

# FACTSHEET

## ON MEMBER STATE PROCEDURES TO GRANT HUMANITARIAN DEROGATIONS FROM EU RESTRICTIVE MEASURES (SANCTIONS)

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## 1. INTRODUCTION

This factsheet, drawn up by DG FISMA in the European Commission, was prepared with the assistance of the Commission Expert Group on Union restrictive measures and extraterritoriality where Member States' competent authorities are represented.

For the purpose of this factsheet:

- 'Humanitarian Operators' are public and private operators, which are under an obligation to comply with EU restrictive measures ('EU sanctions') and which are involved in the supply of humanitarian aid. This includes donors, international organisations, banks and other financial institutions – when involved in transactions supporting humanitarian aid –, as well as non-governmental organisations (NGO) and the non-profit sector<sup>i</sup>.
- 'Humanitarian Derogations' are derogations for the provision of humanitarian aid under Council regulations establishing EU sanctions pursuant to Article 215 of the Treaty on the Functioning of the European Union ('EU Sanctions Regulations')<sup>ii</sup>.

This factsheet summarises the most common rules and procedures that are in place in different Member States and are applied by their National Competent Authorities ('NCAs') when assessing requests and granting Humanitarian Derogations under EU Sanctions Regulations.

Humanitarian Derogations are one of the tools provided by EU Sanctions Regulations to safeguard the humanitarian space in sanctioned environments. It is for the NCAs of Member States to grant authorisations for Humanitarian Derogations. Such authorisations are a pre-condition for carrying out actions otherwise subject to prohibitions envisaged in EU Sanctions Regulations. They provide the Humanitarian Operators with a formal indication of the scope of the permitted activities.

### DISCLAIMER

- This factsheet does not commit the European Commission. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.
- This factsheet is a summary of the most common features of procedures applied by NCAs to grant Humanitarian Derogations. It does not provide a comprehensive overview of all NCA procedures. Moreover, any changes to those procedures are fully within the remit of Member States. In any event, the factsheet is not binding on NCAs, which operate under their national rules and procedures within the overall framework set by EU law. This factsheet is equally not legal advice to Humanitarian Operators which should be aware that additional and specific rules, not indicated in this factsheet, may apply in the Member State where the authorisation is requested. Applicants for Humanitarian Derogations can request specific information on procedures, conditions and possible additional requirements from the relevant NCA or the EU Sanctions – Humanitarian Contact Point at EU level (please refer to Sections 5.2 and 5.3).
- This factsheet concerns only Humanitarian Derogations. Derogations for non-humanitarian purposes are not included in this factsheet.
- This factsheet does not provide legal guidance on European Union (EU) law. For

that, see, inter alia, the Commission guidance note on the provision of humanitarian aid to fight the Covid-19 pandemic in certain environments subject to EU restrictive measures ('Commission Guidance on EU sanctions Covid-19 and humanitarian aid')<sup>iii</sup>. For more information on EU sanctions see also the EU sanctions map<sup>iv</sup>.

- The Commission will consider updating this factsheet if the need arises. Those interested in applying for Humanitarian Derogations are invited to consult the Commission's website for possible updates of the factsheet<sup>v</sup> or contact the relevant NCAs directly to obtain information on requirements in place.

## **2. PRELIMINARY REMARKS**

EU Sanctions Regulations provide that NCAs may grant Humanitarian Derogations under such terms and conditions as they deem appropriate<sup>vi</sup>. In effect, such derogations allow the NCAs to authorise the release or the making available of funds or economic resources, directly or indirectly to, or for the benefit of, designated persons, groups of persons, entities or bodies for humanitarian purposes. Among others, they might also provide for an authorisation to export, purchase or use specific items or to make or be part of loans or credits, when that is otherwise prohibited, for humanitarian purposes. The Humanitarian Derogations can only be granted by NCAs and the responsibility to formulate and submit requests for such derogations falls on the interested Humanitarian Operator<sup>vii</sup>.

The specific conditions and procedures to grant Humanitarian Derogations are governed by the legislation and procedures established by the Member States within the general framework of EU law<sup>viii</sup>. Section 3 of this factsheet outlines a number of common conditions that NCAs apply as per their national rules and practices when deciding whether to grant an authorisation for Humanitarian Derogations. Section 4 highlights some fictional examples which could be helpful to shed light on how those conditions are applied in practice in most jurisdictions. Section 5 contains the references to Humanitarian Derogations contained in EU Sanctions Regulations, the Sanctions-Humanitarian Contact Point and the list of relevant NCAs referred to in EU Sanctions Regulations.

## **3. REQUIREMENTS**

### **3.1. Evidence**

The majority of NCAs request Humanitarian Operators to include in their applications for Humanitarian Derogation the most up-to-date information on the following elements<sup>ix</sup>:

- a) name and, if a legal person, its humanitarian mission, as per its articles of incorporation<sup>x</sup>;
- b) description of the humanitarian project for which a Humanitarian Derogation is requested, including its geographic scope;
- c) sources of financing of the project;
- d) relevant transactions linked to the humanitarian project<sup>xi</sup>;

- e) suppliers, subcontractors and other partners involved in the implementation of the humanitarian project;
- f) specification of the intended final beneficiaries of humanitarian aid<sup>xiii</sup>;
- g) internal sanctions compliance procedures, including measures taken to avoid the risk of diversion of funds or items;
- h) items that will be exported, purchased or used, for which the Humanitarian Derogation is sought, including their technical aspects (e.g. classification on export control lists), if applicable<sup>xiii</sup>.

When applying for Humanitarian Derogations, applicants should verify with the relevant NCA whether it requires any further information and/or evidence<sup>xiv</sup>. The NCA could request additional evidence as well as information on aspects other than those indicated above.

For example, in certain jurisdictions, other information may take the following form:

- Applicants may refer to data and evidence submitted in the context of Humanitarian Derogations previously granted by the same NCA, if the underlying information has not changed and is still relevant, or to a related authorisation granted by another NCA (see Section 3.3).
- To further substantiate their application, Humanitarian Operators may also consider submitting a letter from their donor or an international organisation with which they work (i.e. a letter of comfort), if available.

### 3.2. Competence of the NCAs

The Humanitarian Operator should lodge its application for a Humanitarian Derogation with the NCA of the Member State with which it has the closest link. In principle, this is likely to be the NCA where the applicant has its headquarters<sup>xv</sup> (if the applicant is a legal person) or of the Member State of which the applicant is a national (if the applicant is a natural person).

In certain cases, the Humanitarian Operator might organise the provision of humanitarian aid through an office, branch, subsidiary or permanent installation in a Member State that is not the Member State where it has its headquarters. In this case, the Humanitarian Operator could instead be allowed to lodge its application with the NCA of the Member State where the branch, subsidiary or permanent installation organising the provision of humanitarian aid is located<sup>xvi</sup>. The Humanitarian Operator may be required to contact the NCA where it has its headquarters to explain why the NCA of the Member State where the office, branch, subsidiary or permanent installation is located is the one with which it has the closest link for the purposes of conducting the humanitarian activities under question.

In addition to the above, Humanitarian Operators may be required to contact any other NCAs with which they deem to have a connection in relation to the humanitarian project and verify with those NCAs whether an additional application for a Humanitarian Derogation may have to be lodged with them. By way of example, the majority of Member States require Humanitarian Operators to lodge an additional application for Humanitarian Derogation with the NCA of the Member State:

- a) from or through which the funds or goods for the humanitarian project are transferred to the place where humanitarian aid will be provided;
- b) which is the donor, in full or in part, for the project within which the restricted action falls<sup>xvii</sup>.

Not all Member States consider that an additional authorisation under situations covered by a)-b) is required. The applicant should consult the relevant NCA to enquire if that is the case and whether the NCA is willing to liaise with its peers in the other Member States directly<sup>xviii</sup>.

### 3.3. Validity of an authorisation

NCAs usually consider a Humanitarian Derogation valid (i) only in the Member State's jurisdiction of the NCA which has granted it and (ii) for the specific time and scope of the restricted action which has been authorised.

If that is the case, the applicant for a Humanitarian Derogation may want to flag to a NCA that it has already been granted a Humanitarian Derogation from another NCA. This could be the case in the following scenarios:

- a) the applicant is seeking a new Humanitarian Derogation for a similar project, which falls under the jurisdiction of an NCA other than the one granting the initial authorisation. To substantiate its application, the applicant may want to indicate that a similar project has already been authorised by another NCA; or
- b) the applicant has obtained a Humanitarian Derogation from an NCA (e.g. where it has its headquarters) and is seeking an additional Humanitarian Derogation from another NCA with which it may have an additional connection (e.g. NCA of the Member State that is a donor to the humanitarian project; see Section 3.2). To substantiate its application, the applicant may want to indicate that the project, or part of the project, has already been authorised by another NCA.

While Humanitarian Derogations granted by another NCA are not automatically recognised by other Member States, NCAs usually give them due consideration. After reviewing the Humanitarian Derogation granted by other NCAs, the relevant NCA may, either:

- i. recognise the Humanitarian Derogation granted by another NCA as valid in its Member State and inform the holder of the Humanitarian Derogation that it is not required to lodge a new application for a Humanitarian Derogation;
- ii. request the Humanitarian Operator to submit a separate application for a Humanitarian Derogation, possibly including additional information<sup>xix</sup>.

Humanitarian Operators should be aware that, in all cases, it is within the discretion of the NCAs to carry out their own factual and legal assessments<sup>xx</sup>.

### 3.4. Duration of an authorisation

NCAs establish the duration of the Humanitarian Derogation (e.g. for the duration of the humanitarian project or for a specific time period). In principle, NCAs decide on the duration of the Humanitarian Derogation based on the applicant's request, the nature and

purpose of the project, the information provided and the applicable rules and procedures at national level.

### 3.5. Urgency

On a case-by-case basis, NCAs may consider allowing (i) a specific fast track procedure or (ii) an ‘accelerated ordinary procedure’<sup>xxi</sup> to grant Humanitarian Derogations, if the applicant has demonstrated the urgent nature of the project<sup>xxii</sup>. Neither case entails lower requirements to obtain a Humanitarian Derogation<sup>xxiii</sup>.

### 3.6. General authorisations

NCAs establish the scope of the Humanitarian Derogations granted, within the limits of EU Sanctions Regulations and applicable national rules and procedures. If permitted under the relevant Council Regulation establishing sanctions<sup>xxiv</sup>, this includes granting general authorisations, i.e. Humanitarian Derogations on recurring identical restricted actions (e.g. recurring payments or transactions) within the same project. As one of the conditions of granting a Humanitarian Derogation, the NCA might impose temporal limitation, specific reporting or evidence requirements.

### 3.7. Remedies

Applicants for Humanitarian Derogations may, in principle, request an administrative or judicial review of the decision of the NCA dismissing the application<sup>xxv</sup>. Reviews are subject to specific time limits, statutory limitations and legal requirements established by Member State national rules and the administrative procedures of the NCA issuing the negative decision<sup>xxvi</sup>.

## 4. CASE STUDIES

This section includes fictional examples to illustrate how the principles under Section 3 of this factsheet may be applied in practice by NCAs in certain jurisdictions.

### 4.1. Point 2.1. (Evidence) – Providing humanitarian aid

**Background:** The applicant (‘Applicant’) is a legal person incorporated under the law of Member State 1, with headquarters in that same Member State. Applicant plans to provide humanitarian assistance to individuals in need in third country X. Applicant needs a Humanitarian Derogation since the assistance in question entails making a disbursement to an entity designated under EU sanctions to procure its logistic services, which are necessary to provide humanitarian aid.

**Action:** Applicant should contact the NCA of Member State 1 indicating its name and explaining its humanitarian mission. It should describe the humanitarian project, including the underlying needs of the final recipients of the assistance, and specifically how the humanitarian project will achieve its goals as well as indicate where the final beneficiaries that will receive the humanitarian aid are located. Applicant should also verify with the NCA if additional evidence or information is needed. This may include an explanation of why certain transactions could appear not proportionate (e.g. particularly high or low prices or fees for complementary goods or services) or how the project will be funded. Applicant may also need to provide the names of the suppliers of services, subcontractors and other service providers (e.g. local banks), which will be involved in this specific humanitarian assistance project, and the relevant contracts. Importantly, Applicant should indicate which due diligence measures it has taken to ensure that aid

will not be diverted or seized by the designated person authorised to receive it or other designated persons, including by force, during or after its delivery.

#### 4.2. Point 2.2. (Competence) – Where should the application be lodged

##### *Case 1*

Background: Applicant is a legal person incorporated under the law of Member State 1, with headquarters in the same Member State.

Action: The applicant should apply to the NCA in Member State 1.

##### *Case 2*

Background: Applicant is a legal person incorporated under the law of Member State 1, with headquarters in the same Member State. The applicant has a branch in Member State 2, which will organise the provision of humanitarian aid to individuals in need in third country X, because that branch has resident staff with expertise on the humanitarian crisis unfolding in the region.

Action: Applicant can apply for a humanitarian derogation to the NCA in Member State 2; applicant may be nevertheless required to inform Member State 1 that it has submitted the application to Member State 2, alongside the reasons why the NCA in Member State 2 is the one with which it has the closest link.

##### *Case 3*

Background: Applicant is a legal person with headquarters in Member State 1. It receives funds from Member State 1 and Member State 2 for the humanitarian project for which a Humanitarian Derogation is needed.

Action: Applicant should apply to the NCA of Member State 1 and inform Member State 2 about the Humanitarian Derogation received for the project in Member State 1. After reviewing the Humanitarian Derogation granted by Member State 1, NCA of Member State 2 may recognise the Humanitarian Derogation granted by Member State 1 as valid also in Member State 2 or decide that a separate Humanitarian Derogation is needed<sup>xxvii</sup>.

#### 4.3. Point 2.3. (Validity) – Application for Humanitarian Derogations across EU jurisdictions

Background: Applicant is a legal person incorporated under the law of Member State 1. It obtained a Humanitarian Derogation in Member State 1. For its humanitarian project authorised by Member State 1, it needs to export medical devices from Member State 2 to third country X, where it will provide humanitarian aid.

Action: Applicant should contact the NCA of Member State 2 which, after reviewing the Humanitarian Derogation granted by Member State 1, decides that a separate Humanitarian Derogation is needed and requests the applicant to submit information concerning the medical devices to be exported.

#### 4.4. Point 2.4 (Urgency) – When speed matters

**Background:** Applicant, a legal person incorporated under the law of Member State 1, needs to provide urgent humanitarian aid in third country X where an armed conflict has broken out.

**Action:** Applicant submits an application for a Humanitarian Derogation to the NCA of Member State 1, attaching the evidence to explain why the humanitarian aid, to be effective, needs to be delivered as soon as possible and thereby clearly indicating that the Humanitarian Derogation should be granted without any delay, if the relevant conditions are fulfilled. The NCA of Member State 1 gives due consideration to the submitted evidence in handling the request and makes the decision under a specific fast-track procedure or an accelerated ordinary procedure, if possible and deemed appropriate.

#### 4.5. Point 2.5 (Duration) – How long does a Humanitarian Derogation last

**Background:** Applicant seeks a Humanitarian Derogation to provide humanitarian assistance through a person listed under EU sanctions (e.g. paying a designated logistic company to transport food supplies).

**Action:** The NCA may grant a Humanitarian Derogation either for a specific timeframe (e.g. foodstuff to be supplied, also in several tranches, during six months) or for specific action (authorisation valid until all food supplies are delivered).

#### 4.6. Point 2.6 (General authorisations) – One Humanitarian Derogations for repeated payments within the same project

**Background:** Applicant seeks a general Humanitarian Derogation pursuant to Article 16(a)(3) of Council Regulation (EU) 36/2012<sup>xxviii</sup> to pay the monthly salaries of its staff located in Syria by using a bank designated under EU sanctions. This provision enables NCAs to grant general authorisations. The local staff is employed for the delivery of humanitarian aid.

**Action:** Applicant should specify in its application the recurring nature of the activity and request the derogation to cover the monthly transactions for the duration of the project. The NCA may consider granting a general authorisation, which would enable the authorisation of repeated salary payments for the duration of the project.

#### 4.7. Point 2.7 (Remedies) – Can decisions by NCAs be subject to administrative or judicial review?

**Background:** An NCA has rejected the application for Humanitarian Derogation because, in its view, the project does not qualify as humanitarian aid and therefore is not covered by the relevant provision of the EU Sanctions Regulation.

**Action:** The NCA informs the applicant of its right to appeal the decision and the applicable procedural requirements (competent body, deadlines, elements to be provided, etc.).



## 5. LEGAL REFERENCES

### 5.1. Humanitarian Derogations list

This section compiles provisions on Humanitarian Derogations laid down in EU Sanctions Regulation in force as of the publication of this factsheet.

EU Sanctions regime	Humanitarian Derogation	Legal reference	Link to the consolidated version
<b>Belarus</b>	Derogation to allow the sale, supply, transfer or export of <b>equipment which might be used for internal repression</b> , if intended for humanitarian and related direct or indirect technical assistance.	Articles 1a(3) and 1b(2)(a) of Council Regulation (EC) No 765/2006 of 18 May 2006	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R0765-20211202">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R0765-20211202</a>
	Derogation to give new <b>loans or credit</b> with a maturity exceeding 90 days.	Article 1k(3)(i) of Council Regulation (EC) No 765/2006 of 18 May 2006	
	Derogation to allow the acceptance of <b>deposits</b> from Belarusian nationals or natural persons residing in Belarus, or legal persons, entities or bodies established in Belarus, if the total value of deposits of the natural or legal person, entity or body per credit institution exceeds EUR 100 000 deposit.	Articles 1w(1)(a) of Council Regulation (EC) No 765/2006 of 18 May 2006	
	Derogation to allow an aircraft operated by Belarusian air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements to <b>operate, land in, take off from or overfly the territory of the Union</b> .	Articles 3(1)(d)(i) and 8c of Council Regulation (EC) No 765/2006 of 18 May 2006	
<b>Central African Republic</b>	Derogation to provide technical assistance, financing or financial assistance or brokering services related to <b>non-lethal military equipment</b> intended solely for humanitarian or protective use and to <b>protective clothing</b> , including flak jackets and military helmets, temporarily exported to the Central African Republic by humanitarian and development workers and associated	Article 3(b) and (d) of Council Regulation (EU) 224/2014 of 10 March 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0224-20211020">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0224-20211020</a>

	personnel, for their personal use only.		
<b>Democratic People's Republic of Korea</b>	Derogation to allow sale, supply or transfer of <b>aviation fuel</b> .	Article 4(1) of Council Regulation (EU) 2017/1509 of 30 August 2017	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1509-20210807">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1509-20210807</a>
	Derogation to allow the sale, <b>supply, transfer or export of an item to the DPRK</b> , or the import, purchase or transport of an item from the DPRK.	Article 6(1c) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow the direct or indirect <b>supply, sale, transfer or export of the items and technology, including software</b> .	Article 8(1) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow transaction for certain <b>luxury goods</b> .	Article 10(4) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow transactions in <b>refined petroleum products</b> .	Article 16e(1) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow <b>transactions in crude oil</b> .	Article 16g(1) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation related to <b>joint ventures or cooperative entities</b> .	Article 17a(2) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow <b>representative offices, subsidiaries or accounts</b> to remain operational.	Article 27(1) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow the <b>release of frozen funds or economic resources</b> belonging to natural or legal persons, entities or bodies listed, or the <b>making available of certain funds or economic resources</b> to natural or legal persons, entities or bodies listed.	Article 34(7) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow a <b>vessel to come into port</b> in the territory of the Union.	Articles 40(1) and 40(3) of Council Regulation (EU) 2017/1509 of 30 August 2017	
Derogation to allow <b>aircraft to take off from, land in or overfly</b> the territory of the Union.	Article 42 of Council Regulation (EU) 2017/1509 of 30 August 2017		

	Derogation to allow the provision of <b>insurance or reinsurance services</b>	Article 44(5) of Council Regulation (EU) 2017/1509 of 30 August 2017	
	Derogation to allow any activities that are necessary to facilitate the work of international and non-governmental organisations carrying out <b>assistance and relief activities</b> in the DPRK for the benefit of the civilian population in the DPRK or for any other purpose consistent with the objectives of those UNSCRs.	Article 45(1) of Council Regulation (EU) 2017/1509 of 30 August 2017	
<b>Democratic Republic of the Congo</b>	Derogation to allow technical assistance, financing or financial assistance or brokering services related to <b>non-lethal military equipment</b> intended solely for humanitarian or protective use.	Article 1b(1)(b) of Council Regulation (EC) No 1183/2005 of 18 July 2005	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02005R1183-20211211">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02005R1183-20211211</a>
	Derogation to allow the <b>release of frozen funds or economic resources</b> belonging to natural or legal persons, entities or bodies listed, or the <b>making available of certain funds or economic resources</b> to natural or legal persons, entities or bodies listed.	Article 4b(1) of Council Regulation (EC) No 1183/2005 of 18 July 2005	
<b>Human rights</b>	Derogation to <b>release certain frozen funds or economic resources, or to make available of certain funds or economic resources</b> necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations.	Article 5(1) of Council Regulation (EU) 2020/1998 of 7 December 2020	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020R1998-20211213">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020R1998-20211213</a>
<b>Libya</b>	Derogation to sell, supply, transfer or export, directly or indirectly, <b>equipment which might be used for internal repression</b> , if intended solely for humanitarian or protective use.	Article 2(4) of Council Regulation (EU) 2016/44 of 18 January 2016	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0044-20211213">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0044-20211213</a>
	Derogation to allow the provision of technical assistance, financing or financial assistance related to <b>non-lethal military equipment</b> intended solely for humanitarian purposes and to <b>protective clothing</b> , including	Article 3(2) of Council Regulation (EU) 2016/44 of 18 January 2016	

	flak jackets and military helmets, temporarily exported to Libya by humanitarian personnel.		
	Derogation to provide technical assistance, financing and financial assistance related to <b>equipment which might be used for internal repression</b> , intended solely for humanitarian or protective use	Article 3(4) of Council Regulation (EU) 2016/44 of 18 January 2016	
	Derogation to <b>release frozen funds or economic resources</b> belonging to persons, entities or bodies listed, or the <b>making available of certain funds or economic resources</b> to persons, entities or bodies listed, where necessary for humanitarian purposes.	Article 10 of Council Regulation (EU) 2016/44 of 18 January 2016	
	Derogation to <b>release certain frozen funds or economic resources</b> , provided that are used for humanitarian needs;	Article 11(1) of Council Regulation (EU) 2016/44 of 18 January 2016	
	Derogation to load, transport or discharge <b>petroleum, including crude oil and refined petroleum products</b> from Libya on designated vessels flying the flag of a Member State, where necessary for humanitarian or safety purposes, or where the vessel is returning to Libya.	Article 15(5) of Council Regulation (EU) 2016/44 of 18 January 2016	
<b>Lebanon</b>	Derogation to <b>release certain frozen funds or economic resources</b> belonging to a natural or legal person, entity or body listed, or the <b>making available of certain funds or economic resources</b> to a natural or legal person, entity or body listed, where the provision of such funds or economic resources is necessary for humanitarian purposes.	Article 4(1) of Council Regulation (EU) 2021/1275 of 30 July 2021	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3AOJ.LI.2021.277.01.0001.01.ENG&amp;toc=OJ%3AL%3A2021%3A277I%3ATO C">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3AOJ.LI.2021.277.01.0001.01.ENG&amp;toc=OJ%3AL%3A2021%3A277I%3ATO C</a>
<b>Mali</b>	Derogation to <b>release certain frozen funds or economic resources, or make available certain funds or economic resources</b> necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies,	Article 3a(1) of Council Regulation (EU) 2017/1770 of 28 September 2017	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1770-20211215">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1770-20211215</a>

	food, or the transfer of humanitarian workers and related assistance or for evacuations from Mali.		
<b>Myanmar (Burma)</b>	Derogation to sell, supply, transfer or export <b>equipment which might be used for internal repression</b> as listed in Annex I or <b>dual-use goods and technology</b> , intended solely for humanitarian or protective use.	Article 4(1)(a) of Council Regulation (EU) 401/2013 of 2 May 2013	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R0401-20210621">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R0401-20210621</a>
	Derogation to provide financing and financial assistance and technical assistance related to <b>non-lethal military equipment</b> intended solely for humanitarian or protective use.	Article 4(2) of Council Regulation (EU) 401/2013 of 2 May 2013	
	Derogation to <b>release of certain frozen funds or economic resources, or make available of certain funds or economic resources</b> necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, and food, for the transfer of humanitarian workers and related assistance or for evacuations from Myanmar/Burma.	Article 4da(1) of Council Regulation (EU) 401/2013 of 2 May 2013	
<b>Nicaragua</b>	Derogation to <b>release certain frozen funds or economic resources</b> belonging to a natural or legal person, entity or body listed, or the <b>making available of certain funds or economic resources</b> to a natural or legal person, entity or body listed, where the provision of such funds or economic resources is necessary for humanitarian purposes.	Article 6(1) of Council Regulation (EU) 2019/1716 of 14 October 2019	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R1716-20220110">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R1716-20220110</a>
<b>Russia</b>	Derogation to authorise an aircraft to <b>land in, take off from, or overfly</b> , the territory of the Union	Article 3d(3) of Council Regulation (EU) No 833/2014 of 31 July 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20220316">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20220316</a>

	Derogation to authorise a <b>vessel</b> to access a port.	3l(4)(c) of Council Regulation (EU) No 833/2014 of 31 July 2014	
	Derogation to allow the acceptance of <b>deposits</b> from Russian nationals or natural persons residing in Russia, or legal persons, entities or bodies established in Russia, if the total value of deposits of the natural or legal person, entity or body per credit institution exceeds EUR 100 000 deposit.	5(d)(1)(a) of Council Regulation (EU) No 833/2014 of 31 July 2014	
	Derogation to allow to register, provide a <b>registered office, business or administrative address as well as management services to, a trust or any similar legal arrangement having as a trustor or a beneficiary</b> , or o act as, or arrange for another person to act as, a trustee, nominee shareholder, director, secretary or a similar position, for a trust or similar legal arrangement	5m(5)(a) of Council Regulation (EU) No 833/2014 of 31 July 2014	
<b>South Sudan</b>	Derogation to provide technical assistance, financing or financial assistance or brokering services related to <b>non-lethal military equipment</b> intended solely for humanitarian or protective use and to <b>protective clothing</b> , including flak jackets and military helmets, temporarily exported to South Sudan by humanitarian and development workers and associated personnel, for their personal use only.	Articles 3 and 4(1) of Council Regulation (EU) 2015/735 of 7 May 2015	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1571996624423&amp;uri=CELEX:02015R0735-20190718">https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1571996624423&amp;uri=CELEX:02015R0735-20190718</a>
<b>Sudan</b>	Derogation to provide financing and financial assistance, technical assistance and brokering services related to <b>non-lethal military equipment</b> intended solely for humanitarian, human rights monitoring or protective use.	Article 3 of Council Regulation (EU) 747/2014 of 10 July 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0747-20210521">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0747-20210521</a>

<b>Syria</b>	Derogation for a transaction in relation to <b>equipment, goods or technology which might be used for internal repression</b> , if intended for food, agricultural, medical or other humanitarian purposes.	Article 2a(2) of Council Regulation (EU) 36/2012 of 18 January 2012	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0036-20211213">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0036-20211213</a>
	Derogation to allow the provision of technical assistance, financing or financial assistance related to <b>equipment, goods or technology which might be used for internal repression</b> intended solely for humanitarian purposes.	Article 3(3) of Council Regulation (EU) 36/2012 of 18 January 2012	
	Derogation to purchase and transport in Syria of <b>petroleum products</b> or the provision of related financing or financial assistance for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria.	Article 6a(2) of Council Regulation (EU) 36/2012 of 18 January 2012	
	Derogation to sell, supply, transfer or export <b>jet fuel and fuel additives</b> and the provision of financing and financial assistance, including financial derivatives, as well as related insurance and reinsurance and brokering services.	Article 7a(3) of Council Regulation (EU) 36/2012 of 18 January 2012	
	Derogation to sell, supply, transfer or export key <b>equipment or technology</b> listed in Annex VI, or to provide of related technical assistance or brokering services, or financing or financial assistance.	Article 9a(1) of Council Regulation (EU) 36/2012 of 18 January 2012	
	Derogation to allow the granting of any <b>financial loan or credit</b> to or the acquisition or extension of a participation in, or the creation of any <b>joint venture</b> with any Syrian person, entity or body engaged in the <b>exploration, production or refining of crude oil</b> , or the construction or installation of new power plants for electricity production.	Article 13a(1) of Council Regulation (EU) 36/2012 of 18 January 2012	
	Derogation to <b>release certain frozen funds or economic resources</b> belonging to a natural or legal person, entity	Article 16a(2, 3) of Council Regulation (EU) 36/2012 of 18 January 2012	

	<p>or body listed, or the <b>making available of certain funds or economic resources</b> to a natural or legal person, entity or body listed, where the provision of such funds or economic resources is necessary for humanitarian purposes.</p> <p>Derogation to allow the opening of a <b>new bank account with any Syrian credit or financial institution</b> or a new representative office in Syria or to establish a new branch or subsidiary in Syria</p>	<p>Article 25a(1) of Council Regulation (EU) 36/2012 of 18 January 2012</p>	
<b>Ukraine (Donetsk and Luhansk)</b>	<p>Derogation to allow sell, supply, transfer or export certain <b>goods and technology</b></p>	<p>Article 4a of Council Regulation (EU) 2022/263 of 23 February 2022</p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3AOJ.LI.2022.042.01.0077.01.ENG&amp;toc=OJ%3AL%3A2022%3A042I%3ATOC">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3AOJ.LI.2022.042.01.0077.01.ENG&amp;toc=OJ%3AL%3A2022%3A042I%3ATOC</a></p>
	<p>Derogation to allow the provision of <b>technical assistance, or brokering, construction or engineering services</b> directly relating to infrastructure in certain sectors</p>	<p>Article 5a of Council Regulation (EU) 2022/263 of 23 February 2022</p>	
<b>Ukraine (Territorial integrity)</b>	<p>Derogation to <b>release certain frozen funds or economic resources</b> belonging to a natural or legal person, entity or body listed, or the <b>making available of certain funds or economic resources</b> to a natural or legal person, entity or body listed, where the provision of such funds or economic resources is necessary for humanitarian purposes.</p>	<p>Article 2a of Council Regulation (EU) No 269/2014 of 17 March 2014</p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0269-20220315">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0269-20220315</a></p>
<b>Venezuela</b>	<p>Derogation to provide financing and financial assistance and technical assistance related to <b>non-lethal military equipment and equipment which might be used for internal repression</b> intended solely for humanitarian or protective use.</p>	<p>Article 4(1) of Council Regulation (EU) 2017/2063 of 13 November 2017</p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R2063-20211113">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R2063-20211113</a></p>
<b>Yemen</b>	<p>Derogation to provide <b>technical assistance, financing or financial assistance</b> related to military activities and the <b>release of certain frozen funds or economic resources, or the making available of certain</b></p>	<p>Article 3a(b) of Council Regulation (EU) 1352/2014 of 18 December 2014</p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R1352-20211118">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R1352-20211118</a></p>



	<b>funds or economic resources,</b> provided that the Sanctions Committee has determined on a case-by-case basis that a derogation is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of UNSCR 2140 (2014) and UNSCR 2216 (2015).		
<b>Zimbabwe</b>	Derogation to provide financing and financial assistance and technical assistance related to <b>non-lethal military equipment and equipment which might be used for internal repression</b> intended solely for humanitarian or protective use.	Article 4(1) of Council Regulation (EC) No 314/2004 of 19 February 2004	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004R0314-20210220">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004R0314-20210220</a>

## 5.2. EU Sanctions-Humanitarian contact point

The EU Sanctions-Humanitarian contact point for humanitarian aid in environments subject to EU sanctions is a dedicated channel aimed at providing practical information to humanitarian operators on requesting humanitarian derogations under EU sanctions. By helping to identify the relevant NCAs of the Member States concerned and providing preliminary replies to queries relating to requests for Humanitarian Derogations and the related procedure, the EU Sanctions-Humanitarian contact point aims to assist humanitarian operators acting in sanctioned environments to navigate through their options and obligations and to provide them with practical support to comply with EU sanctions.

## 5.3. List of NCAs

This section compiles the references to the annexes to EU Sanctions Regulations, which include the lists of NCAs in charge of granting Humanitarian Derogations<sup>xxix</sup>.

<b>Sanctions Regime</b>	<b>Legal reference to the list of National Competent Authorities</b>	<b>Link to the consolidated version</b>
<b>Belarus</b>	Annex II to Council Regulation (EC) No 765/2006 of 18 May 2006	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R0765-20210625">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R0765-20210625</a>
<b>Central African Republic</b>	Annex II to Council Regulation (EU) 224/2014 of 10 March 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0224-20211020">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0224-20211020</a>
<b>Democratic</b>	Annex I to Council	<a href="https://eur-lex.europa.eu/legal-">https://eur-lex.europa.eu/legal-</a>

<b>People's Republic of Korea</b>	Regulation (EU) 2017/1509 of 30 August 2017	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1509-20210807">content/EN/TXT/?uri=CELEX%3A02017R1509-20210807</a>
<b>Democratic Republic of the Congo</b>	Annex II to Council Regulation (EC) No 1183/2005 of 18 July 2005	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02005R1183-20201218&amp;qid=1620203179071">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02005R1183-20201218&amp;qid=1620203179071</a>
<b>Human Rights</b>	Annex II to Council Regulation (EU) 2020/1998 of 7 December 2020	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020R1998-20211213">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020R1998-20211213</a>
<b>Libya</b>	Annex IV to Council Regulation (EU) 2016/44 of 18 January 2016	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0044-20210731">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0044-20210731</a>
<b>Lebanon</b>	Annex II to Council Regulation (EU) 2021/1275 of 30 July 2021	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2021.277.01.0001.01.ENG">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2021.277.01.0001.01.ENG</a>
<b>Mali</b>	Annex II to Council Regulation (EU) 2017/1770 of 28 September 2017	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1770-20211215">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R1770-20211215</a>
<b>Myanmar (Burma)</b>	Annex II to Council Regulation (EU) 401/2013 of 2 May 2013	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R0401-20210621">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R0401-20210621</a>
<b>Nicaragua</b>	Annex II to Council Regulation (EU) 2019/1716 of 14 October 2019	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R1716-20210802">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R1716-20210802</a>
<b>Russia</b>	Annex I to Council Regulation (EU) 833/2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20220316">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20220316</a>
<b>Syria</b>	Annex III to Council Regulation (EU) No 36/2012 of 18 January 2012	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0036-20210529">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0036-20210529</a>
<b>South Sudan</b>	Annex III to Council Regulation (EU) 2015/735 of 7 May 2015	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1571996624423&amp;uri=CELEX:02015R0735-20190718">https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1571996624423&amp;uri=CELEX:02015R0735-20190718</a>
<b>Sudan</b>	Annex II to Council Regulation (EU) 747/2014 of 10 July 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0747-20210521">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0747-20210521</a>
<b>Ukraine (Donetsk and Luhansk)</b>	Annex I to of Council Regulation (EU) 2022/263 of 23 February 2022	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2022.042.01.0077.01.ENG&amp;toc=OJ%3AL%3A2022%3A042I%3ATOC">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2022.042.01.0077.01.ENG&amp;toc=OJ%3AL%3A2022%3A042I%3ATOC</a>
<b>Ukraine (territorial integrity)</b>	Annex II to of Council Regulation (EU) No 269/2014 of 17 March 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0269-20220315">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0269-20220315</a>
<b>Venezuela</b>	Annex III to Council Regulation (EU) 2017/2063 of 13 November 2017	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R2063-20211113">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02017R2063-20211113</a>
<b>Yemen</b>	Annex II to Council Regulation (EU) 1352/2014 of 18 December 2014	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R1352-20211118">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R1352-20211118</a>
<b>Zimbabwe</b>	Annex II to Council Regulation (EC) No 314/2004 of 19 February	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004R0314-">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004R0314-</a>

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i See Commission Guidance Note on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU restrictive measures, Brussels, 13.8.2021 C(2021) 5944 final available at [https://ec.europa.eu/info/sites/default/files/business\\_economy\\_euro/banking\\_and\\_finance/documents/210813-humanitarian-aid-guidance-note\\_en.pdf](https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/210813-humanitarian-aid-guidance-note_en.pdf).

ii ‘Derogations’ should not be confused with ‘exemptions’ (which are together defined as ‘exceptions’). Humanitarian Exemptions mean that a restriction does not apply when the purpose of the action is to provide humanitarian aid. Humanitarian Operators can carry out the action at hand without any delay or further action. Humanitarian Derogations mean that a restricted (prohibited) action can be carried out only after the NCA has granted an authorisation for the purpose of providing humanitarian aid. Exemptions are generally phrased along the following lines: ‘(The prohibitions laid down in) Article... shall not apply to...’. Derogations are generally phrased along the following lines: ‘By way of derogation from the (prohibitions in) Article..., the competent authorities may authorise, under the conditions they deem appropriate...’.

iii Commission Guidance on EU sanctions Covid-19 and humanitarian aid. In particular, see Section IV, Syria Chapter and Section IV, Nicaragua Chapter – both of which contain Humanitarian Derogations.

iv <https://www.sanctionsmap.eu/>

v [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en).

vi A list of NCAs can be found in one of the annexes to the respective EU Sanctions Regulations. See also Section 5 of this factsheet.

vii See Judgment of the General Court of 14 April 2021, paragraph 177, *Mazen Al-Tarazi v Council of the European Union*, Case T-260/19, ECLI:EU:T:2021:187, available at <https://curia.europa.eu/juris/liste.jsf?num=T-260/19&language=EN>

viii Member States legislation and procedure shall not be in contradiction with the provisions set out in EU law. This includes EU Council Regulations establishing sanctions. Moreover, according to the case-law of the Court of Justice of the European Union, NCAs must exercise their powers in a manner which upholds the rights provided for in Article 47 of the Charter of Fundamental Rights of the EU (Judgment of 12 June 2014, C-314/13, paragraph 29, *Užsienio reikalų ministerija and Finansinių nusikaltimų tyrimo tarnyba v Vladimir Peftiev*, ECLI:EU:C:2014:1645), available at <https://curia.europa.eu/juris/liste.jsf?num=C-314/13&language=EN>.

x Some NCAs also request information about its corporate structure, governance and/or financial management. The Humanitarian Operator can seek guidance from the NCA in this respect.

xi The applicant should seek guidance to the NCA to identify the relevant information, if that is the case.

xii This requirement does not amount to verifying whether the individuals in need receiving humanitarian aid are subject to EU restrictive measures (i.e. that are not persons included in an Annex to EU Sanctions Regulations listing persons and entities that cannot receive funds or economic resources). See also Answer 25, Syria Chapter of the Commission Guidance on EU sanctions and Covid-19 humanitarian aid available at

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[https://ec.europa.eu/info/sites/default/files/business\\_economy\\_euro/banking\\_and\\_finance/documents/2108\\_13-humanitarian-aid-guidance-note\\_en.pdf](https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/2108_13-humanitarian-aid-guidance-note_en.pdf).

xiii This condition applies in case of Humanitarian Derogation sought for the export, use or purchase of restricted items or economic resources to be made available to persons or entities subject to EU sanctions.

xv See also Answer 21, Syria Chapter of the Commission Guidance on EU sanctions and Covid-19 humanitarian aid, available at [https://ec.europa.eu/info/sites/default/files/business\\_economy\\_euro/banking\\_and\\_finance/documents/2108\\_13-humanitarian-aid-guidance-note\\_en.pdf](https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/2108_13-humanitarian-aid-guidance-note_en.pdf): ‘Humanitarian Operators must address the NCA with which they have the closest link, as indicated in Annex III to the Syria Regulation’. The headquarters (i.e. the principal address) is usually indicated in the article of incorporation of the applicant.

xvii Member State or European Commission donor agreements may contractually require Humanitarian Operators, which are implementing a project funded by this Member State or by the European Commission and are not subject to the jurisdiction of any Member State, to request a Humanitarian Derogation (e.g. the Humanitarian Operator is incorporated under the law of a third country and it does not operate in the territory of the European Union). In this case, the donor may contractually require the Humanitarian Operator to apply to a specific NCA, including that the donor has the closest link with.

xviii This additional Humanitarian Derogation is not required if the relevant NCA of the Member State is the same as identified under the previous conditions as the one with the closest link with (e.g. Member State where the Humanitarian Operator has its headquarters). Other NCAs that a Humanitarian Operator can have a connection with could be for instance where the operator is included in a national registry of NGOs.

xix In this case, the relevant NCA might also inform the prospective applicant that the information captured in the Humanitarian Derogation granted by the other NCA will be taken into account for its decision on the application.

xx See in this respect Answer 18, Syria Chapter of the Commission Guidance on EU sanctions Covid-19 and humanitarian aid, available at [https://ec.europa.eu/info/sites/default/files/business\\_economy\\_euro/banking\\_and\\_finance/documents/2108\\_13-humanitarian-aid-guidance-note\\_en.pdf](https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/2108_13-humanitarian-aid-guidance-note_en.pdf): ‘For the sake of efficiency, if a humanitarian project to fight the COVID-19 pandemic requires several applications for derogations to be submitted, whether to one or several NCAs, it should be possible to submit a single application to all relevant NCAs.’

xxi An ‘accelerated procedure’ entails prioritising the application over other files. In case of urgency, certain NCAs may allow the Humanitarian Operators to reach them outside office hours, so that the request is dealt with swiftly.

xxii See also paragraph 86a of the EU Best Practices for the effective implementation of restrictive measures, 4 May 2018 (Reg. 8519/18), available at <https://data.consilium.europa.eu/doc/document/ST-8519-2018-INIT/en/pdf>.

xxiii Incomplete submissions or complex projects might require in-depth assessment that prolongs the authorisation process. See in this respect Answer 22, Syria Chapter of the Commission Guidance on EU sanctions and Covid-19 humanitarian aid, available at [https://ec.europa.eu/info/sites/default/files/business\\_economy\\_euro/banking\\_and\\_finance/documents/2108\\_13-humanitarian-aid-guidance-note\\_en.pdf](https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/2108_13-humanitarian-aid-guidance-note_en.pdf), which clarifies that Humanitarian Operators seeking an urgent derogation should clearly point out the urgency and explain the underlying reasons in their application.

xxiv With respect to granting general authorisations, the Court of Justice of the EU has clarified that the NCA must make an assessment on a case-by-case basis and that it is not authorised to give general approval to a certain category of transactions in respect of which the entities concerned would be relieved

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of the need to request authorisation on a case-by-case basis (Judgment of the Court of 5 March 2015, paragraph 76, *Europäisch-Iranische Handelsbank AG v Council of the European Union*, C-585/13P, *ECLI:EU:C:2015:145*), available at <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-585/13%20P>. In this respect, see also Answer 22, Syria Chapter of the Commission Guidance on EU sanctions and Covid-19 humanitarian aid, available at [https://ec.europa.eu/info/sites/default/files/business\\_economy\\_euro/banking\\_and\\_finance/documents/210813-humanitarian-aid-guidance-note\\_en.pdf](https://ec.europa.eu/info/sites/default/files/business_economy_euro/banking_and_finance/documents/210813-humanitarian-aid-guidance-note_en.pdf).

<sup>xxv</sup> In certain cases, the review can also be lodged with the national Ombudsperson. Humanitarian Operators can seek further information on the grounds for appeal to the issuing NCA.

<sup>xxvi</sup> For instance, the review of the decision can be conditional upon the submission of new evidence to support the applicant that has become available after the decision was issued, or if the decision is *contra legem*.

<sup>xxvii</sup> Applicant may also consider clarifying in the agreement with its donors if they will require a separate application in such cases.

<sup>xxviii</sup> Council Regulations (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ L 016 19.1.2012, p. 1), (non-official consolidated version available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0036-20211213>).

<sup>xxix</sup> This section only covers EU Sanctions Regulations that provide for Humanitarian Derogations. Other types of exceptions from EU Sanctions Regulations are not specified here.