRY or to any person or body for the purpose of any business carried on in, or operated from, the territory of the FRY;
- (b) ship products referred to in point (a) to the territory of the FRY;
- (c) participate in related activities the object or the effect of which is to promote the transactions or activities referred to in points (a) and (b).

Article 2

1. Notwithstanding the provisions of Article 1 the competent authorities [of the Bailiwick] may authorise:

- (a) the sale, supply or export of products listed in the said Annex for the use of diplomatic and consular missions of the Members States in the FRY as

well as for use of an international military peace-keeping presence;

- (b) on a case-by-case basis and subject to the consultation procedure set out in paragraph 2, the sale, supply or export of the products listed in the said Annex if conclusive evidence is given to these authorities that the sale, supply or export serves strictly humanitarian purposes.

2. The competent authorities of [the Bailiwick] which intend to authorise a sale, supply or export in accordance with paragraph 1(b) shall notify to the competent authorities of the other Member States and to the Commission the grounds on which they intend to authorise the sale, supply or export concerned.

If, within one working day after the receipt of the said notification, a Member State or the Commission has given notice to the other Member States or the Commission of conclusive evidence that the intended sale, supply or export will not serve the indicated humanitarian purposes, the Commission will convene within one working day of the said notice a meeting with the Member States in order to consult on the relevant evidence.

[The Bailiwick when it] intends to authorize the sale, supply or export shall take a decision with regard to this authorisation only when no objections have been raised or after

the consultations on the conclusive evidence have taken place at the meeting convened by the Commission. In case of an authorisation, [the Bailiwick] shall notify to the other Member States and the Commission the grounds on which its decision to authorise has been taken.

Article 3

The provisions of Article 1 shall not apply as regards sales, supplies and exports to the forces in which the Members States participate, operating in the FRY.

Article 4

[The Bailiwick] shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in accordance with Article 5 of Council Regulation (EC) No. 926/98 of 27 April 1998 concerning the reduction of certain economic relations with the Federal Republic of Yugoslavia⁽¹⁾.

Article 5

The Commission and [the Bailiwick] shall inform each other

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

Article 6

The Commission shall establish the list of competent authorities referred to in Article 2 on the basis of relevant information provided by [the Bailiwick and] Member States. The Commission shall publish this list and any changes to it in the *Official Journal of the European Communities*.

Article 7

This Regulation shall apply within the territory of [the Bailiwick], including its air space and on board any aircraft or any vessel under the jurisdiction of [the Bailiwick] and to any person elsewhere who is a national of [the Bailiwick] and any body which is incorporated or constituted under the law of [the Bailiwick].

Article 8

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

⁽¹⁾ OJ L.30, 1.5.1998, p. 1.

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

Done at Luxembourg, 29 April 1999.

For the Council
The President
W. MULLER

ANNEX

Petroleum and petroleum products referred to in Article 1

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	Paraffin wax containing by weight less than 0.75 of oil
ex 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 mesties, cutbacks)
2901	Acyelle hydrocarbons
2902 11	Cyclohexana
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene

CN code	Product description
2092 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Syrene
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 sulphonated of alkali metals, of ammonium or of ethanolamines; triphenated sulphonic acids of oils obtained from bituminous minerals, and their salts
3824 90 95	Other