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## 6<sup>th</sup> sanction package analysis and impact on the EGI Infrastructure

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# Analysis of applicable regulations

# Introduction to the European Council Decision 2014/512/CFSP of 31 July 2014

- Council Decision 2014/512/CFSP of 31 July 2014 ‘concerning introduced restrictive measures in view of Russia's actions destabilising the situation in Ukraine’ bans ‘the direct or indirect *sale, supply, transfer or export of all dual-use goods and technology listed in Annex I to Regulation (EU) 2021/821 of the European Parliament and of the Council to any natural or legal person, entity or body in Russia or for use in Russia by nationals of Member States or from the territories of Member States*’.
- Decision [text](#), Official Journal L 153 of the EU, 02 June 2022
- Derogations are defined in Article 3b in case
  - Such goods or technology or the related technical or financial assistance are necessary for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or the environment

# Council Decision 2014/512/CFSP

## Article 3 and 3a

### Article 3

1. The direct or indirect sale, supply, transfer or export of **all dual-use goods and technology listed in Annex 1** to Regulation (EU) 2021/821 of the European Parliament and of the Council ( <sup>7</sup> ) to any natural or legal person, entity or body in Russia or for use in Russia by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall be prohibited:

- (a) **to provide technical assistance, brokering services or other services related to the goods and technology** referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Russia or for use in Russia;
- (b) to provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any natural or legal person, entity or body in Russia, or for use in Russia.

### Article 3a

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly **goods and technology which might contribute to Russia's military and technological enhancement**, for the development of the defence and security sector, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia.

2. It shall be prohibited:

- (a) to provide **technical assistance, brokering services or other services related to goods and technology** referred to in paragraph 1 and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Russia, or for use in Russia;
- (b) to provide financing or financial assistance related to the goods and technology referred to in paragraph 1 for any sale, supply, transfer or export of those goods and technology, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any natural or legal person, entity or body in Russia, or for use in Russia.

- REGULATION (EU) 2021/821 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2021 setting up a Union regime for the *control of exports, brokering, technical assistance, transit and transfer of dual-use items* (recast) ([text](#))
  - “Dual-use items are goods, software and technology that can be used for both civilian and military applications.” ([link](#))
  - The EU controls the export, transit, brokering and technical assistance of dual-use items so that it can contribute to international peace and security and prevent the proliferation of Weapons of Mass Destruction (WMD).
  - ‘[technical assistance](#)’ means 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; including verbal forms of assistance;

## Text

- Part VI Computers

- Category 4 Computers
- 4A defines the specifications of Systems and Equipment and Components e.g.

4A003 "Digital computers", "electronic assemblies", and related equipment therefor, as follows and specially designed components therefor:

Note 4A003 includes the following:

- 1:
- "Vector processors";
  - Array processors;
  - Digital signal processors;
  - Logic processors;
  - Equipment designed for "image enhancement".

Note The control status of the "digital computers" and related equipment described in 4A003 is determined by the control status of other equipment or systems provided:

2: a. The "digital computers" or related equipment are essential for the operation of the other equipment or systems;

b. The "digital computers" or related equipment are not a "principal element" of the other equipment or systems; and

N.B.1. The control status of "signal processing" or "image enhancement" equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the "principal element" criterion.

N.B.2. For the control status of "digital computers" or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

- [The 6th sanction package](#) – Official Journal L 153 of the EU, 02 June 2022 – amends Regulation (EU) No 833/2014 concerning restrictive measures
  - Includes extensions to Annex IV ‘List of legal persons, entities and bodies referred to in Articles 3(7), 3a(7), and 3b(1)’
  - [Text](#)

## ANNEX

(1) In Annex IV to Decision 2014/512/CFSP, the following entries are added:

“46th TSNII Central Scientific Research Institute

Alagir Resistor Factory

All-Russian Research Institute of Optical and Physical Measurements

All-Russian Scientific-Research Institute Etalon JSC

Almaz JSC

Arzam Scientific Production Enterprise Temp Avia

Automated Procurement System for State Defense Orders, LLC

Dolgoprudniy Design Bureau of Automatics (DDBA JSC)

Electronic Computing Technology Scientific-Research Center JSC

Electrosignal JSC

Energiya JSC

Engineering Center Moselectronproekt

Etalon Scientific and Production Association

Evgeny Krayushin

Foreign Trade Association Mashpriborintorg

Ineko LLC

Informakustika JSC

Institute of High Energy Physics

Institute of Theoretical and Experimental Physics



# Discussion

- Affected computing facilities in the context of the EGI Federation:
  - **SU-Protvino-IHEP (certified, in production)**
  - **ITEP – currently suspended since May due to lack of response to critical vulnerabilities**
- The EGI Foundation is responsible on behalf of the EGI Council for the federating services provided to the federation members
  - As a Dutch based entity with legal personality in the Netherlands it is subject to EC Council regulations
  - Responding to a challenge by the Dutch authorities, will require extensive legal advice
  - We have no verification means to determine whether or not there is dual-use related to computers hosted in the named sites
  - GEANT is in a similar position and decided they will stay on the safe side and stopped peering ([announcement](#))

- The EGI Foundation technical measures for applying sanctions consists in the (temporary) suspension of ITEP and IHEP data centres
- The EGI EB will be asked to decide on the temporary suspension of the ITEP and IHEP resource centres from the EGI Federation in response to Legislation 153, 03 June 2022 on the 22nd of August
  - What is the impact of a suspension of IHEP on LHC VOs?