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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	6 February 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 48 final - ANNEXES 1 to 3
Subject:	ANNEXES to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL protecting against the effects of the extra-territorial application of legislation adopted by a third country and actions based thereon or resulting therefrom (recast)

Delegations will find attached document COM(2015) 48 final - ANNEXES 1 to 3.

Encl.: COM(2015) 48 final - ANNEXES 1 to 3



Brussels, 6.2.2015
COM(2015) 48 final

ANNEXES 1 to 3

ANNEXES

to the

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**protecting against the effects of the extra-territorial application of legislation adopted by
a third country and actions based thereon or resulting therefrom (recast)**

↓ 2271/96 (adapted) → ₁ Corrigendum, OJ L 179, 8.7.1997, p. 10

ANNEX I

LAWS, REGULATIONS AND OTHER LEGISLATIVE INSTRUMENTS

referred to in Article 1

COUNTRY: UNITED STATES OF AMERICA

ACTS

1. **‘National Defense Authorization Act for Fiscal Year 1993’, Title XVII ‘Cuban Democracy Act 1992’, sections 1704 and 1706**

Required compliance:

The requirements are consolidated in Title I of the ‘Cuban Liberty and Democratic Solidarity Act of 1996’, see below.

Possible damages to EU interests:

The liabilities incurred are now incorporated within the ‘Cuban Liberty and Democratic Solidarity Act of 1996’, see below.

2. **‘Cuban Liberty and Democratic Solidarity Act of 1996’**

Title I

Required compliance:

To comply with the economic and financial embargo concerning Cuba by the US, by, *inter alia*, not exporting to the US any goods or services of Cuban origin or containing materials or goods originating in Cuba either directly or through third countries, dealing in merchandise that is or has been located in or transported from or through Cuba, re-exporting to the US sugar originating in Cuba without notification by the competent national authority of the exporter or importing into the USA sugar products without assurance that those products are not products of Cuba, freezing Cuban assets, and financial dealings with Cuba.

Possible damages to EU interests:

Prohibition to load or unload freight from a vessel in any place in the US or to enter a US port; refusal to import any goods or services originating in Cuba and to import into Cuba goods or services originating in the US, blocking of financial dealings involving Cuba.

Title III and Title IV:

Required compliance:

To terminate 'trafficking' in property formerly owned by US persons (including Cubans who have obtained US citizenship) and expropriated by the Cuban regime. (Trafficking includes: use, sale, transfer, control, management and other activities to the benefit of a person).

Possible damages to EU interests:

Legal proceedings in the US, based upon liability already accruing, against EU citizens or companies involved in trafficking, leading to judgments/decisions to pay (multiple) compensation to the US party. Refusal of entry into the US for persons involved in trafficking, including the spouses, minor children and agents thereof.

3. 'Iran and Libya Sanctions Act of 1996'

Required compliance:

Not to invest in Iran or Libya any amount greater than USD 40 million during a period of 12 months that directly and significantly contributes to the enhancement of the Iranian or Libyan ability to develop their petroleum resources (investment covering the entering into a contract for the said development, or the guaranteeing of it, or the profiting therefrom or the purchase of a share of ownership therein).

NB: Investments under contracts existing before 5 August 1996 are exempted.

Respect of embargo concerning Libya established by Resolutions 748 (1992) and 883 (1993) of the Security Council of the United Nations.

Possible damages to EU interests:

Measures taken by the US President to limit imports into US or procurement to US, prohibition of designation as primary dealer or as repository of US Government funds, denial of access to loans from US financial institutions, export restrictions by US, or refusal of assistance by EXIM-Bank.

REGULATIONS

1. →₁ 31 CFR ← (Code of Federal Regulations) Ch. V (7-1-95 edition) Part 515 — Cuban Assets Control Regulations, subpart B (Prohibitions), E (Licenses, Authorizations and Statements of Licensing Policy) and G (Penalties)

Required compliance:

The prohibitions are consolidated in Title I of the 'Cuban Liberty and Democratic Solidarity Act of 1996', see above. Furthermore, requires the obtaining of licences and/or authorizations in respect of economic activities concerning Cuba.

Possible damages to EU interests:

Fines, forfeiture, imprisonment in cases of violation.



ANNEX II

Repealed Regulation with list of its successive amendments

Council Regulation (EC) No 2271/96
(OJ L 309, 29.11.1996, p. 1)

Council Regulation (EC) No 807/2003
(OJ L 122, 16.5.2003, p. 36)

Only point 50 of Annex III

Regulation (EU) No 37/2014 of the European Parliament and of
the Council
(OJ L 18, 21.1.2014, p. 1)

Only point 6 of the Annex

ANNEX III

CORRELATION TABLE

Regulation (EC) No 2271/96	This Regulation
Articles 1 to 4	Articles 1 to 4
Article 5	Article 5, first and second paragraphs
-	Article 5, third paragraph
Article 6	Article 6
Article 7, introductory wording	Article 7, introductory wording
Article 7, point (a)	Article 7, point (a)
Article 7, point (b)	Article 7, point (b)
Article 7, point (d)	Article 7, point (c)
Article 7, point (e)	Article 7, point (d)
Articles 8, 9 and 10	Articles 8, 9 and 10
Article 11, introductory wording	Article 11(1), introductory wording
Article 11, point 1	Article 11(1), point (a)
Article 11, point 2	Article 11(1), point (b)
Article 11, point 3	Article 11(1), point (c)
Article 11, point 4	Article 11(1), point (d)
Article 11, point 5	Article 11(1), point (e)
footnote to Article 11, point 1	Article 11(2)
Article 11a	Article 12
-	Article 13
Article 12	Article 14
Annex	Annex I
-	Annex II
-	Annex III