

Public consultation on the review of the blocking statute (Council Regulation (EC) No. 2271/96)

Fields marked with * are mandatory.

Introduction

This consultation is now available in 23 European Union official languages.

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In recent years, some third countries have increased their use of sanctions or other regulatory measures that restrict, directly or indirectly, the conduct of European Union (EU) individuals or companies, when they operate completely outside those countries' territory or within the EU in situations where a legitimate connection with the prohibiting country does not exist. The EU considers the extra-territorial application of those measures to be in breach of international law. Such measures, or simply the threat of imposing them, has resulted in significant economic damage to the EU economy, past and present, and is likely to have similar effects in the future. Furthermore, the application of extra-territorial sanctions is a source of legal uncertainty for EU individuals, organisations, and economic operators.

This questionnaire seeks your feedback on a [possible amendment to Council Regulation \(EC\) No. 2271/96 \('blocking statute'\)](#). The aim of the '[blocking statute](#)' is to shield EU individuals, organisations, and companies from the extra-territorial application of third-country laws and measures. It does so by

- i. prohibiting compliance with those third-country sanctions
- ii. nullifying the effect in the EU of any non-EU court ruling or administrative decision based on them
- iii. allowing EU operators to recover in court damages caused by them

The consultation is open to all organisations and individuals (both in the EU and outside). It consists of a survey divided into 5 sections, with an opportunity for respondents to submit further feedback (such as a position paper) at the end. Respondents may reply in any official EU language.

This initiative is distinct from the [Commission's initiative for an instrument to deter and counteract coercive actions by third countries](#), which focuses on the broader problem of foreign coercion of EU countries and does not address specifically extra-territorial sanctions (more info by clicking on the dedicated link). The Commission will pursue both

initiatives and ensure they are consistent with one another. Therefore, any information obtained in this call for evidence that is relevant for the Anti-Coercion Instrument will be shared with that initiative. Section 5 of the questionnaire poses some questions on the possible interaction of such 2 instruments.

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact relex-sanctions@ec.europa.eu.

More information on

- [this consultation](#)
- [the consultation document](#)
- [the blocking statute](#)
- [the protection of personal data regime for this consultation](#)

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese

- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Hendrike

* Surname

KUEHL

* Email (this won't be published)

hendrike.kuehl@iumi.com

* Organisation name

255 character(s) maximum

International Union of Marine Insurance (IUMI)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

456150222492-25

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|---|--|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
| <input type="radio"/> Austria | <input type="radio"/> Finland | <input type="radio"/> Mauritius | <input type="radio"/> Slovenia |
| <input type="radio"/> Azerbaijan | <input type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Solomon Islands |
| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |

- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey

- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena
Ascension and
Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States
Minor Outlying
Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

* Field of activity or sector (if applicable)

- Banking

- Insurance
- Market infrastructure operation (e.g. CCPs, CSDs, Stock exchanges)
- Petrochemical
- Energy
- Space, defence and aeronautics
- IT equipment
- Medical equipment
- Hospitality
- Transportation
- Construction
- Chemicals
- Mining
- Other manufacturing
- Other
- Not applicable

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* **Contribution publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

1. Problem definition: Extra-territorial sanctions

Restrictive measures (sanctions) are an important tool of the Union's common foreign and security policy, through which the EU can act, notably to preserve peace and strengthen international security. While EU sanctions inherently aim to affect policies or activities in non-EU countries, they are applicable only within the limits of the EU's jurisdiction. In other words, the obligations they impose are binding on EU and non-EU nationals or entities only when there is a legitimate nexus with the EU (for example, because they are located in the EU or doing business there).

By contrast, some other jurisdictions apply some of their sanctions extra-territorially, which means that they expect citizens and entities of third countries, including within the jurisdiction of EU Member States, to act in accordance with them.

As a matter of principle, the EU considers the extra-territorial application of sanctions contrary to international law.

Question 1. In your experience, how does the extra-territorial application of third-country sanctions affect the EU and its operators?

	1 (no negative impact)	2 (low negative impact)	3 (medium negative impact)	4 (high negative impact)	5 (very high negative impact)	Don't know - No opinion - Not applicable
Causes loss of jobs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hampers EU operators' economic activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unduly favours non-EU competitors	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hinders exports to non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hinders imports from non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hinders intra-EU commerce	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disrupts supply chains	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Threatens financial stability	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has negative impacts on the provision of humanitarian aid	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has negative impacts on the provision of development aid	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discredits the EU's or its Member States' foreign policy	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Has negative environmental impacts	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negatively affects the EU's Open Strategic Autonomy, which means the ability to shape the new system of global economic governance and develop mutually beneficial bilateral relations, while protecting the EU from unfair and abusive practices, including to diversify and solidify global supply chains to enhance resilience to future crises	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 2. How significantly do extra-territorial sanctions affect your activity / your person?

- 1 – No negative impact
- 2 – Low negative impact
- 3 – Medium negative impact
- 4 – High negative impact
- 5 – Very high negative impact
- Don't know / no opinion / not applicable

Question 2.1 Please describe if possible the impact of extra-territorial sanctions on your activity / your person:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The impact depends on the activities of individual insurance companies. While many are only active on the national market so that the impact of extraterritorial sanctions is low, the impact for larger international insurance companies can be quite significant. But even for those only active in the national market the cooperation in a transaction relating to activities under extraterritorial sanctions might have catastrophic results, if subject to penalties under extraterritorial sanctions because then usually even EU banks refuse to cooperate.

Question 3. In your experience, to what extent are the following activities or sectors in the EU affected by extra-territorial sanctions?

	1 (no negative effect)	2 (low negative effect)	3 (medium negative effect)	4 (high negative effect)	5 (very high negative effect)	Don't know - No opinion - Not applicable
Trade in goods	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Trade in services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Investments (including foreign direct investments)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Procurement or sale of high technology goods	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Financial services, including payment services and insurance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Energy sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Telecommunications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Transport – aviation, maritime, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Space, Defence and Aeronautics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Raw materials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Humanitarian aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Development aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please specify to what other activity(ies) or sector(s) you refer in your answer to question 3:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Providing insurance in areas under extraterritorial sanctions is usually severely restricted. Banks are reluctant to provide service in areas under extraterritorial sanctions, including transfer of funds to and from such areas. In some cases, extraterritorial sanctions lead to the areas concerned being completely cut off from the international payment system (SWIFT). This of course has grave effects on any type of international trade with these regions.

Please explain your answer to question 3:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 4. In your experience, to what degree are the following sectors of the EU directly or indirectly affected by the extra-territorial application of sanctions?

	1 (no negative exposure)	2 (low negative exposure)	3 (medium negative exposure)	4 (high negative exposure)	5 (very high negative exposure)	Don't know - No opinion - Not applicable
Small and Medium Enterprises (SMEs)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Large corporations/groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Businesses active in one EU Member State only	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Businesses active in multiple EU Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Businesses active both within the EU and globally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Businesses mostly active globally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Importers (including providers of services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exporters (including providers of services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Network/infrastructure providers (for example, energy, telecommunications, financial, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-governmental operators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please specify to what other sector(s) you refer in your answer to question 4:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 4:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 5. In your opinion, through which of the following comparative advantages do non-EU countries apply sanctions extra-territorially to the EU?

	1 (play no role)	2 (play some role)	3 (play an important role)	Don't know - No opinion - Not applicable
Important currency of the imposing country	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Important position of the imposing country on financial markets	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Strong technological advantage of the imposing country	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imposing country having a monopoly/being the largest exporter of certain goods	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imposing country having a monopsony /being the largest importer of certain goods	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imposing country having a monopoly/being the largest provider of certain services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strong political position	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
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Please explain your answer to question 5:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The ability to control money flows due to dominance of the USD is an important reason why extraterritorial sanctions can be effectively used by the US. Most clearing houses are domiciled in the USA. Moreover, US authorities may practically penalize EU operators directly insofar as said operators maintain subsidiaries, branch offices, personnel and/or assets in the USA. In a “worst case scenario”, EU operators may even become “blacklisted” SDN-entities themselves which may severely restrict their ability to conduct business and may lead to the insolvency of the respective EU operator in some cases. Another reason is the US’ strong political and economic position.

Question 6. In your opinion/experience, in the past 5 to 10 years, have the negative effects of extra-territorial sanctions in the EU increased or decreased?

	1 (increased significantly)	2 (increased somehow)	3 (neutral)	4 (decreased somehow)	5 (decreased significantly)	Don't know - No opinion - Not applicable
Effects on the EU as a whole	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effects on you / your activity	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 6:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The increase in the use of extraterritorial sanctions by the US (especially Iran sanctions) have led to a corresponding large increase of negative effects. In other words, the large increase in negative effects is due to the large increase in the use of extraterritorial sanctions.

Question 7. Please list the most significant examples of extra-territorial sanctions that, in your view, had an impact on you, another EU operator or the EU economy:

	Affected person	Country imposing the sanction	Name of measure	Legislative v. regulatory	Description of effects	Date of adoption
Example 1		USA	Leaving JCPOA and reintroducing corresponding extraterritorial sanctions		Threat of US sanctions for almost any business connection to the Iranian economy	
Example 2		USA	PEESA/PEESCA/CAATSA		Threat of US sanctions for business related to Nord Stream 2	
Example 3						
Example 4						
Example 5						
Example 6						
Example 7						
Example 8						
Example 9						

Example 10

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2. Evaluation of existing EU legislation

The EU adopted the [blocking statute](#) in 1996. The purpose of the blocking statute is to protect operators active in the EU from being forced to comply with certain foreign extra-territorial measures. For example, certain operators active in the EU today are forced not to do business in certain sectors, even if that activity is perfectly legal under EU or national law. They risk hefty fines and risk losing access to the important foreign market of the country imposing those sanctions.

The blocking statute nullifies the legal effects in the EU of any judgment of a court or tribunal and of any decision of an administrative authority based on those extra-territorial sanctions (Art. 4); forbids EU persons from complying with a number of extra-territorial sanctions, unless authorised to do so (Art. 5); and allows EU persons to recover in court damages caused by those extra-territorial sanctions ('clawback' provision) (Art. 6).

Overall evaluation

Question 8. Please specify to what extent you agree with the statements below:

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
The blocking statute has been successful in achieving its objective of protecting EU operators from abiding by the extra-territorial application of third-country sanctions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The list of extra-territorial laws and regulations that the blocking statute protects against is clear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The list of extra-territorial laws and regulations that the blocking statute protects against is complete and/or updated sufficiently regularly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The cost of complying with the blocking statute is appropriate	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Action at EU-level by means of the blocking statute has brought added value compared to action solely at Member State-level.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 8:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Prohibition to comply

EU operators are prohibited from complying with the laws and regulations specified in the Annex of the blocking statute.

Question 9. Do you find that this prohibition to comply achieved the objective of protecting EU operators from the effects of the extra-territorial application of third-country sanctions?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 9, in particular by listing the reasons /factors that did or did not contribute to the achievement of the objective:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

A prohibition to comply exposes EU operators to a risk of being punished for this non-compliance. A protection from the effects of such punishment would require efficient counter-measures accompanying the prohibition to comply. But these have been only partially implemented (see answers below).

Question 10. Do you find that this prohibition to comply is the most efficient means of achieving the objective of protecting EU operators from the effects of the extra-territorial application of third-country sanctions?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral

- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 10:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The prohibition to comply is valuable as a signal that the EU legal community rejects the extra-territorial application of third-country sanctions as contrary to international law. It should therefore be maintained.

However, the cost of this signal should not be borne to a large extent by the EU operators, as is the case now. The prohibition to comply is not an efficient means of achieving the objective of protecting EU operators from the effects of the extra-territorial application of third-country sanctions as it puts the EU operators in danger for being sanctioned for their non-compliance. At the same time, they may face penalties under the Blocking Regulation if they comply. Protection of EU operators would be better achieved by redirecting the focus of punitive measures to those responsible for extra-territorial application of sanctions, i.e. the respective states themselves (see below).

Authorisation procedure

If EU operators consider that non-compliance with a requirement or prohibition based on the specified foreign laws would seriously damage their interests or the interests of the Union, they can apply to the European Commission for an authorisation to comply with those laws (so-called 'authorisation procedure').

Question 11. Have you applied to the European Commission for an authorisation to comply with those laws?

- Yes
- No but I am considering doing so
- No and I do not plan to do so
- Don't know / no opinion / not applicable

Non-recognition of foreign decisions

The blocking statute nullifies the legal effect in the EU of any foreign court judgments or decisions of administrative bodies that are based on the listed extra-territorial laws.

Question 12. Are you aware of instances where EU national judiciary and/or administrative authorities have applied the prohibition to recognise and enforce foreign decisions?

- Yes
- No

- Don't know / no opinion / not applicable

Please explain your answer to question 12:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 13. Do you think that the non-recognition of foreign judgments or decisions achieved the objective of protecting EU operators from the effects of the extra-territorial application of third-country sanctions?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 13:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The non-recognition of foreign judgments or decisions is an important element of the Blocking Statute and it should be maintained. It also has a certain effect of protecting EU operators from the effects of the extra-territorial application of third-country sanctions.

But this effect is in our view fairly limited because many extraterritorial sanctions in themselves have a strong deterring effect: they largely reach their goal without formal judgments or decisions being taken. For instance, the threat of being shut off from the US market or facing serious penalties in the USA or even the risk of being put out of business because not only US companies but even EU companies, (especially banks) refuse to do business in case of non-compliance cannot be dispelled by the non-recognition of foreign judgments or decisions alone.

Question 13.1 If do think the non-recognition of foreign judgments or decisions did achieve that objective, have you been in a situation where this prohibition benefited you or are you aware of a case in which this provision provided a benefit to an EU operator?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Recovery of damages

EU operators can recover damages, including legal costs, arising from the application of the listed extra-territorial legislation from the individuals, legal persons or entities causing them.

Question 14. Do you think that the possibility to recover damages achieved the objective of protecting EU operators from the effects of the extra-territorial application of third-country sanctions?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 14:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

There are significant practical problems in recovering such damages. The defendant would in most cases be a US public body such as OFAC or the State Department. Recovering damages would therefore entail complex and costly litigation and attempting to seize US property. There has – to our knowledge - not yet been any attempt for such a recovery.

Question 15. In your opinion, is this provision (the possibility to recover damages) easy to trigger?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Question 15.1 Why you think this provision is not easy to trigger?

- I do not want to endanger my business/contractual relations
- I cannot seize assets of foreign countries
- I cannot locate seizable assets in the EU
- The procedure is too long
- It is not clear whom I can sue
- Other
- Don't know / no opinion / not applicable

Question 16. Is this provision (the possibility to recover damages) detailed enough to allow operators to rely on it?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 16:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Sanctions are often ineffective and more likely to harm the innocent parties rather than those intended to be affected.

Notifications

EU operators must communicate to the European Commission directly or through the competent authorities of the Member States, within 30 days from the date on which it obtained such information, when the laws specified in the Annex of the blocking statute affect their economic and/or financial interests. EU operators can notify the Commission by email, letter or phone. Since August 2018, the Commission has received on average 24 notifications per year.

Question 17. Do you think the obligation to notify is relevant to achieve the objective of protecting EU operators from the effects of the extra-territorial application of third-country sanctions?

- 1 - Strongly disagree
- 2 - Rather disagree

- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 17:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The obligation to notify is useful because it keeps the Commission informed to what extent the laws specified in the Annex of the Blocking Statute affect the economic and/or financial interests of EU operators.

Question 18. Do you think that the administrative burden resulting from the obligation to notify is **proportionate to the negative effects of the extra-territorial application of sanctions?**

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 18, including by providing an estimation of the cost of compliance for you (for example, hours spent on a particular case or average cost per case):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Role of National Competent Authorities

Member States are responsible for the enforcement of the obligations contained in the blocking statute. They also set the penalties for breaches of the Regulation.

Question 19. Each Member State determines the penalties for breaches of the blocking statute.

In your opinion, is it an efficient way of enforcing the blocking statute?

- 1 - Strongly disagree
- 2 - Rather disagree
- 3 - Neutral
- 4 - Rather agree
- 5 - Strongly agree
- Don't know / no opinion / not applicable

Please explain your answer to question 19:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The current rule that Member States are responsible for the enforcement of the obligations contained in the blocking statute and setting the penalties for breaches is in line with the enforcement of EU sanctions in general. In our view, this is a well-established system, and we see no reason for changes.

Question 20. In your opinion, is it efficient to have Member States, instead of the EU, enforce the following provisions of the blocking statute?

	1 (strongly disagree – EU-level more efficient)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree – Member State-level more efficient)	Don't know - No opinion - Not applicable
Obligation to notify (including sanctions for lack of notification)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prohibition to comply with the listed extra-territorial laws and regulations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-recognition of foreign decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Recovery of damages	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 20:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The only area where EU level enforcement might be more efficient is in the recovery of damages. A centralized administrative procedure could make the process much easier and thus increase the effectiveness of the blocking statute as a whole.

3. Policy intervention

The objective of this initiative, announced in the [Commission's Communication 'The European economic and financial system: fostering openness, strength and resilience'](#) of 19 January 2021 is to amend the blocking statute in order to

- a. **further deter and counteract** the unlawful extra-territorial application of third-country sanctions to EU operators, by taking additional commercial, capital market or other measures to protect EU operators
- b. **streamline** the application of the current provisions, as well as **reduce the administrative burden** required for compliance with the Regulation

This initiative could take the form of an amending regulation, or of a regulation repealing and replacing the blocking statute. In either case, a number of policy options will be explored

- with regard to objective a) (**further deter and counteract extra-territorial sanctions**), the possibly revised regulation could provide the European Commission with powers to apply deterrent and counteracting measures against third countries unlawfully applying extra-territorial sanctions, or operators benefiting from the application of extra-territorial sanctions in the EU. This could take the form of commercial restrictions or measures in the field of judicial cooperation in civil matters, as well as exclusion/restrictions from access to the EU capital markets, EU public tenders, or even visa limitations for individuals. Further, the proposed regulation could envisage the provision of financial or other types of support to EU operators willing to engage in trade that is prohibited by such extra-territorial sanctions of third countries but not prohibited by Union law
- with regard to objective b) (**streamline the application of the blocking statute as well as reduce the administrative burden**), the possibly revised regulation could simplify compliance, as appropriate, through: streamlined processing for authorisation requests, including a review of the information required to process the authorisation request; clarifications of the prohibition to comply with unlawful extra-territorial sanctions of third countries, including possible measures tailored to strategic sectors

This section of the questionnaire discusses the extent of the policy intervention outlined above and its potential impact.

Further deter and counteract extra-territorial sanctions

Question 21. Do you think that the European Commission should introduce additional measures aimed to further deter and counteract extra-territorial sanctions?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Additional deterrent measures , which means to dissuade third countries from applying sanctions extra-territorially	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additional counteracting measures , which means to act against the extra-territorial application of sanctions by third countries in order to reduce their effects on EU operators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 21:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21.1 If you think that there is a need for additional measures, which of the following deterrent or counteracting measures, affecting sectors of, or operators from, the third country imposing the extra-territorial sanctions, should be added to the Regulation in your view?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Targeted commercial restrictions, including limitations to access the EU market or to be granted EU certifications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Partial) exclusion of non-EU operators from the EU financial market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Blacklisting certain non-EU operators that comply with extra-territorial sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exclusion from the EU public procurement market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restrictions on the free movement of capital between the EU and the third country concerned	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Visa restrictions for business trips	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Higher financial penalties for the breach of the blocking statute	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Possibility to claim punitive damages (including against foreign sovereign assets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Legal support for operators entangled in foreign legal proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial compensation to defray the cost of operating in a sanctioned environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 21.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21.2 If you think that there is a need for additional measures, to whom should the additional deterrent or counteracting measures, affecting sectors of, or operators from, the third country imposing the extra-territorial sanctions, be addressed in your view?

- Certain sectors of the third country’s economy
- Certain sectors and additionally specific operators of the third country active in the EU
- Only specific operators of the third country active in the EU
- Don’t know / no opinion / not applicable
- Other

Please explain your answer to question 21.2:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21.3. If you think that there is a need for additional measures, should the additional deterrent or counteracting measures, sectors of, or operators from, affecting the third country imposing the extra-territorial sanctions, be taken at EU or national level?

	EU level	Both EU- and Member State-level	Member State-level	Don't know - No opinion - Not applicable
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Targeted commercial restrictions, including limitations to access the EU market or to be granted EU certifications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Partial) exclusion of non-EU operators from the EU financial market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Blacklisting certain non-EU operators that comply with extra-territorial sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exclusion from the EU public procurement market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restrictions on the free movement of capital between the EU and the third country concerned	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Visa restrictions for business trips	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Higher financial penalties for the breach of the blocking statute	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Possibility to claim punitive damages (including against foreign sovereign assets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal support for operators entangled in foreign legal proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial compensation to defray the cost of operating in a sanctioned environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 21.3:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21.4 If you think that there is a need for additional measures, how should the additional deterrent or counteracting measures, affecting sectors of, or operators from, the third country imposing the extra-territorial sanctions, be imposed?

Please select as many answers as you like

- Automatically, when an operator active in the EU complies with third country sanctions applied extra-territorially to the EU
- Automatically, when a third country imposes sanctions extra-territorially on the EU
- By request of an injured EU operator
- At the initiative of the European Commission
- At the request of a Member State
- Other

Please explain your answer to question 21.4:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21.5 If you think that there is a need for additional measures, how quickly should the additional deterrent or counteracting measures be imposed?

- Immediately
- As soon as the first negative effects on EU operators are reported
- Timely
- Timing does not matter
- Don't know / no opinion / not applicable
- Other

Please explain your answer to question 21.5:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21.6 If you think that there is a need for additional measures, for how long should the additional deterrent or counteracting measures be imposed?

- For a fixed duration
- For as long as the breach of the blocking statute continues
- For as long as the non-EU country applies those sanctions extra-territorially
- Other
- Don't know / no opinion / not applicable

Please explain your answer to question 21.6:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Streamline the application of the blocking statute and reduce the administrative burden

Question 22. Please indicate the areas and provisions in the blocking statute Regulation where policy action would be most needed to streamline its functioning;

	1 (no policy action needed)	2 (little need for policy action)	3 (neutral)	4 (policy action could be considered)	5 (policy action strongly needed)	Don't know - No opinion - Not applicable
Notification of effects of extra-territorial sanctions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prohibition to comply with extra-territorial sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Authorisation to comply with certain extra-territorial sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Non-recognition of foreign judgments giving effect to the extra-territorial sanctions	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Damages ('clawback') clause	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Penalties	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exchange of information between the European Commission and the EU national authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer to question 22:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

See detailed replies below. Also, the Blocking Statute should clarify that an EU operator's own independent business decision not to conduct business with other entities, some of whom may be subject to extraterritorial sanctions, does not qualify as adherence to such extraterritorial sanctions.

Question 23. Regarding the prohibition to comply with extra-territorial sanctions (please refer to the evaluation section), how should the prohibition be streamlined?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Further clarify the laws and regulations contained in the Annex	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exclude certain sectors (or operators) of the EU Single Market from this prohibition, after consultation with stakeholders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Substitute the prohibition to comply with an alternative measure (please explain)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 23:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 23, specifying the sectors of the EU Single Market that should be excluded:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 24. How should the current authorisation procedure be streamlined?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Automatic approval of request after expiry of a deadline (if the Commission/interested parties do not oppose the request within a set deadline, or if the Commission does not request further information within a set deadline, the authorisation is approved automatically)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Automatic authorisation, if certain objective criteria are met	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More stringent conditions to grant authorisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More detailed criteria for the assessment of authorisation requests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No need to change the current authorisation procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 24:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 25. How should notification obligations be streamlined?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Establish a minimum amount of information to be notified	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Greater automation of notifications, including by digitalisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
A notification automatically becomes an authorisation request, if requested by the notifying party and without need to file an additional request	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Notifications should be made public, and be a pre-condition to requesting an authorisation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A notification should be a precondition for other rights conferred by the blocking statute (for example, authorisation requests and actions under the damages ('clawback') clause)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer to question 25:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 26. How should penalties for the breach of the obligations in the Regulation be streamlined?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Harmonise penalties across the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limit penalties to administrative fines, but establish those at an appropriate level to be dissuasive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide the Commission with powers to impose penalties	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer to question 26:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 27. What else could be done to simplify and streamline the functioning of the Regulation?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4. Likely impact of a policy intervention or no intervention

No policy intervention

In this scenario, the EU continues to exercise only the existing options. These include the current [Council Regulation \(EC\) No. 2271/96 \('blocking statute'\)](#), diplomatic means and the possibility, under certain conditions, for the European Parliament and the Council of the EU to act on the basis of Article 207 of the Treaty on the Functioning of the EU.

Since trade measures are taken exclusively at EU level, Member States cannot act in this respect. Measures in the area of capital and payments, freedom, security and justice, and judicial cooperation in civil matters involve competences shared between the EU and its Member States.

Question 28. How likely are the following effects to materialise, should the EU choose **not to make** any policy intervention?

	1	2	3	4	5	Don't know - No opinion - Not applicable
	(not likely at all)	(rather not likely)	(neutral)	(rather likely)	(very likely)	

Avoid economic harm or other costs to the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Avoid the risk of negative impact on relations with non-EU countries (political or economic)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leave open the possibility for a new policy intervention at a later stage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce the effectiveness of the EU's foreign policy and of its open strategic autonomy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Threaten the integrity of the EU Single Market and its financial system	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lead to more extra-territorial application of sanctions by third countries as a result of the failure to deter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cause direct costs to your activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Cause indirect costs to your activity, including loss of business opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cause difficulties to access foreign markets resulting in a competitive disadvantage vis-à-vis foreign companies	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cause direct or indirect costs to consumers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hampers humanitarian activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Hampers the provision of development aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Lead to the EU's values not being defended sufficiently	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cause other effects, including social, environmental, affecting fundamental rights, administrative simplification or burden, etc. (please	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

comment in the section below and provide evidence, including quantitative data)						
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Please explain your answer to question 28:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Policy intervention in the form of a revision of the blocking statute

This scenario refers to the various policy measures outlined in questions 21 to 27 (section 3).

Question 29. How likely are the following benefits to materialise, should the EU proceed with a revision of the blocking statute?

	1 (not likely at all)	2 (rather not likely)	3 (neutral)	4 (rather likely)	5 (very likely)	Don't know - No opinion - Not applicable
A dissuasive effect towards non-EU countries applying sanctions extra-territorially	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Further counteracting extra-territorial sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protecting EU economic interests (in						

general and in concrete cases)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preserving and promoting international trade, investment, and other business opportunities with non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing the resilience of EU operators engaged in lawful international trade and/or movement of capital, as well as related commercial activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing the administrative burden required for compliance with the Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Projecting the EU as a credible geopolitical actor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating the provision of humanitarian aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Facilitating the provision of development aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Enhancing the EU's open strategic autonomy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing the EU's vulnerability to external economic threats	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Not precluding the (simultaneous) use of diplomatic means	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other benefits, including social, environmental, affecting fundamental rights, administrative simplification or burden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer to question 29:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30. How likely are the following **negative effects to materialise, should the EU proceed with a revision of the blocking statute?**

	1 (not likely at all)	2 (rather not likely)	3 (neutral)	4 (rather likely)	5 (very likely)	Don't know - No opinion - Not
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						applicabl
It does not effectively protect EU operators from the effects of the extra-territorial application of third-country sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Harms political relations with the non-EU countries imposing the sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Harms economic relations with the non-EU countries imposing the sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Direct or indirect costs for EU business and consumers if countermeasures are applied by the non-EU country imposing sanctions (such as large companies having exposure to third countries imposing those extra-territorial sanctions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Negative effects on economic operators or nationals of third countries that are active in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Negative effects on the provision of humanitarian aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Negative effects on the provision of development aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other costs or negative impacts, including social, environmental, affecting fundamental rights, administrative simplification or burden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer to question 30:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5. Compatibility with other instruments

As unlawful extra-territorial third-country sanctions could potentially also be applied with coercive effect, there is a potential partial overlap between problems identified by this initiative and those identified in the [Commission’s initiative for an anti-coercion instrument](#). The instrument under consideration should aim first of all to deter, and only where needed to counteract, coercive practices by non-EU countries unduly interfering in the EU’s or Member States’ policy choices. The Commission aims to adopt a legislative proposal by the end of 2021.

Question 31. How should the amended blocking statute and the anti-coercion instrument (ACI) interact with each other to foster the EU’s open strategic autonomy?

- No need for the two instruments to interact, as they address different issues (more precisely, the blocking statute counters and deters the extra-territorial

application of sanctions; the ACI addresses coercion targeting the EU or its Member States)

- The ACI should be triggered if the blocking statute is not successful
- The blocking statute, as amended, and the ACI should be triggered in parallel to counter the extra-territorial application of sanctions to the EU
- Other
- Don't know / no opinion / not applicable

Please explain why you think the blocking statute, as amended, and the ACI should be triggered in parallel to counter the extra-territorial application of sanctions to the EU:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) below. **Please make sure you do not include any personal data in the file you upload if you want to remain anonymous.**

The maximum file size is 1 MB.

You can upload several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Useful links

[More on this consultation \(https://ec.europa.eu/info/publications/finance-consultations-2021-blocking-statute-review_en\)](https://ec.europa.eu/info/publications/finance-consultations-2021-blocking-statute-review_en)

[Consultation document \(https://ec.europa.eu/info/files/2021-blocking-statute-review-consultation-document_en\)](https://ec.europa.eu/info/files/2021-blocking-statute-review-consultation-document_en)

[Consultation strategy \(https://ec.europa.eu/info/files/2021-blocking-statute-review-consultation-strategy_en\)](https://ec.europa.eu/info/files/2021-blocking-statute-review-consultation-strategy_en)

[More on the blocking statute \(https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/blocking-statute_en\)](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/blocking-statute_en)

[Specific privacy statement \(https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement_en\)](https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement_en)

[More on the Transparency register \(http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en\)](http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en)

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