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(Common positions defined by the Council of the European Union)

COMMON POSITION

of 26 February 1996

defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning arms exports to the former Yugoslavia

(96/184/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Having regard to Resolution No 1021 adopted on 22 November 1995 by the United Nations Security Council,

Whereas the European Community and its Member States decided on 5 July 1991 to impose an embargo on armaments and military equipment applicable to the whole of Yugoslavia,

HAS DEFINED THE FOLLOWING COMMON POSITION:

1. With a view to establishing peace and stability for the people of the region of the former Yugoslavia, and in particular taking into account the need to ensure the safety of the international troops and civilian personnel deployed in Bosnia and Herzegovina and Croatia during the implementation of the peace agreement, the European Union believes that restraint on the part of exporting countries will be needed even after the UN arms embargo on the States of the former Yugoslavia is lifted in accordance with UN Security Council Resolution No 1021.
2. The Council of the European Union therefore decides that:
 - (i) during the period of the deployment of IFOR and Untaes, as well as other operations including IPTF, the EU embargo on arms, munitions and military equipment⁽¹⁾ will be

maintained towards Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

Transfers of equipment needed for demining activities are not covered by this embargo. Member States will inform the Council of these transfers;

- (ii) subject to the provisions of UN Security Council Resolution No 1021⁽²⁾ export licence applications to Slovenia and the former Yugoslav Republic of Macedonia (Fyrom) shall be considered on a case-by-case basis.

This provision is adopted on the understanding that the Member States will show restraint in their arms export policy toward Slovenia and the former Republic of Macedonia (Fyrom) based on the common criteria for arms exports contained in the 28 and 29 June 1991 Luxembourg European Council and the 26 and 27 June 1992 Lisbon European Council conclusions. They will also take into account the objectives of the European Union policy in the region, fundamentally aimed at pacification and stabilization in the area, including the need for arms control and reduction to the lowest level and confidence building measures;

⁽¹⁾ The abovementioned embargo covers weapons designed to kill and their ammunition, weapons platforms, non-weapons platforms and ancillary equipment as listed in the EC embargo list of 8 and 9 July 1991. The embargo also covers spare parts, repairs, transfer of military technology and contracts entered into prior to the onset of the embargo.

⁽²⁾ Paragraph 1 of UN Security Council Resolution No 1021 provides that the delivery of heavy weapons (as defined in the peace agreement), ammunition therefor, mines, military aircraft and helicopters shall continue to be prohibited to all the former Yugoslav Republics during the second 90 days following the submission of the Secretary-General's report on the formal signature of the peace agreement and until the arms control agreement referred to in Annex 1b has taken effect. After the submission of a report from the Secretary-General on the implementation of Annex 1b (agreement on regional stabilization) as agreed by the parties, all provisions of the UN arms embargo terminate unless the Security Council decides otherwise.

- (iii) the European Union will deploy efforts to encourage other countries to adopt a similar policy of restraint.
5. This common position shall be published in the Official Journal.
3. This common position shall be reexamined before the end of the deployment of IFOR and Untaes.
4. This common position shall enter into force on 13 March 1996.
- Done at Brussels, 26 February 1996.
- For the Council*
The President
S. AGNELLI
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