

Offshore Companies and the EU Blacklist — What It Really Means

A Legal and Strategic Analysis by FPS Financial Group

Understanding the EU Blacklist in the Context of International Structuring

The European Union's list of non-cooperative jurisdictions for tax purposes, commonly referred to as the "EU Blacklist," is a tool designed to promote global tax good governance, transparency, and fair taxation. For individuals and entities engaged in offshore company formation, understanding the implications of this list is critical—not only for compliance but for effective legal risk management.

At FPS Financial Group, we advise clients on how to structure internationally while remaining fully compliant with evolving EU and OECD standards. This memorandum demystifies the legal and practical impact of the EU Blacklist on offshore entities, and outlines how clients can legally operate without exposure to blacklist-related risks.

1. What Is the EU Blacklist?

The EU Blacklist, officially the List of Non-Cooperative Jurisdictions for Tax Purposes, is compiled by the Council of the European Union. It identifies jurisdictions that fail to meet the EU's criteria in three key areas:

- Tax transparency (compliance with OECD Global Forum standards)
- Fair taxation (eliminating harmful tax regimes)
- Implementation of anti-BEPS measures (Base Erosion and Profit Shifting)

The list is reviewed and updated multiple times per year. Jurisdictions can be added or removed based on their engagement with the EU and implementation of corrective actions.

2. Legal Consequences of Operating in a Blacklisted Jurisdiction

Establishing a company in a jurisdiction that is currently listed on the EU Blacklist can result in several adverse legal and financial consequences:

a. Increased Withholding Taxes

EU member states may impose punitive withholding tax rates on payments (interest, dividends, royalties) to entities in blacklisted jurisdictions.

b. Controlled Foreign Company (CFC) Rules

Blacklisted jurisdictions may trigger CFC regulations under EU domestic tax laws, leading to taxation of profits earned by the offshore company in the shareholder's home country.

c. Denial of Tax Deductions

Payments made to blacklisted jurisdictions may be denied deductibility under certain EU tax frameworks.

d. Enhanced Reporting Obligations

Entities with structures in listed jurisdictions may face enhanced disclosure, audit, and documentation requirements under DAC6 and related directives.

e. Reputational and Banking Risk

Operating from a blacklisted jurisdiction can raise red flags during banking KYC/AML reviews, reducing the likelihood of account approvals and increasing the scrutiny during financial transactions.

3. Common Misconceptions About the Blacklist

Despite widespread commentary, certain myths persist:

- Myth: All offshore jurisdictions are blacklisted.
- Fact: Many reputable offshore financial centers — including the BVI, Cayman Islands, and Hong Kong — are not on the blacklist due to their ongoing cooperation with EU regulators.
- Myth: Incorporation in a blacklisted jurisdiction is illegal.
- Fact: It is not illegal to incorporate in a blacklisted jurisdiction. The structure must, however, be justified, substantiated, and reported in accordance with applicable laws.
- Myth: Blacklisted jurisdictions cannot open bank accounts.
- Fact: While account opening is more difficult, it is not impossible. Proper documentation and legal opinions can mitigate concerns — this is a service FPS specializes in.

4. Jurisdictions Currently on the EU Blacklist (as of 2025)

The list currently includes jurisdictions such as:

- North Korea
- Panama
- Trinidad and Tobago
- Guam
- American Samoa
- US Virgin Islands
- Vanuatu

(Note: This list is subject to periodic updates. Always consult the official EU Council records or FPS Compliance Desk for current status.)

5. How FPS Helps Clients Navigate the Blacklist Safely

At FPS Financial Group, we do not just set up companies — we structure legally defensible international strategies. Our compliance-driven approach ensures:

- Blacklist screening of all proposed jurisdictions
- Legal opinions on economic substance and tax residency
- Substance solutions where applicable (e.g., directors, real office, reporting)
- Jurisdictional migration (redomiciliation) for existing entities at risk
- Banking route selection based on blacklist risk tolerance

6. When Might a Blacklisted Jurisdiction Still Be Used?

In certain asset protection cases or trust formations, a blacklisted jurisdiction might still offer unmatched benefits (e.g., Cook Islands for trusts), provided:

- The entity is not trading with EU clients
- There is no receipt of EU-source income
- The structure complies with CRS and FATCA
- Clients are fully informed of taxation implications

In these cases, FPS will draft a disclosure and risk acknowledgment and advise on how to pair the structure with compliant holding companies or licensing entities.

7. EU Watchlist vs. Blacklist — Know the Difference

The EU also maintains a “Grey List” or “Watchlist” of jurisdictions that are cooperative but still under review. This may affect due diligence timelines and future regulatory shifts. Examples include:

- Barbados
- Seychelles
- Dominica (subject to conditions)

8. Conclusion: Strategic, Not Secretive

Offshore incorporation is not about secrecy — it is about lawful, efficient global planning. The EU Blacklist is a regulatory reality that must be understood, not feared.



FPS Financial Group empowers entrepreneurs, HNWIs, and corporate clients to design fully compliant offshore strategies that bypass blacklist complications while maintaining all the benefits of privacy, tax efficiency, and legal asset protection.

Contact FPS for a Legal Review of Your Offshore Strategy

- Jurisdictional restructuring
- Redomiciliation advice
- Tax exposure analysis
- EMI/bank compatibility check
- Legal opinions on entity use

Smart structures don't avoid the law — they operate within it better than anyone else.

