

Exports & Reexports to Yugoslavia (Serbia and Montenegro); The Western Balkans Sanctions

Overview

On May 28, 2003, the President issued Executive Order 13304 (effective May 29, 2003) which terminated the emergencies with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) that were declared in 1992 and 1998. Once codified into the Export Administration Regulations (EAR), this latest action will modify the restrictions on exports and reexports of any items subject to the EAR to persons designated in previous Executive Orders 13088 and 13192 pertaining to former Yugoslav President Slobodan Milosevic and others associated with him. These persons were included on the Department of the Treasury's Office of Foreign Assets Control (OFAC) list of Specially Designated Nationals and Blocked Persons (the "SDN List") identified by the bracketed suffix initials [FRYM]. Controls remain in place on some of these persons, who remain listed on the SDN List, but under new bracketed suffix initials [BALKANS].

Executive Order 13304 also modified Executive Order 13219 of June 26, 2001. In that earlier Executive Order, the President blocked the property of persons who threatened international stabilization efforts in the Western Balkans. A list of names was attached to that Executive Order, and these names were added to the SDN List identified by the new bracketed suffix initials [BALKANS]. The May 28, 2003, Executive Order replaced the previous list of names and revised the procedures for adding a person to the SDN List who may have a constitutional presence in the United States.

Exporters are urged to regularly consult OFAC's SDN List as part of their screening procedures. Please note that the export and reexport requirements to Slobodan Milosevic and others associated with him, as specified in Executive Order 13088 and amended in Executive Order 13192, remain in place until the Bureau of Industry and Security (BIS) amends the EAR.

Background

Federal Republic of Yugoslavia (Serbia and Montenegro)

The President's issuance of Executive Order 13304 on May 28, 2003 (effective on May 29), abolished the remaining sanctions on the former Federal Republic of Yugoslavia (Serbia and Montenegro) ("FRY"). The United States had imposed an embargo on the FRY pursuant to United Nations Security Council Resolution 1160 of March 3, 1998, which directed member countries to impose an embargo on the sale of arms and related materials to the FRY. BIS published the implementing rule on July 14, 1998, that imposed an embargo on arms and arms-related items.

This ban remained in place until November 25, 2002, when BIS published a rule that removed the license denial policy for exports and reexports of arms-related items (military-related items on the International Munitions List, as well as items controlled for crime control and regional stability reasons). Since publication of this rule, proposed exports of these items are reviewed on a case-by-case basis.



The President's recent action overturns the national emergencies declared in Executive Order 13088 of June 9, 1998, and related Executive Order 13192 of January 17, 2001, which amended Executive Order 13088. These Executive Orders added a new category of sanctioned persons to OFAC's SDN List, identified by the new bracketed suffix initials [FRYM]. These persons included the former President of the Federal Republic of Yugoslavia, Slobodan Milosevic, his close associates, persons determined to be under open indictment by the International Criminal Tribunal for the former Yugoslavia, and persons determined to have sought or were seeking to maintain or reestablish illegitimate control over the political processes or economic resources of the Federal Republic of Yugoslavia (Serbia and

Montenegro). BIS currently maintains export and reexport controls on these designated persons in part 744.16 of the EAR, but will be amending the EAR to remove these requirements, in accordance with the President's May 28, 2003, Executive Order.

The Western Balkans

The President's recent action also replaces the annex to Executive Order 13219 of June 26, 2001, which blocked the property of persons determined to threaten international stabilization efforts in the Western Balkans. The new annex includes a number of the same previously-named persons, plus certain persons previously sanctioned under the former [FRYM] designations, and are identified by the bracketed suffix initials [BALKANS] on the SDN List.

If you have specific inquiries regarding the SDN List, please contact OFAC's Licensing Division at 202-622-2480 or consult the OFAC webpage.

U.S. Trade with the Federal Republic of Yugoslavia (Serbia and Montenegro)

There has been little recent BIS licensing activity for the Federal Republic of Yugoslavia (Serbia and Montenegro). Items approved for export since 2001 include polygraph equipment, electronic

equipment, fingerprint powders, and police shields, helmets, and parts. Most of these authorized exports are controlled for Crime Control reasons, while the electronic equipment and helmets are controlled for National Security reasons.

Licensed Trade with Yugoslavia (Serbia and Montenegro): Number

	2001	2002	Jan.-June 2003
Approved	0	8	2
Denied	0	1	0
Returned without Action	0	2	0

Licensed Trade with Yugoslavia (Serbia and Montenegro): Value

	2001	2002	Jan.-June 2003
Approved	0	\$229,000	\$59,000
Denied	0	13,000	0
Returned without Action	0	\$219,000	0

- Source: Bureau of Industry and Security ECASS Licensing Database, August 2003

Prepared August 2003

**All Export Commodities: FAS Value by FAS Value
For Yugoslavia**

U.S. Total Exports

Annual + Year-To-Date Data from Jan - May

HTS Number	2001	2002	2002 YTD	2003 YTD
	<i>In Actual Dollars</i>			
8802400090 USED OR REBUILT AIRCRAFT, NON-MILITARY, OF AN UNLADEN WEIGHT EXCEEDING 15,000 KG	0	19,000,000	0	0
2713120000 PETROLEUM COKE, CALCINED	10,683,480	8,139,600	3,141,600	3,388,158
9880004000 LOW VALUE ESTIMATE, EXCLUDING CANADA	5,067,321	6,460,149	3,029,133	2,493,489
8803300010 OTHER PARTS OF AIRPLANES OR HELICOPTERS FOR USE IN CIVIL AIRCRAFT (EXCLUDES PROPELLERS, ROTORS, UNDERCARRIAGES, AND PARTS THEREOF)	3,008,207	4,665,264	1,798,549	1,308,241
1201000040 SOYBEANS, WHETHER OR NOT BROKEN, EXCEPT SEEDS FOR SOWING	0	2,873,696	0	0
Subtotal :	18,759,008	41,138,709	7,969,282	7,189,888
All Other:	36,439,779	36,993,169	15,317,085	14,674,982
Total	55,198,787	78,131,878	23,286,367	21,864,870

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Sources: Data on this site have been compiled from tariff and trade data from the U.S. Department of Commerce, the U.S. Treasury, and the U.S. International Trade Commission.



# U.S. Trade Balance with Yugoslavia

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## Trade with Yugoslavia : 2003

*NOTE: All figures are in millions of U.S. dollars*

| MONTH        | EXPORTS      | IMPORTS     | BALANCE      |
|--------------|--------------|-------------|--------------|
| January      | 5.40         | 0.60        | 4.80         |
| February     | 3.90         | 0.40        | 3.50         |
| March        | 3.90         | 1.10        | 2.80         |
| April        | 4.40         | 0.90        | 3.50         |
| May          | 4.20         | 1.00        | 3.20         |
| <b>TOTAL</b> | <b>21.90</b> | <b>4.00</b> | <b>17.90</b> |

- *TOTALS may not add due to rounding.*
- *Table reflects only those months for which there was trade.*
- *CONTACT: Data Dissemination Branch, (301)763-2311*
- *SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233*

## Trade with Yugoslavia : 2002

*NOTE: All figures are in millions of U.S. dollars*

| MONTH     | EXPORTS | IMPORTS | BALANCE |
|-----------|---------|---------|---------|
| January   | 4.50    | 0.30    | 4.20    |
| February  | 3.20    | 0.40    | 2.80    |
| March     | 8.20    | 0.30    | 7.90    |
| April     | 3.30    | 0.90    | 2.40    |
| May       | 4.20    | 1.80    | 2.40    |
| June      | 4.20    | 0.60    | 3.60    |
| July      | 21.80   | 0.70    | 21.10   |
| August    | 5.60    | 1.50    | 4.10    |
| September | 5.70    | 0.70    | 5.00    |
| October   | 6.60    | 0.70    | 5.90    |
| November  | 4.10    | 0.80    | 3.30    |
| December  | 6.70    | 0.70    | 6.00    |

|              |              |             |              |
|--------------|--------------|-------------|--------------|
| <b>TOTAL</b> | <b>78.10</b> | <b>9.60</b> | <b>68.50</b> |
|--------------|--------------|-------------|--------------|

- *TOTALS may not add due to rounding.*
- *Table reflects only those months for which there was trade.*
- *CONTACT: Data Dissemination Branch, (301)763-2311*
- *SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233*

### **Trade with Yugoslavia : 2001**

*NOTE: All figures are in millions of U.S. dollars*

| <b>MONTH</b> | <b>EXPORTS</b> | <b>IMPORTS</b> | <b>BALANCE</b> |
|--------------|----------------|----------------|----------------|
| January      | 3.00           | 0.30           | 2.70           |
| February     | 2.80           | 0.00           | 2.80           |
| March        | 6.60           | 0.20           | 6.40           |
| April        | 4.60           | 0.50           | 4.10           |
| May          | 1.50           | 0.30           | 1.20           |
| June         | 10.00          | 1.00           | 9.00           |
| July         | 6.50           | 0.50           | 6.00           |
| August       | 3.90           | 0.50           | 3.40           |
| September    | 2.70           | 0.30           | 2.40           |
| October      | 2.80           | 0.80           | 2.00           |
| November     | 11.30          | 0.40           | 10.90          |
| December     | 10.50          | 1.30           | 9.20           |
| <b>TOTAL</b> | <b>66.20</b>   | <b>6.10</b>    | <b>60.10</b>   |

- *TOTALS may not add due to rounding.*
- *Table reflects only those months for which there was trade.*
- *CONTACT: Data Dissemination Branch, (301)763-2311*
- *SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233*



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# Presidential Documents

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Title 3—

Executive Order 13304 of May 28, 2003

The President

## Termination of Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219 of June 26, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the situations that gave rise to the declarations of national emergencies in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia, have been significantly altered by the peaceful transition to democracy and other positive developments in Serbia and Montenegro (formerly the Federal Republic of Yugoslavia (Serbia and Montenegro)). Accordingly, I hereby terminate the national emergencies declared in those orders and revoke those and all related orders (Executive Orders 12810 of June 5, 1992, 12831 of January 15, 1993, 12846 of April 25, 1993, 12934 of October 25, 1994, 13121 of April 30, 1999, and 13192 of January 17, 2001). At the same time, and in order to take additional steps with respect to continuing, widespread, and illicit actions that obstruct implementation of the Ohrid Framework Agreement of 2001, relating to Macedonia, United Nations Security Council Resolution 1244 of June 10, 1999, relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference Council held in London on December 8–9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, including the harboring of individuals indicted by the International Criminal Tribunal for the former Yugoslavia, and the national emergency described and declared in Executive Order 13219 of June 26, 2001, I hereby order:

**Section 1.** Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date. Pursuant to section 207 of IEEPA (50 U.S.C. 1706), I hereby determine that the continuation of prohibitions with regard to transactions involving any property blocked pursuant to Executive Orders 12808 or 13088 that continues to be blocked as of the effective date of this order is necessary on account of claims involving successor states to the former Socialist Federal Republic of Yugoslavia or other potential claimants.

**Sec. 2.** The Annex to Executive Order 13219 of June 26, 2001, is replaced and superseded in its entirety by the Annex to this order.

**Sec. 3.** (a) Section 1(a) and 1(b) of Executive Order 13219 are revised to read as follows:

“**Section 1.** (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106–



387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of:

- (i) the persons listed in the Annex to this order; and
- (ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are determined:

(A) to be under open indictment by the International Criminal Tribunal for the former Yugoslavia, unless circumstances warrant otherwise, or

(B) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or

(C) to have actively obstructed, or pose a significant risk of actively obstructing, the Ohrid Framework Agreement of 2001 relating to Macedonia, United Nations Security Council Resolution 1244 relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference held in London on December 8–9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, or

(D) to have materially assisted in, sponsored, or provided financial, material, or technological support for, or goods or services in support of, such acts of violence or obstructionism or any person listed in or designated pursuant to this order, or

(E) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any person listed in or designated pursuant to this order, that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair the ability to deal with the national emergency declared in this order, and hereby prohibit such donations as provided in paragraph (a) of this section.”

**Sec. 4.** New sections 7 and 8 are added to Executive Order 13219 to read as follows:

“**Sec. 7.** For those persons listed in the Annex to this order or determined to be subject to the sanctions imposed under this order who might have a constitutional presence in the United States, I have determined that, because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

**Sec. 8.** The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the sanctions set forth herein. Such a determination shall become effective upon publication in the **Federal Register**.”


**Sec. 5.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation



of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

**Sec. 6.** Nothing contained in this order shall create any right or benefit or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**Sec. 7.** This order is effective at 12:01 a.m. eastern daylight time on May 29, 2003. This order shall be transmitted to the Congress and published in the **Federal Register**.

A handwritten signature in black ink, appearing to read "G. W. Bush", is centered on the page.

THE WHITE HOUSE,  
May 28, 2003.



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

OFFICE OF FOREIGN ASSETS CONTROL

WESTERN BALKANS STABILIZATION REGULATIONS

31 CFR PART 588

GENERAL LICENSE NO. 1

Legal Representation in Matters Pending before the International Criminal Tribunal for the former Yugoslavia

The provision by a U.S. person of professional legal services relating to the representation of persons whose property or interests in property are blocked pursuant to § 588.201(a) in matters pending before the International Criminal Tribunal for the former Yugoslavia ("the Tribunal") is authorized. With respect to such representation, receipt of payment of professional fees and reimbursement of incurred expenses are authorized if such payments or reimbursements are made by the Tribunal. Such payments and reimbursements from any other source must be specifically licensed. Section 501.601 of the Reporting and Procedures Regulations (31 CFR part 501) requires that records on each transaction subject to this license be maintained and available for examination for a minimum of five years following the transaction date.

Dated: July 9, 2003

R. Richard Newcomb  
Director  
Office of Foreign Assets Control



## Presidential Documents

Executive Order 13219 of June 26, 2001

### Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, threaten the peace in or diminish the security and stability of those areas and the wider region, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and Government officials. I find that such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat. I hereby order:

**Section 1.** (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, all property and interests in property of:

(i) the persons listed in the Annex to this order; and

(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or,

(B) to have actively obstructed, or to pose a significant risk of actively obstructing, implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 in Kosovo, or

(C) materially to assist in, sponsor, or provide financial or technological support for, or goods or services in support of, such acts of violence or obstructionism, or

(D) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the foregoing persons, that are

or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons designated in or pursuant to paragraph (a) of this section would seriously impair my ability to deal with the national emergency declared in this order. Accordingly, the blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making by a United States person of any such donation to any such designated person, except as otherwise authorized by the Secretary of the Treasury.

(c) The blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making or receiving by a United States person of any contribution or provision of funds, goods, or services to or for the benefit of a person designated in or pursuant to paragraph (a) of this section.

**Sec. 2.** Any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate the prohibitions of this order is prohibited.

**Sec. 3.** For the purposes of this order:

(a) The term "person" means an individual or entity;

(b) The term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) The term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

**Sec. 4.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

**Sec. 5.** This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

**Sec. 6.** (a) This order is effective at 12:01 eastern daylight time on June 27, 2001;



(b) This order shall be transmitted to the Congress and published in the **Federal Register**.

A handwritten signature in black ink, appearing to read "George W. Bush", written in a cursive style.

THE WHITE HOUSE,  
*June 26, 2001.*