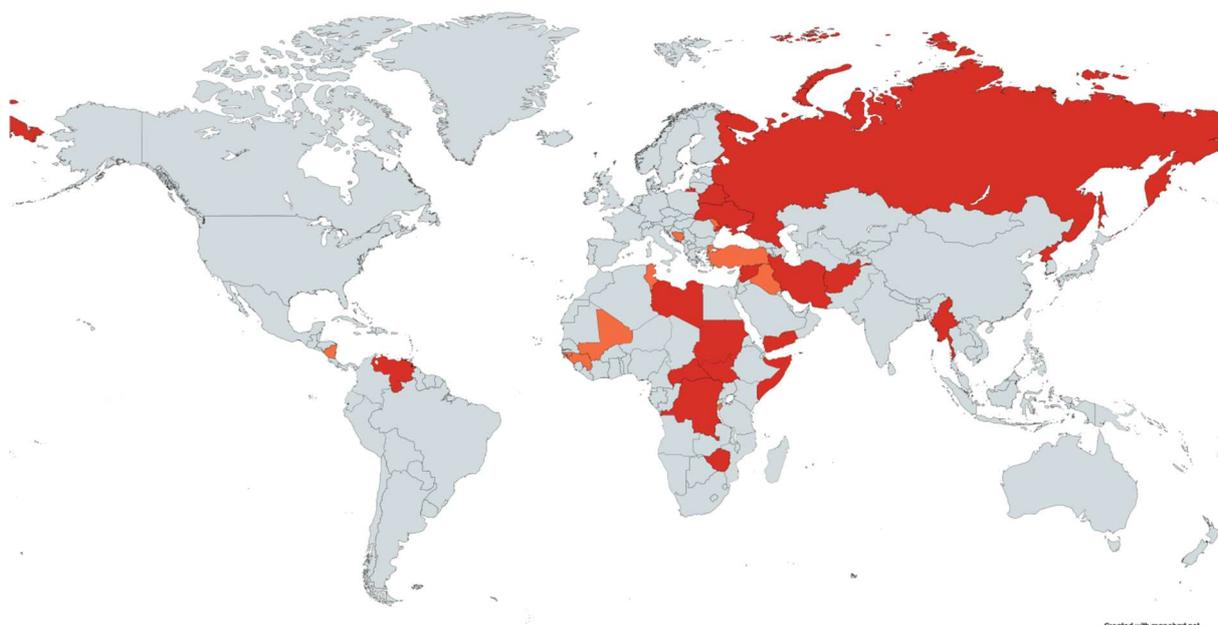


Handbook

TECHNICAL ASSISTANCE AND INTANGIBLE TRANSFER OF TECHNOLOGY

What? Where? Why?

*For universities, scientific institutes, research institutes
and the general public*



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Dear readers,

The aim of this guide is to acquaint you in more detail with two related types of restrictions or prohibitions which apply to the provision of services in the broadest sense and are most often applied to dual-use items, military equipment, and nuclear items. Specifically, they are the prohibition on the provision of technical assistance and the prohibition on intangible transfer of technology.

*Restrictions or prohibitions on **technical assistance** are primarily encountered by business operators in their business relations with partners from countries to which the EU applies restrictive measures – international sanctions. In practice, the prohibition on the provision of technical assistance most often constitutes a restriction on the provision of certain services, such as repairs and servicing of goods delivered before sanctions were imposed. However, the concept of technical assistance also includes the transfer of knowledge and expertise, and thus extends to the field of education and research, where, as practice shows, awareness of the existence of this type of restriction is lower.*

***Intangible transfer of technology** is controlled by individual states as part of an international effort to prevent the proliferation of weapons of mass destruction and to control trade of strategic items. The risk of such a transfer also exists, among other things, in the study of specific fields at universities or in the framework of research projects and conferences with foreign participation. However, it also applies to businesses that develop training and research activities.*

Although the two issues have a different legal base and do not always overlap geographically, we have decided to approach them together, as they are, in essence, partially interconnected. Firstly, to whom and at what these restrictions are directed, and, secondly, by the fact that in practice they encounter the same type of "addressees", i.e., academic, scientific and research institutes, even of a commercial nature.

In this handbook, you will learn what is meant by technical assistance and intangible transfer of technology, which scientific fields are at risk in this respect and against which countries specific measures are applied to limit the provision of technical assistance. After reading the handbook, you should be able to evaluate whether there may be intangible transfer of controlled technologies or the prohibited provision of technical assistance to persons from states to which restrictive measures apply through your institution and at your workplace. If in doubt, you will know where to find related information and where to turn to with any questions.

Given the breadth of the issue and the very narrow focus of this publication, it should be noted that the handbook provides only a basic orientation in the issue and does not provide a legally binding interpretation of specific sanctions regulations or regulations governing the non-proliferation of weapons of mass destruction.

Nevertheless, we hope that it will fulfil its purpose and serve as a useful guide in your educational or scientific research activities, both in the academic and commercial spheres.

Finally, let me thank my colleagues from the State Office for Nuclear Safety, the Ministry of Industry and Trade and the Ministry of Foreign Affairs, who have contributed their expertise to this handbook.

Libor Kazda, Director of the Financial Analytical Office

1. WHAT IS MEANT BY TECHNICAL ASSISTANCE?

The term "technical assistance" is used in European Union's (EU) legislation that lays down restrictive measures or international sanctions. Restrictive measures are used by the EU as an effective instrument of its common foreign and security policy to prevent armed conflicts, gross violations of fundamental human rights and freedoms, terrorism, and the proliferation of weapons of mass destruction. Many of the EU's restrictive measures are based on United Nations Security Council (UNSC) decisions imposed for the same purpose, which are legally binding for all countries around the world, but there are also many restrictive measures decided upon by the EU alone without a UNSC decision.

Restrictive measures provided for in European sanctions legislation, in particular in EU Council decisions and regulations, **are directly applicable**, meaning that they must be applied and complied with by:

- all EU nationals, both within the EU or elsewhere;
- all natural persons located in the territory of the EU, i.e., including the nationals of non-EU countries;
- all legal persons, entities or bodies incorporated under the law of an EU Member State, wherever they operate in the world;
- all legal persons, entities or bodies which carry on their business in whole or in part within the territory of the EU.

For the purposes of international sanctions, technical assistance is defined in EU law as: **“any technical support related to repairs, development, manufacture, assembly, testing, maintenance or any other technical services, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance”**. A prohibition on technical assistance is used in virtually all sanction regulations that prohibit or somehow restrict the export of certain goods or technologies (most often so-called dual-use goods and technologies and military equipment and technology). Without a parallel ban on technical assistance, the export ban would be partially ineffective, as the states concerned would be able to produce the requested goods themselves thanks to technical assistance.

The European Commission has issued an [interpretative opinion](#)¹ concluding that verbal transfer of knowledge and the provision of training or consultations are activities specific to education or research and considers that the **provision of higher education and the undertaking of applied research could fall within the concept of "technical assistance"** as defined in the regulations on sanctions. The competent national authority shall assess each case it becomes aware of to determine whether the conditions of the relevant regulations are met for such activities to constitute technical assistance and, if so, how the relevant restrictions on the provision of such technical assistance are to be complied with.

¹ European Commission Opinion C(2019/5883) of 5.8.2019 *“on a request for interpretation concerning the provision of higher education and the undertaking of applied research in the framework of a prohibition to provide technology or technical assistance to a third country”*. At the time of publication of this handbook, the opinion is available in English, French, German and Dutch.

2. WHERE DO THE RESTRICTIONS ON TECHNICAL ASSISTANCE APPLY?

In general, the application of a prohibition on the provision of technical assistance does not "automatically" make it impossible for educational and scientific institutions to admit students and researchers from states affected by sanctions. The relevant sanction regulation always explicitly states the specific goods and technologies to which the prohibition on the provision of technical assistance applies. If knowledge in a specific field of study or the content of a scientific project, symposium or conference or research project relates to a specific item in one of the sanction regulations, the participation of a person from the state, against which this sanction regulation applies, may be subject to prior authorisation by the competent authority (or possibly otherwise restricted) or it may be completely prohibited.

The list of states subject to sanctions restricting the provision of technical assistance is given in Annex 3.

The prohibition on the provision of technical assistance does not apply to information that is in the public domain and to fundamental scientific research. It will almost certainly not apply to studies at the undergraduate level. In some fields, however, it will definitely concern master's studies, such as nuclear fields and the study of energy materials. This prohibition can also be applied in doctoral study programs and especially in applied research. Examples of potentially risky areas are listed in Annex 1 of this handbook.

Applied research is defined as theoretical and experimental work aimed at acquiring new knowledge and skills for the development of new or substantially improved products, processes or services. Fundamental scientific research is defined as experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts, without any direct commercial application or use in view. Further definitions of terms are provided in Annex 4.

3. WHAT IS INTANGIBLE TRANSFER OF TECHNOLOGY

The term "**intangible transfer of technology**" is used in the context of international control regimes dealing with export controls in the areas of nuclear, chemical, biological, dual-use goods and conventional weapons and missile technologies. **Technology** is defined as specific information necessary for the development, production, or use of goods. This information takes the form of "**technical data**" (such as blueprints, plans, diagrams, models, forms, tables, technical drawings and specifications, manuals and instructions written or recorded on other media or devices such as disks, tapes, read-only memories (ROM) – i.e., tangible goods or "**technical assistance**", which may take the form of instructions, training, skills, working knowledge, and consulting services and may include the transfer of "technical data", that is, the **transfer of intangible technology**).

An example is the nuclear items which have been transposed from international law into domestic legislation through [Act No. 263/2016 Coll., the Atomic Act](#), and Decrees [No. 375/2016 Coll. on selected items in the nuclear field](#), and [No. 376 / 2016 Coll. on dual-use items in the nuclear field](#). In the case of regimes controlling the export of biological, chemical and other dual-use items, their export is governed by the directly applicable [Council Regulation \(EC\) No 428/2009](#) setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. This regulation is the responsibility of the Licensing Administration of the Ministry of Industry and Trade (LS MPO).

Although the lists of controlled items contain mainly tangible items, the items of an intangible nature are also controlled, especially with regard to the risk of the so-called intangible transfer of controlled technologies.

The risk of intangible transfer of controlled technologies also exists in the study of specific fields in higher education or in the investigation of research projects and the organisation of conferences with the participation of foreign students or researchers.

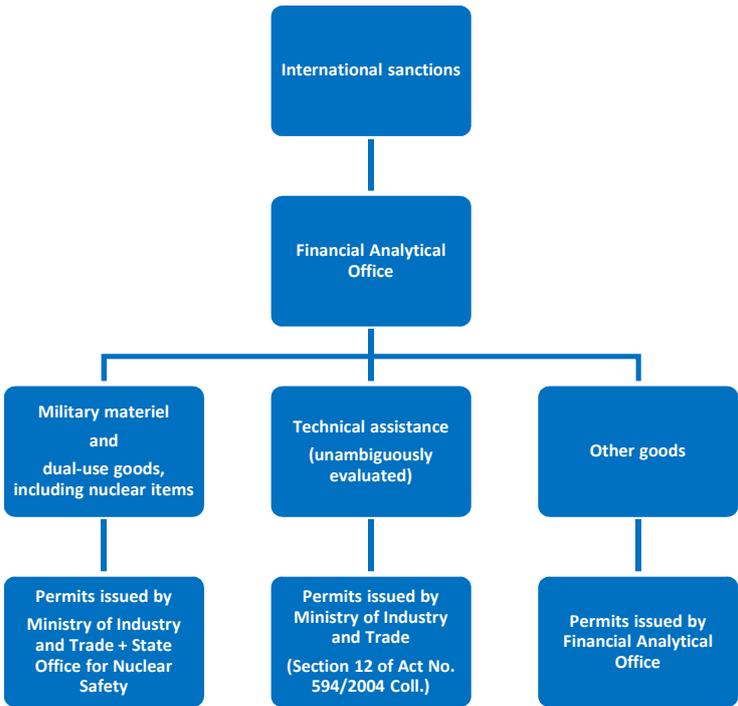
On the other hand, the use of publicly available information or the conduct of fundamental research is not considered an intangible transfer of controlled technologies.

4. HOW TO PROCEED?

Whether fundamental or applied research is involved, and whether the workplace works with items listed in any of the annexes to the sanctions regulations, and thus working with them could be considered as providing technical assistance as defined by a particular sanctions regulation, or with items that are subject to control due to intangible transfer of technology, **the given academic or research institute is able to most competently assess and evaluate the situation.**

The consultation and qualified query to the FAU is to answer other related questions in the field of international sanctions and requests may be submitted for an assessment of whether technical assistance is involved and whether it is necessary to apply for a permit. Consultations and inquiries to the Ministry of Industry and Trade and the State Office for Nuclear Safety are used when submitting applications related to military materiel and dual-use goods, including nuclear items (e.g., submitting applications, providing the necessary application documents, etc.).

The diagram below depicts the substantive competencies and the coordination between relevant state authorities in the given areas.

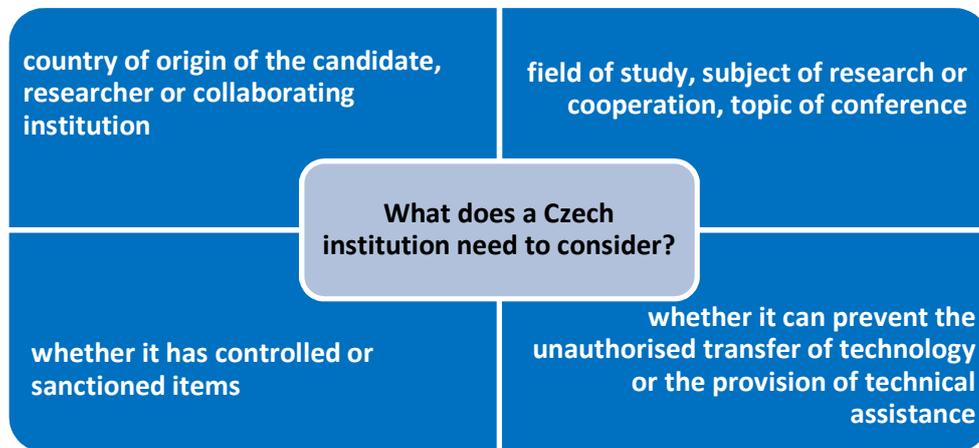


4.1 TECHNICAL ASSISTANCE

The potential for a conflict with restrictions on technical assistance must be assessed by the institution, in particular for applicants, researchers or participants in symposia and conferences from Iran and Syria, due to the specific wording of the prohibition on technical assistance in the following regulations:

- [Council Regulation \(EU\) No 267/2012](#) concerning restrictive measures against Iran;
- [Council Regulation \(EU\) No 36/2012](#) concerning restrictive measures against Syria.

Those regulations prohibit technical assistance relating to defined goods or technology directly to any “Iranian” or “Syrian” person. While other sanctions regulations restrict or prohibit the provision of technical assistance for "use in the given country". An overview of sanctions regulations that contain a prohibition on the provision of technical assistance or make such provision conditional on prior authorisation, is given in Annex 2 to this handbook and also contains a list of "prohibited" goods and technologies and to whom technical assistance is prohibited.



If an academic or research institute discovers a potential conflict with international sanctions involving a particular person, it can contact the Financial Analytical Office (FAU), which is the national coordinator for the implementation of international sanctions in the Czech Republic, in the form of a qualified inquiry.² The inquiry can be sent electronically via a data box (egi8zyh) or by e-mail (fau@mfcz.cz) and must contain sufficient relevant information about:

- a natural person (applicant or researcher from the country subject to sanctions), including his/her name, surname, date and place of birth and previous academic and professional career, including a list of publications;
- the study program for which the applicant is applying, including a description of the subject of the final thesis, or;
- their intended workplace, including a description of the project to be pursued;

and further:

- a description of what specifically could conflict with international sanctions. (This assumes that the inquirer is acquainted with the relevant sanction regulation and has identified, in its annex,

² See Act No. 2/1969 Coll., the Competence Act.

specific items with which the candidate, potential staff member or researcher may come into contact.) and

- a proposal for a solution by which the academic or research institute can resolve the given situation, i.e., to ensure that the prohibition or restriction is not violated in the given case.

It is also appropriate to examine the counter-party (either a natural person or legal entity) with respect to the possible application of other types of international sanctions which could limit options of mutual relations. This can be done in the EU sanctions map available at www.sanctionsmap.eu. The purpose of the screening is to find out if a natural person or legal entity has funds and other economic resources that are frozen or if a specific natural person is banned from entering the EU. This can be determined by entering their name into the search engine on the sanctions map, and if the person is found, then it is necessary to find out in the specific sanctions regulation the type of restriction that applies to them. Some annexes to the sanctions regulations restricting entry into the EU were empty at the time of publication (for example, against Moldova).

4.2 INTANGIBLE TRANSFER OF TECHNOLOGY

As discussed in Chapter 3, intangible transfer of technology can take many forms. In this context, it is necessary to keep in mind that **from the point of view of Czech legislation, the participation of foreign students in specific fields of study or research projects, or the participation of Czech or foreign scientists in international conferences may be considered the export of controlled items in the form of their intangible transfer.**

The authority ensuring the exercise of competencies in the area of control of dual-use goods and technologies is the Ministry of Industry and Trade. If you need more information, we recommend visiting the Ministry's website <https://www.mpo.cz/cz/zahranicni-obchod/licencni-sprava/mezinarodni-kontrolni-rezimy-zbozi-dvojiho-pouziti/>. If anything is unclear about the risk of potential intangible transfer by providing technical assistance related to dual-use goods, or if it is determined that the provision of technical assistance related to dual-use goods is involved, the Department of International Control Regimes can be contacted directly at dual@mpo.cz.

In the case of controlled items in the nuclear field, there is a two-stage licensing system in the Czech Republic for their export. In the first stage, it is necessary to apply for a permit from the State Office for Nuclear Safety, which assesses the technical and proliferative aspects associated with the application. The second stage of the licensing procedure is the Licensing Administration of the Ministry of Industry and Trade, which applies the licensing regime in the area of economic relations with foreign countries for nuclear and other categories of controlled items. For inspected items in the nuclear field, a State Office for Nuclear Safety permit is a necessary condition for the issuance of the permit from the Licensing Administration of the Ministry of Industry and Trade. For more detailed information on export control in terms of nuclear items, including information on the issue of intangible transfer of technology, we recommend visiting the State Office for Nuclear Safety website <https://www.sujb.cz>. In the case of other categories of controlled items, the performance of competencies in the field of export control is ensured by the Licensing Administration of the Ministry of Industry and Trade.

5. MEASURES IN ACADEMIC AND RESEARCH INSTITUTES

The obligation to comply with prohibitions and restrictions concerning technical assistance and intangible transfer of technology applies to all natural persons and legal entities in the Czech Republic. Scientific and research performing institutions should therefore be aware of whether they possess goods and technologies subject to restrictions in relation to international sanctions or that are controlled items. Based on experience from abroad (Germany, USA, Japan, Switzerland), it seems appropriate to **identify a responsible person (or persons) in the institution** who will be familiar with the issue of international sanctions and intangible transfer of technology. The purpose of designating a responsible person is for the institution to:

- know that they have at their disposal goods and technology which are subject to international sanctions or which are controlled items;
- take into account that persons from states which are subject to international sanctions restricting technical assistance may pose a risk in that information provided to them may be used in breach of applicable law;
- comply with the prohibition on technical assistance to Iranian and Syrian persons in relation to specific items specified in the relevant sanctions regulations, or have requested prior authorisation to provide technical assistance;
- do not provide education to persons from the Democratic People's Republic of Korea (DPRK) in a field other than health care, and this being a subject to the consent of the competent national authority;
- ensure that there is no illicit transfer of intangible technologies.

The responsible person should communicate this issue within the institution and at the same time be the contact person for the relevant national authorities.

The table below divides countries according to the degree of potential risk that contact with persons and institutions from these countries will lead to, albeit unintentional, violations of international sanctions or illicit transfer of intangible technologies.

zero risk	possible risk	increased risk	high risk
countries: EU, EEA, NATO; Australia, Japan, South Korea, New Zealand, United Kingdom	states not listed elsewhere in the table	states subject to international sanctions; Pakistan, India (not signatories to the Treaty on the Non-Proliferation of Nuclear Weapons)	DPRK, Iran (sanctions for WMD proliferation)

In practice, the reliance of academic and research performing institutions on compliance with international sanctions and control of intangible technology transfer that is based on "solemn declarations" from nationals of countries subject to sanctions or even on a "general" contractual obligation to comply with legal regulations valid in the Czech Republic has proven to be an inadequate solution. A solemn declaration or an agreement in a contract may be part of the institution's handling of international sanctions and control of intangible transfers of technology, but it does not relieve the institution of its own legal responsibility for compliance with applicable legislation governing international sanctions and the control of intangible transfers of technology.

Especially as regards ties and relations with institutions from countries where there is an increased and high risk of violation of international sanctions or illicit intangible transfer of technology, we urge caution against suspiciously advantageous offers for cooperation or other forms of partnership. Prudence should also be exercised towards people who are not typical applicants for studies or participation in research projects. For example, if a person from such a state applies for doctoral studies and the person has an extensive experience in the commercial sphere or state administration, it is appropriate to pay due attention to such a person, which may include an inquiry to the Financial Analytical Office about the suitability of admitting the person, even if they are not applying to a primarily risky field (see Annex 1).

Specific issues concerning a possible conflict of studies or employment with valid legal regulations can be consulted with the Financial Analytical Office in the case of international sanctions, in the case of military materiel and dual-use goods with the Licensing Administration of the Ministry of Industry and Trade, and with the State Office for Nuclear Safety in the case of nuclear items. These authorities will, if necessary, obtain the opinions of other authorities concerned or will inform you of the steps that must be taken to proceed.

6. CONCLUSION

Our constitutional order guarantees freedom of research and gives universities academic freedom. However, scientific research also has a legal framework, which includes protection against the negative consequences of research and the need to ensure that it is not misused, in a way that would jeopardise international peace and security and result in the proliferation of weapons of mass destruction, violations of fundamental human rights, or the promotion of terrorism.

It should be borne in mind that proliferation in the nuclear field or the provision of, for example, information enabling the prohibited development of military capabilities may also take place in civilian research or in cooperation with the scientific community and institutions from countries not currently subject to international sanctions. Increased caution is appropriate in this regard both in the physical export of controlled items, the export of which and related technical assistance always require the permission of the competent state authority, and in the mere handling of information (use of e-mail communication, transmission of data carriers or storage, or placing information in virtual repositories, i.e., clouds).

Responsibility for enforcing the prohibition on technical assistance and controlling intangible transfer of technology lies with the individuals (scientists), as well as with the institutions concerned. Everyone has a share of legal and social responsibility to ensure that the nuclear research outcomes do not allow the proliferation of weapons of mass destruction or that the findings of information and communication technology research do not allow systematic violations of fundamental human rights in third countries.

Of course, the state administration also bears its share of responsibility. Our activities do not end with the publication of this handbook. We will continue to provide individual advice to all stakeholders and to organise training and seminars. Therefore, if you have any questions, do not hesitate to contact the relevant authorities. We are here for you.

Annex 1 - LIST OF HIGHER EDUCATION FIELDS WITH INCREASED RISK IN TERMS OF THE PROVISION OF TECHNICAL ASSISTANCE OR INTANGIBLE TRANSFER OF TECHNOLOGY³

- biotechnology
- electrical engineering
- power engineering
- energy and fuels
- physics
- chemistry and biochemistry
- information and communication technologies
- engineering
- nuclear research (including, e.g., nuclear chemistry, nuclear technologies)
- astronautics
- aviation
- nano-technologies and nano-materials
- process engineering
- mechanical engineering
- materials technology

³ This list does not provide an exhaustive overview of all potentially risky areas.

Annex 2 - OVERVIEW OF SANCTION MECHANISMS WITH A PROHIBITION ON TECHNICAL ASSISTANCE – (TA)

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
Afghanistan	753/2011	Art. 2 (a) of the regulation	to any person, group, undertaking or entity listed in Annex I	goods and technology listed in the Common Military List of the European Union (Common Military List)	no
Belarus	765/2006	Art. 1b (1)(a)	to any person, entity or body in Belarus or for use in Belarus	goods and technology listed in the Common Military List of the European Union	yes
	765/2006	Art. 1b (1)(b)	to any person, entity or body in Belarus or for use in Belarus	equipment which might be used for internal repression as listed in Annex III	yes
Democratic Republic of Congo	1183/2005	Art. 1a (1)(a)	to any non-governmental entity or person operating in the territory of the Democratic Republic of Congo ('DRC')	goods and technology listed in the Common Military List of the European Union	yes
Iran	359/2011	Art. 1a (1)(b)	to any person, entity or body in Iran or for use in Iran	equipment which might be used for internal repression as listed in Annex III	yes
	359/2011	Art. 1c (1)(a)	to any person, entity or body in Iran or for use in Iran	equipment, technology and software as listed in Annex IV	yes
	267/2012	Art. 2a (1)(b)	to any Iranian person , entity or body in Iran or for use in Iran	items, including goods, technology and software, contained in the Nuclear Suppliers Group (Annex I)	yes
	267/2012	Art. 3a (1)(b)	to any Iranian person , entity or body in Iran or for use in Iran	goods and technology, other than those listed in Annex I and III, which could contribute to reprocessing, enrichment or heavy water operations or to other activities incompatible with the joint comprehensive action plan.	yes
	267/2012	Art. 4b (a)	to any Iranian person , entity or body in Iran or for use in Iran	goods and technology listed in the Missile Technology Control Regime (Annex III)	no
	267/2012	Art. 5 (a)	to any Iranian person , entity or body in Iran or for use in Iran	goods and technology listed in the Common Military List of the European Union	no

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
Yemen	267/2012	Art. 10d (1)(b)	to any Iranian person , entity or body in Iran or for use in Iran	software as listed in Annex VIIA	yes
	267/2012	Art. 15a (1)(b)	to any Iranian person , entity or body in Iran or for use in Iran	graphite and raw or semi-processed metals as listed in Annex VIIB	yes
	1352/2014	Art. 1a (a)	any natural or legal person, entity or body as listed in Annex I	weapons and related materiel of all types, including arms and ammunition, military vehicles and equipment, paramilitary equipment and related spare parts	yes
South Sudan	740/2015	Art. 1 (2)(a)	to any natural or legal person, entity or body in South Sudan, or for use in South Sudan	the provision of armed mercenaries, technical assistance related to military activities or to weapons and related materiel of all kinds, including arms and ammunition, military vehicles and equipment, paramilitary equipment and related spare parts for the aforesaid weapons and materiel, or the provision, manufacture, maintenance and use of such items	no
Libya	2016/44	Art. 2a (1)(b)	to any person, entity or body in Libya or for use in Libya	the list of items that could be used for the smuggling of migrants and trafficking in human beings as listed in Annex VII.	yes
	2016/44	Art. 3 (1)(a)	to any person, entity or body in Libya or for use in Libya	goods and technology listed in the Common Military List of the European Union	yes
	2016/44	Art. 3 (1)(b)	to any person, entity or body in Libya or for use in Libya	equipment which might be used for internal repression as listed in Annex I	yes
	2016/44	Art. 3 (1)(d)	to any person, entity or body in Libya or for use in Libya	related to the provision of armed mercenaries in Libya or for use in Libya	yes

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
Myanmar (Burma)	401/2013	Art. 3 (1)(a)	to any natural or legal person, entity or body in Myanmar/Burma, or for use in Myanmar/Burma	military activities and the provision, production, maintenance and use of arms and related materiel of all types, including arms and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforesaid	no
	401/2013	Art. 3 (2)(a)	to any natural or legal person, entity or body in Myanmar/Burma, or for use in Myanmar/Burma	equipment which might be used for internal repression as listed in Annex I	no
	401/2013	Art. 3a (1)	to any military end-user, border police or for military use in Myanmar/Burma	dual-use items and technology listed in Annex I to Council Regulation (EC) No 428/2009, regardless of whether they originate in the EU	yes
	401/2013	Art. 3c (1)(a)	to any person, entity or body in Myanmar/Burma or for use in Myanmar/Burma	equipment, technology and software intended primarily for monitoring or intercepting internet or telephone communications, as listed in Annex III	yes
North Korea (DPRK)	1509/2017	Art. 7 (1)(a)	to any natural or legal person or entity in the DPRK or for use in the DPRK	goods and technology in the Common Military List of the European Union or in Annex II; Annex II includes: 1) all goods and technology listed in Annex I to Regulation (EC) No 428/2009; 2. Other items, materials, equipment, goods and technology that could contribute to the development of the DPRK 's programs in the field of nuclear weapons and other weapons of mass destruction; 3) some key components for the ballistic missile industry; 4) items, materials, equipment, goods and technology in the field of weapons of mass	no

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
	1509/2017	Art. 11 (c)	the government of the DPRK, its public authorities, enterprises and institutions, the central bank of the DPRK and to any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them	destruction, which are marked in accordance with paragraph 25 of UNSCR 2270 (2016); 5) items, materials, equipment, goods and technology in the field of weapons of mass destruction, which are marked in accordance with paragraph 4 of UNSCR No. 2321 (2016) gold, precious metals and diamonds listed in Annex IX, regardless of whether they originate in the EU	no
Russia	833/2014	Art. 2a (2)(a)	to any person, entity or body in Russia listed in Annex IV	dual-use items and technology included in Annex I to Regulation (EU) No 428/2009, regardless of whether they originate in the EU	no
	833/2014	Art. 4 (1)(a)	to any natural or legal person, entity or body in Russia or for use in Russia	goods and technology listed in the Common Military List of the European Union	yes
	833/2014	Art. 4 (1)(c)	to any natural or legal person, entity or body in Russia or for use in Russia in so far as such items are or could be intended, in their entirety or in part, for military use or for military end-users	dual-use goods and technologies	no
	833/2014	Art. 4 (3)	to any natural or legal person, entity or body in Russia, including its exclusive economic zone and continental shelf, or where such assistance relates to items for use in Russia, including its exclusive economic zone and continental shelf, to any person, entity or body in any another state	the entries in Annex II (certain entries suitable for the following categories of exploration and production projects in Russia, including its exclusive economic zone and the continental shelf: (a) oil exploration and production in waters deeper than 150 meters;	yes

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
				(b) offshore oil exploration and production north of the Arctic Circle; or (c) projects that have the potential to produce oil from sources contained in shale formations by hydraulic fracturing; does not apply to exploration and production through shale formations to locate or extract oil from non-shale reservoirs.	
Russia-Ukraine (Crimea and Sevastopol)	692/2014	Art. 2b (2)(a)	to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol	goods and technology listed in Annex II	no
	692/2014	Art. 2c (1)		infrastructure in Crimea or Sevastopol in the sectors referred to in Article 2b (1), defined on the basis of Annex II, regardless of the origin of the goods and technology.	no
Somalia	356/2010	Art. 8 (1)(a)	all natural or legal persons, entities or bodies listed in Annex I	goods and technology listed in the Common Military List of the European Union	no
Central African Republic	224/2014	Art. 2 (a)	to any person, entity or body in the Central African Republic or for use in the Central African Republic	goods and technology listed in the Common Military List of the European Union	yes
	224/2014	Art. 2 (c)		the provision of armed mercenaries in the Central African Republic or for use in the Central African Republic	yes
Sudan	747/2014	Art. 2 (a)	to any natural or legal person, entity or body in Sudan or for use in Sudan	arms and related materiel of all types, including arms and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforesaid arms and materiel	yes

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
Syria	36/2012	Art. 2 (2)	to any person, entity or body in Syria or for use in Syria	equipment which might be used for internal repression other than that specified in Annex Ia or Annex IX	yes
	36/2012	Art. 3 (1)(a)	to any person, entity or body in Syria or for use in Syria	equipment, goods, or technology which might be used for internal repression or for the production and maintenance of products which might be used for internal repression, and which are listed in Annex Ia	yes
	36/2012	Art. 3 (4)(a)	to any person, entity or body in Syria or for use in Syria	equipment, goods and technology listed in Annex IX	yes
	36/2012	Art. 5 (1)(a)	to any person, entity or body in Syria or for use in Syria	equipment, technology and software as listed in Annex V	no
	36/2012	Art. 9 (a)	to any Syrian person , entity or body	equipment and technology as listed in Annex VI	yes
	36/2012	Art. 11a (1)(c)	the Government of Syria, its public authorities, enterprises and institutions, the Syrian central bank and to any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them	gold, precious metals and diamonds listed in Annex VIII	no
	36/2012	Art. 12 (1)(b)		equipment or technology listed in Annex VII to be used for the construction or assembly of new power plants to generate electricity in Syria	no
Venezuela	2063/2017	Art. 2 (1)(a)	to any natural or legal person, entity or body in Venezuela or for use in Venezuela	goods and technology listed in the Common Military List of the European Union	yes
		Art. 3 (b)	to any person, entity or body in Venezuela or for use in Venezuela	equipment which might be used for internal repression as listed in Annex I	yes

Sanction mechanism	Council Regulation (EU) number/year	Article	To whom TA must not be provided	Prohibition on TA involves	Possibility of exemption for permission
Zimbabwe	314/2004	Art. 2 (a)	to any person, entity or institution in Zimbabwe or for use in Zimbabwe	arms and related materiel of all kinds, including arms and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforesaid goods	no
		Art. 3 (b)	to any natural or legal person, or entity in Zimbabwe, or for use in Zimbabwe	equipment which might be used for internal repression as listed in Annex I	yes

Annex 3 – EXAMPLE OF DATA AND INFORMATION REQUIRED IN A QUALIFIED INQUIRY AND VARIANTS OF RESPONSES FROM THE RELEVANT AUTHORITY

Sender of the qualified inquiry (request for an interpretative opinion)	
Name of the institution	<i>University</i>
Contact person responsible for international sanctions and controlled items in the nuclear, biological and chemical fields	<i>doc. Jana Nováková</i> <i>jana.novakova@vysokaskola.cz</i> <i>222 333 444, 601 234 567</i>
Person responsible for the study or research of the given applicant (academic sponsor, research leader, etc.)	<i>prof. Anna Nová</i> <i>anna.nova@vysokaskola.cz</i> <i>601 891 234, 222 333 555</i>
Study program and field of study to which the applicant is applying	<i>Nuclear energy facilities – construction, components, operation</i>
Detailed description of the topic of the dissertation or research	<i>Measurement of neutrons in nuclear reactors, including their spectrum, activation analysis and their use in operation.</i>

Applicant	
Given name	<i>Fatemeh</i>
Surname	<i>Hosseini Mohammadi</i>
Gender	<i>female</i>
Date of birth	<i>30. 9. 1995</i>
Birthplace:	<i>Tehran, Iran</i>
Nationality	<i>Iran, Canada</i>
Passport no.	<i>Z85102790</i>
Valid until	<i>22. 2. 2022</i>
Residency permit no. (if available)	<i>000893439</i>
Valid until	<i>31. 12. 2021</i>

Academic and professional CV of the candidate	
Graduated from university	<i>University of Canada, Canada</i>
Field of study	<i>Master's degree in nuclear physics in 2005</i>
Topics of final theses	<i>Computer tools for the analysis of nuclear reactors</i>
Publications	<i>The Computerization of Nuclear Power Plant Control Rooms in Advances in Nuclear Science and Technology (anthology)</i>
Work experience	<i>...</i>

Conflicts with international sanctions or control mechanisms

According to the submitted CV, the applicant has been living in Canada since she was fifteen. We see a possible conflict with Council Regulation (EU) No 267/2012, as she has Iranian citizenship and that regulation makes the provision of technical assistance to an Iranian person in relation to goods, technology and software listed in Annex I subject to the prior consent of the competent authority.

Possible solutions from the relevant authority (Ministry of Industry and Trade for items in Annexes I and II to Regulation 267/2012)

After consultation with the competent national authorities, the following has been evaluated:

- 1. the applicant does not pose a security risk and the opinion is issued as a permit in accordance with Art. 2a (1)(b) **after the approval proposal has been approved by the UN Security Council.** (Note: The domestic authority cannot issue a permit until it receives such approval.)*
- 2. given her work experience gained in various countries, the applicant was classified as a security risk and no permit will be issued.*

Annex 4 – GLOSSARY OF TERMS

applied research (Section 2 (1)(b) of Act No. 130/2002 Coll. on the promotion of research and development from public funds)	theoretical and experimental work aimed at acquiring new knowledge and skills for the development of new or substantially improved products, processes or services; Industrial research, experimental development (hereinafter referred to as "development") or combinations thereof are part of applied research
experimental development or development (Article 2 (86) of Commission Regulation (EU) No 651/2014)	<p>acquiring, combining, shaping and using existing scientific, technological, business and other relevant knowledge and skills with the aim of developing new or improved products, processes or services. This may also include, for example, activities aiming at the conceptual definition, planning and documentation of new products, processes or services.</p> <p>Experimental development may comprise prototyping, demonstrating, piloting, testing and validation of new or improved products, processes or services in environments representative of real-life operating conditions where the primary objective is to make further technical improvements on products, processes or services that are not substantially set. This may include the development of a commercially usable prototype or pilot which is necessarily the final commercial product and which is too expensive to produce for it to be used only for demonstration and validation purposes.</p> <p>Experimental development does not include routine or periodic changes made to existing products, production lines, manufacturing processes, services and other operations in progress, even if those changes may represent improvements.</p>
industrial research (Article 2 (85) of Commission Regulation (EU) No 651/2014)	systematic research or critical investigation aimed at the acquisition of new knowledge and skills for developing new products, processes or services or for bringing about a significant improvement in existing products, processes or services. It comprises the creation of component

parts of complex systems and may include the construction of prototypes in a laboratory environment or in an environment with simulated interfaces to existing systems as well as of pilot lines, when necessary for the industrial research and notably for generic technology validation.

technical assistance (general definition from the [Sanctions Guidelines](#))

any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance

technology (see the terms defined in the [Common Military List of the EU](#))

specific information required for the "development", "production", operation, installation, maintenance (checking), repair, overhaul or refurbishing of goods. This information shall take the form of "technical data" or "technical assistance".

“Technical data” may take the form of blueprints, plans, diagrams, models, forms, tables, technical drawings and specifications, manuals and instructions written or recorded on other media or devices, such as disks, tapes, read-only memories (ROMs).

fundamental research (Article 2 (84) of Commission Regulation (EU) No 651/2014)

experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts, without any direct commercial application or use in view