TEMPLATE FOR APPLICATIONS FOR AUTHORISATIONS

under Article 5 paragraph 2 of Council Regulation (EC) No 2271/96 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom ('Regulation')

Criteria for assessing possible applications for such an authorisation are laid down in the Commission Implementing Regulation (EU) 2018/1101. This template aims to help EU operators consider and submit a possible application, by providing the basic elements to be taken into account in such an application.

The possibility to apply for an authorisation is foreseen as an exception in Regulation (EC) No 2271/96, which does not create an individual right for the applicant to obtain an authorisation. The Commission will assess each application and provide the applicant with a succinct motivated decision.

In addition, please bear in mind that the authorisation procedure should not be used to seek so-called "letters of comfort" from the Commission or confirmation that business decisions are in line with Regulation (EC) No 2271/96.

1. APPLICANT/S (NAME, REGISTERED ADDRESS AND CONTACT DETAILS)[1]:

2. THE APPLICANT IS[2]:

☐ a natural person being a resident in the Union and a national of a Member State;

☐ a legal person incorporated within the Union;

☐ a national of a Member State established outside the Union or a shipping company established outside the Union and controlled by nationals of a Member State, if their vessels are registered in that Member State in accordance with its legislation[3];

☐ other natural person being a resident in the Union, unless that person is in the country of which he is a national;

[1] Please provide details in box below.
[2] Please tick box(es) as appropriate.
[3] Article 1(2) of Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries (OJ L353, 17.12.1990, p.16).

☐ other natural person within the Union, including its territorial waters and air space and in any aircraft or on any vessel under the jurisdiction or control of a Member State, acting in a professional capacity.

3. PRECISE PROVISIONS OF THE EXTRA-TERRITORIAL LEGISLATION LISTED IN THE ANNEX TO THE REGULATION OR THE SUBSEQUENT ACTION AT STAKE[4]:

4. THE SCOPE OF THE AUTHORISATION REQUESTED[5]:

5. PROTECTED INTERESTS (AT LEAST ONE) SERIOUSLY DAMAGED BY NON-COMPLIANCE WITH THE LISTED EXTRA-TERRITORIAL LEGISLATION[6]:

☐ interest of the applicant/s

☐ the interest of the Union

☐ both

6. CRITERIA TO BE TAKEN INTO ACCOUNT WITH REGARDS TO THE SERIOUS DAMAGE TO THE PROTECTED INTEREST AT STAKE[7]:

☐ whether the protected interest is likely to be specifically at risk, based on the context, the nature and the origin of a damage to the protected interest;

☐ the existence of an ongoing administrative or judicial investigation against the applicant from, or a prior settlement agreement with, the third country which is at the origin of the listed extra-territorial legislation;

☐ the existence of a substantial connecting link with the third country which is at the origin of the listed extraterritorial legislation or the subsequent actions; for example the applicant has parent companies or subsidiaries, or participation of natural or legal persons subject to the primary jurisdiction of the third country which is at the origin of the listed extra-territorial legislation or the subsequent actions;

[4] Please provide details in box below.
[5] Please provide details in box below.
[6] Please tick box as appropriate.
[7] Please tick box(es) as appropriate.

☐ whether measures could be reasonably taken by the applicant to avoid or mitigate the damage;

☐ the adverse effect on the conduct of economic activity, in particular whether the applicant would face significant economic losses, which could for example threaten its viability or pose a serious risk of bankruptcy;

☐ whether the applicant's activity would be rendered excessively difficult due to a loss of essential inputs or resources, which cannot be reasonably replaced;

☐ whether the enjoyment of the individual rights of the applicant would be significantly hindered;

☐ whether there is a threat to safety, security, the protection of human life and health and the protection of the environment;

☐ whether there is a threat to the Union's ability to carry out its humanitarian, development and trade policies or the external aspects of its internal policies;

☐ the security of supply of strategic goods or services within or to the Union or a Member State and the impact of any shortage or disruption therein;

☐ the consequences for the internal market in terms of free movement of goods, persons, services and capital, as well as financial and economic stability or key Union infrastructures;

☐ the systemic implications of the damage, in particular as regards its spill over effects into other sectors;

☐ the impact on the employment market of one or several Member States and its cross-border consequences within the Union;

☐ any other relevant factor[8]

7. EVIDENCE SUPPORTING POINTS 4 AND 5[9]:

[8] Please provide details in box below.
[9] Please provide details in box below.

8. ANNEXES ATTACHED (description and number)[10]:

9. SIGNATURE **DATE, PLACE[11]**

Applications for authorisations should be submitted to the Commission in writing, either by post (European Commission, Service for Foreign Policy Instruments EEAS 07/99, B-1049 Brussels, Belgium) or by e-mail (EC-AUTHORISATIONS-BLOCKING-REG@ec.europa.eu).

Where necessary, the Commission may request additional evidence from the applicants, which shall provide it within a reasonable period set by the Commission.

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[10] Please provide details in box below.

[11] Please sign application and provide date and place of application in boxes below.