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LIMITE

USA ...37
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NOTE

from : the General Secretariat of the Council

to : the delegations

Subject: **Draft Joint Action concerning measures to be adopted against the extraterritorial
effects of certain legislation of third countries**

Delegations will find in the Annex the text of the above mentioned draft joint action.

DRAFT JOINT ACTION
adopted by the Council on the basis of Articles J.3
and K.3 of the Treaty on European Union
concerning measures to be adopted against the extraterritorial effects
of certain legislation of third countries

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union and in particular Articles J.3 and K.3.(2)(b) thereof,

Having regard to the general guidelines given by the European Council meeting in Florence on 21/22 June 1966;

Having regard to the initiative of [.....];

Whereas certain third countries have enacted or are likely to enact certain laws, regulations, and other legislative instruments which purport to regulate the activities of natural and legal persons under the jurisdiction of the Member States of the European Union,

Whereas by their extra-territorial application such laws, regulations and other legislative instruments violate international law,

Whereas such laws, regulations and other legislative instruments together with actions based thereon affect or are liable to affect the established legal order, the interests of the European Union, and the interests of the said natural and legal persons;

Whereas the Council has adopted Regulation (EC) Nr. ... in order to protect the interests of the Community and of natural and legal persons exercising rights under the Treaty establishing the European Community;

Whereas, in these exceptional circumstances, the Member States should take the necessary measures in order to ensure protection for the interests of the said natural and legal persons insofar as such protection is not provided under the aforementioned Council Regulation;

Whereas this Joint Action and the aforementioned Regulation constitute together an integrated system involving the Community and the Member States each in accordance with its own powers;

ADOPTS THE PRESENT JOINT ACTION:

Article 1

Each Member State shall take the measures necessary to protect the interests of any natural or legal person, private or public, resident or incorporated within the European Union affected by the extra-territorial application of the laws and actions based thereon, including regulations and other legislative instruments, referred to in the Annex to Council Regulation (EC) Nr, insofar as these interests are not protected under this Regulation

Article 2

This Joint Action shall enter into force on

It shall be published in the Official Journal.

Done at, 1996

For the Council
The President