

[Complaints department address for your bank]

23 July 2022

Re: [Rejection/delay] of international payment

Dear Sir/Madam,

I am a [Bank name] customer. I made a payment of [£/€0.01] initiated on [date] from account [****account number] going to [MediCuba-Europa/1c4C/Globalize Solidarity].

[Include this paragraph if the review team has already contacted you.] The Account Review Team provided me with the reference number [#####]. I was informed by a member of the team that my transaction was flagged up by an internal system and [rejected/is being reviewed] on the basis of [Bank name]'s sanctions policies in regard to Cuba.

I wrote to you on [Date] to open a formal complaint into the handling of the payment above. Since I have not had a satisfying resolution to the complaint, I would like to escalate it.

I am bringing to your attention the relevant laws which I believe you are breaking by having [rejected/delayed] my payment:

[UK LAWS: DELETE AS APPROPRIATE FOR YOUR JURISDICTION]

In 1996, the British Parliament approved Order No. 3171, the Protection of Trading Interests Act, on 'The Extraterritorial US Legislation', which enables the British government to penalise any natural or legal person complying with extraterritorial aspects of US blockade on British territory. The EU, of which the UK was a member, similarly passed European Council Regulation (EC) No. 2271/96.

Implementing US sanctions in the UK is also a violation of a 1980 law, as stated in Parliament on 22 January 2019, by Sir Alan Duncan MP, Minister of State for Europe and the Americas, who confirmed: 'under the UK Protection of Trading Interests Act 1980, it is illegal for UK companies to comply with extraterritorial legislation such as the US embargo.'

The UK government guide for UK interests engaging with Cuba is clear on the issue of 'extra-territorial fines' (point 2.1): 'The US Government has imposed extra-territorial fines on some companies in third countries that have done business with Cuba in breach of the Helms-Burton Act. However, these sanctions conflict with the UK Protection of Trading Interests Act which makes it illegal for UK based companies to comply with extraterritorial legislation. The Act contains a provision for fines to be levied against companies and individuals that fail to comply with this stipulation.'

EU LAWS: DELETE AS APPROPRIATE FOR YOUR JURISDICTION

In November 1996 the Council of the European Union passed European Council Regulation (EC) No. 2271/96, 'protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom...

'This Regulation provides protection against and counteracts the effects of the extra-territorial application of the laws specified in the Annex of this Regulation, including regulations and other legislative instruments, and of actions based thereon or resulting therefrom, where such application affects the interests of persons, referred to in Article 11, engaging in international trade and/or the movement of capital and related commercial activities between the Community and third countries...

'No person referred to in Article 11 shall comply, whether directly or through a subsidiary or other intermediary person, actively or by deliberate omission, with any requirement or prohibition, including requests of foreign courts, based on or resulting, directly or indirectly, from the laws specified in the Annex or from actions based thereon or resulting therefrom.'

The Council Regulation Annex specifically identifies US legislation underpinning the blockade of Cuba as potentially damaging to EU interests, including the 'National Defense Authorization Act for Fiscal Year 1993', Title XVII 'Cuban Democracy Act 1992', sections 1704 and 1706, and 'Cuban Liberty and Democratic Solidarity Act of 1996'.

Businesses, organisations and institutions in the EU which comply with the extraterritorial aspects of such legislation could face 'effective, proportional and dissuasive' sanctions from the EU Member State in which they are operating. They are also protected from US litigation: 'Any person referred to in Article 11, who is engaging in an activity referred to in Article 1 shall be entitled to recover any damages, including legal costs, caused to that person by the application of the laws specified in the Annex or by actions based thereon or resulting therefrom.'

I suggest that you immediately approve my original payment instruction, or I will be forced to raise this with the financial regulators.

I expect a reply within five working days.

Regards,

[Your name]

[Your return postal address]

[Your email]

[Your telephone number]