COUNCIL REGULATION (EEC) No 1608/93

of 24 June 1993

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 in the region;

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

Whereas on 16 June 1993 the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted 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 desired by the international community;

Whereas the Security Council has also decided that this restriciton 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 ACP-EEC Convention, to which the Community and Haiti are parties, does not pose on obstacle to the implementation of the said Security Council decision;

Whereas the Community and its Member States, meeting within the framework of political cooperation, have expressed their strong support for the measures decided by the Security Council;

Whereas under these conditions the Community has to restrict 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 uniform implementation throughout the Community of certain of the measures decided by the Security Council;

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 00.01 EST (New York time) on 23 June 1993, 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 Haiti or to any person or body for the purpose of any business carried on in, or operated from, Haiti;

(b) any activity the object or effect of which is directly or indirectly to promote the transactions mentioned under (a);

(c) the entering of the territory of the territorial sea of Haiti by any means of transport carrying petroleum or petroleum products listed in the Annex.

Article 2

The prohibition imposed by Article 1 shall not apply to the export of petroleum or petroleum products, including propane gas for cooking, when authorized on an exceptional case-by-case basis (under a no-objection procedure by the under Nations Security Council Committee established by paragraph 10 of Resolution 841 (1993)).

Article 3

The sale or supply 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 shall apply notwithstanding any rights or applications conferred or imposed by any international agreement or any contract into or any licence or permit granted before 23 June 1993.

Article 5

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

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 any body elsewhere which is incorporated or constituted under the law of a Member State.

Article 7

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, 24 June 1993.

For the Council

The President

B. WESTH

ANNEX

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 or 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 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 ; asphaltites and asphaltic rocks
2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)
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) and preparations containing, as basic constituents, 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
3823 90 10	Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines ; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts