Sanctions Derogation Application Form

Derogation applications pursuant to EU Council Regulations relating to financial sanctions (restrictive measures)

|  |
| --- |
| **Guidance to assist completion and submission of a sanctions derogation application to the Central Bank of Ireland** |
| 1. This application form should be used when applying to the Central Bank of Ireland for a derogation as provided for under the relevant legal acts (EU Council Regulations) relating to financial sanctions. 2. Applicants should read the information contained on the Central Bank of Ireland’s sanctions [derogation webpage](https://www.centralbank.ie/regulation/how-we-regulate/international-financial-sanctions/derogations) before completing and submitting a sanctions derogation application. In particular, where a derogation application is made pursuant to Council Regulation (EU) No 269/2014, applicants should note the information contained under the heading “**Tips for making a derogation application under Council Regulation (EU) No 269/2014 (the “Regulation”)**”. 3. The Central Bank of Ireland can only grant a derogation where the relevant EU Council Regulations provide legal grounds to do so. Applicants for derogations must clearly set out the legal grounds on which they are seeking to rely in applying for a derogation. Applicants should also consult any relevant EU guidance, including relevant Frequently Asked Questions published by the European Commission, as part of the derogation application and refer to same within the application. It should be noted that the Central Bank of Ireland cannot provide legal advice. Therefore, if there is any doubt regarding the legal ground(s) that may apply, or the application more generally, applicants should seek independent legal advice prior to submitting an application. 4. Applications that are deemed incomplete, for example, where necessary documentation and/or information is not included, or where the derogation application does not clearly set out the legal grounds for obtaining a derogation, will be returned with a request that the relevant information and/or documents be provided. Incomplete applications will result in delays in the determination of the derogation application. Please note the Central Bank of Ireland accepts no responsibility for delays in processing applications that may arise as a result of the submission of incomplete information. 5. Please do not copy and paste the wording of relevant legal provision(s) within the derogation application form, cross-references to the relevant legal provision(s) are sufficient. 6. The Central Bank of Ireland may request additional information and/documentation as part of its assessment of an application. Applicants should be available to fully engage with the Central Bank of Ireland on applications. Failure to do so will result in delays to the assessment of an application. 7. Certain EU Council Regulations may contain a deadline by which a derogation must be obtained. In order to allow for the assessment of such derogation applications, **complete applications** (including a fully and correctly completed application form, together with all supporting documentation and information necessary to allow the Central Bank of Ireland to consider such application) must be submitted to the Central Bank of Ireland at least **three months** prior to the relevant statutory deadline. Should a completed application not be submitted three months prior to the applicable deadline, it may not be possible for the Central Bank of Ireland to complete its assessment of the derogation application in advance of the statutory deadline. 8. Applicants should not assume that an authorisation will be granted or engage in any activities prohibited by financial sanctions until you have received an appropriate authorisation from the Central Bank of Ireland or you have been informed by the Central Bank that no authorisation is required. 9. Where applicable, applicants are encouraged to engage with their financial institution(s) where a derogation application has been submitted in respect of account(s) held with them. 10. If a particular section of the application form is not considered relevant as part of the application, it should be marked “N/A”. 11. Completed application forms and supporting information and documentation should be submitted by e-mail to: [sanctions@centralbank.ie](mailto:sanctions@centralbank.ie). On submitting an application, you will receive an automated acknowledgement email to confirm receipt of your email.  If you do not receive an automated acknowledgement email please contact the Central Bank of Ireland by telephone on +353 (0)1 224 6000 in order to confirm that your application has been received.   Any personal data provided by you may be processed by the Central Bank in connection with the performance of its statutory functions. If you have any questions in relation to the processing of your personal data by the Central Bank, you may contact our Data Protection Officer at [dataprotection@centralbank.ie](mailto:dataprotection@centralbank.ie). A copy of the Central Bank’s Data Protection Notice is available at [www.centralbank.ie/fns/privacy-statement](http://www.centralbank.ie/fns/privacy-statement). |

|  |  |  |
| --- | --- | --- |
| **SECTION 1 – GENERAL INFORMATION AND DETAILS OF THE APPLICANT(S)** | | |
|  | | **Applicant** |
| **1.1** | **Date of application** |  |
| **1.2** | **Name of applicant(s)** |  |
| **1.3** | **If the application is being submitted by a third party (e.g. a law firm), on behalf of the applicant, please provide the name of the third party, including any identifying information.** |  |
| **1.4** | **Provide details of the legal act(s) that lists the “designated person”[[1]](#footnote-1). If the applicant is owned and/or controlled by a designated person, please provide details.** |  |
| **1.5** | **Describe the nature of the business performed by the applicant** |  |
| **1.6** | **Contact Name** |  |
| **1.7** | **Address** |  |
| **1.8** | **Telephone number** |  |
| **1.9** | **Email address** |  |
| **1.10** | **Provide any details that may help determine the urgency of the application.** |  |

|  |  |
| --- | --- |
| **SECTION 2 – APPLICABLE EU RESTRICTIVE MEASURE AND RELEVANT DEROGATION PROVISION[[2]](#footnote-2)** | |
| **2.1** | **Provide the relevant EU Council Regulation(s) under which the authorisation(s) is sought *(full legal title must be provided)*** |
| **Applicant** |  |
| **2.2** | **Provide the specific Article(s) of the EU Council Regulation(s) under which the authorisation(s) is sought** |
| **Applicant** |  |
| **2.3** | **Provide the reason(s) for the derogation application and specify how the application complies with the applicable derogation provision as set out in the applicable EU Council Regulation[[3]](#footnote-3)** |
| **Applicant** |  |
| **2.5** | **If applicable, describe the nature of the relationship between the applicant and the designated person(s)** |
| **Applicant** |  |

|  |  |  |
| --- | --- | --- |
| **SECTION 3 – DETAILS OF THE TRANSACTION(S) REQUIRING AUTHORISATION** | | |
|  | | **Applicant** |
| ***Contract and/or invoice details*** | |  |
| **3.1** | **Date of contract/invoice** |  |
| **3.2** | **Parties to the contract/invoice** |  |
| **3.3** | **Provide details of the subject matter of the contract/invoice and payment information** |  |
| **3.4** | **Are any of the parties to the contract/invoice owned and/or controlled by a designated person? If yes, provide details including relevant EU Regulation(s).** |  |
| ***Transaction details*** | |  |
| **3.5** | **Date of the intended transaction(s).** |  |
| **3.6** | **Where the transaction involves the release of frozen funds of the applicant, describe the intended transactions flow of such funds. Specify each step in the flow of funds for the intended transaction, until the funds reach the intended recipient.** |  |
| **3.7** | **Clearly outline the Irish nexus in the intended transaction(s), including an overview of the transaction(s) involving any Irish company/companies, Irish bank account(s), or any other links to Ireland.** |  |
| **3.8** | **Provide details of the total amount of frozen funds to be released as part of this application. Specify the currency in which the payment is intended to be made.** |  |
| **3.9** | **Where the intended transaction will involve a transfer or release of economic resources in addition to/instead of funds, provide a detailed description of the economic resources to be released or transferred.** |  |
| **3.10** | **If applicable, please provide details of the value of the economic resources intended to be released or transferred (in EUR).** |  |
| **3.11** | **Provide information and/or documentation of any past payment(s) / transaction(s) similar to the one subject to this application, including dates and the flow of funds for such past payment(s) / transaction(s).** |  |
| ***Other information*** | |  |
| **3.12** | **Is the proposed end user of any funds/economic resources that are the subject of this application owned and/or controlled by a designated person? If yes, provide details.** |  |
| **3.13** | **Provide details, with appropriate supporting documentation, of the ultimate beneficial ownership (i.e. a natural person(s)) of the proposed recipient of the funds/economic resources if such recipient is a legal person.** |  |
| **3.14** | **Do you know or have a reasonable suspicion that the funds or economic resources that are the subject of this application will be used by a designated person, or by a person acting on their behalf or at their direction, or by entities owned or controlled by them?** |  |

|  |  |  |
| --- | --- | --- |
| **SECTION 4 – BANK ACCOUNT INFORMATION** | | |
|  | | **Applicant** |
| **4.1** | **Method of proposed payment(s)** |  |
| **4.2** | **The financial institution(s) including the full flow of funds chain through which the payment(s) are intended to be made** |  |
| **4.3** | **Account name, number(s) and IBAN(s) from which the payment(s) are intended to be made** |  |
| **4.4** | **Account(s) currency / currencies from which the payment(s) are intended to be made** |  |
| **4.5** | **Account balance(s) as at date of application** |  |
| **4.6** | **In relation to the beneficiary of the intended payment(s), provide the beneficiary’s:**   1. **Financial institution name and location** 2. **Account name, number and IBAN** |  |

|  |  |
| --- | --- |
| **SECTION 5 – ADDITIONAL INFORMATION** | |
| **5.1** | **Provide any additional information deemed relevant to the assessment of this application** |
| **Applicant** |  |

|  |  |  |
| --- | --- | --- |
| **SECTION 6 – SUPPORTING DOCUMENTATION** | | |
| Applicants should read the information contained on the Central Bank of Ireland’s sanctions [derogation webpage](https://www.centralbank.ie/regulation/how-we-regulate/international-financial-sanctions/derogations) before submitting a sanctions derogation application. Where an application is made pursuant to Council Regulation (EU) No 269/2014, applicants should refer in particular to the “**Tips for making a derogation application under Council Regulation (EU) No 269/2014**”. The necessary supporting documentation must accompany all applications, otherwise the application will be deemed incomplete and may be returned to the applicant. This will result in delays in the assessment of the application. | | |
|  | **Document name** | **Explanation of document / relevance to application** |
| **6.1** |  |  |
| **6.2** |  |  |
| **6.3** |  |  |
| **6.4** |  |  |
| **6.5** |  |  |

1. “Designated person” in this form means a person, entity or body to whom the EU restrictive measure/sanction directly applies (that is, they are listed in the EU Council Regulations relating to financial sanctions). [↑](#footnote-ref-1)
2. Applicants should note the information contained on the Central Bank of Ireland’s [website](https://www.centralbank.ie/regulation/how-we-regulate/international-financial-sanctions/derogations), under the heading “**Tips for making a derogation application under Council Regulation (EU) No 269/2014 (the “Regulation”)**”, in respect of the minimum expectations for applications made pursuant to Article 4(1) and Article 6(1) of Council Regulation (EU) No 269/2014. [↑](#footnote-ref-2)
3. Please ensure all supporting documentation evidencing the basis on which the application complies with the relevant derogation provision is included. [↑](#footnote-ref-3)