

3. Without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821, the prohibitions in paragraphs 1 and 2 of this Article shall not apply to the sale, supply, transfer or export of dual-use goods and technology or to the related provision of technical and financial assistance, for non-military use and for a non-military end-user, intended for:

- (a) humanitarian purposes, health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or on the environment or as a response to natural disasters;
- (b) medical or pharmaceutical purposes;
- (c) temporary use by news media;
- (d) software updates;
- (e) use as consumer communication devices;
- (f) ensuring cyber-security and information security for natural or legal persons, entities or bodies in Belarus except for its government and undertakings directly or indirectly controlled by that government; or
- (g) personal use of natural persons travelling to Belarus, and limited to personal effects, household effects, vehicles or tools of trade owned by those individuals and not intended for sale.

With the exception of points (f) and (g), the exporter shall declare in the customs declaration that the items are being exported under the relevant exception set out in this paragraph and shall notify the competent authority of the Member State in which it is resident or established of the first use of the relevant exception within 30 days from that first export.

4. By way of derogation from paragraphs 1 and 2 of this Article, and without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821, the competent authority may authorise the sale, supply, transfer or export of dual-use goods and technology or the provision of related technical or financial assistance, for non-military use and for a non-military end user, after having determined that such goods or technology or the related technical or financial assistance are intended for:

- (a) cooperation between the Union, the governments of Member States and the government of Belarus in purely civilian matters;
- (b) intergovernmental cooperation in space programmes;
- (c) the operation, maintenance, fuel retreatment and safety of civil nuclear capabilities, as well as civil nuclear cooperation, in particular in the field of research and development;
- (d) maritime safety;
- (e) civilian telecommunications networks, including the provision of internet services;
- (f) the exclusive use of entities owned, or solely or jointly controlled, by a legal person, entity or body which is incorporated or constituted under the law of a Member State or of a partner country;
- (g) the diplomatic representations of the Union, Member States and partner countries, including delegations, embassies and missions.

5. By way of derogation from paragraphs 1 and 2 of this Article, and without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821, the competent authority may authorise the sale, supply, transfer or export of dual-use goods and technology or the provision of related technical or financial assistance, for non-military use and for a non-military end-user, after having determined that such goods or technology or such related technical or financial assistance are due under contracts concluded before 3 March 2022, or ancillary contracts necessary for the execution of such a contract, provided that such authorisation is requested before 1 May 2022.

6. Authorisations required under this Article shall be granted by the relevant competent authority in accordance with the rules and procedures laid down in Regulation (EU) 2021/821, which shall apply *mutatis mutandis*. Such authorisation shall be valid throughout the Union.

7. When deciding on a request for authorisation pursuant to paragraphs 4 and 5, the competent authority shall not grant an authorisation if it has reasonable grounds to believe that:

- (i) the end-user might be a military end-user or a natural or legal person, entity or body listed in Annex V, or that the goods might have a military end-use; or
- (ii) the sale, supply, transfer or export of goods and technology referred to in paragraph 1, or the provision of related technical or financial assistance, is intended for aviation or the space industry.

8. The competent authority may annul, suspend, modify or revoke an authorisation which it has granted pursuant to paragraphs 4 and 5 if it deems that such annulment, suspension, modification or revocation is necessary for the effective implementation of this Regulation.;

(5) Article 1f is replaced by the following:

*'Article 1f*

1. Without prejudice to Articles 1a, 1c and 1s, it shall be prohibited to sell, supply, transfer or export, directly or indirectly, goods and technology which might contribute to Belarus's military and technological enhancement, or to the development of its defence and security sector, as listed in Annex Va, whether or not originating in the Union, to any natural or legal person, entity or body in Belarus or for use in Belarus.

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, or 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 Belarus or for use in Belarus;
- (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 Belarus or for use in Belarus.

3. The prohibitions in paragraphs 1 and 2 shall not apply to the sale, supply, transfer or export of the goods and technology referred to in paragraph 1 or to the related provision of technical and financial assistance, for non-military use and for a non-military end-user, intended for:

- (a) humanitarian purposes, health emergencies, the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety or on the environment, or as a response to natural disasters;
- (b) medical or pharmaceutical purposes;
- (c) temporary use by news media;
- (d) software updates;
- (e) use as consumer communication devices;
- (f) ensuring cyber-security and information security for natural or legal persons, entities or bodies in Belarus except for its government and undertakings directly or indirectly controlled by that government; or
- (g) personal use of natural persons travelling to Belarus, and limited to personal effects, household effects, vehicles or tools of trade owned by those individuals and not intended for sale.

With the exception of points (f) and (g), the exporter shall declare in its customs declaration that the items are being exported under the relevant exception set out in this paragraph and shall notify the competent authority of the Member State in which it is resident or established of the first use of the relevant exception within 30 days from that first export.

4. By way of derogation from paragraphs 1 and 2, the competent authority may authorise the sale, supply, transfer or export of the goods and technology referred to in paragraph 1 or the provision of related technical or financial assistance, for non-military use and for a non-military end-user, after having determined that such goods or technology or the related technical or financial assistance are intended for:

- (a) cooperation between the Union, the governments of Member States and the government of Belarus in purely civilian matters;
- (b) intergovernmental cooperation in space programmes;
- (c) the operation, maintenance, fuel retreatment and safety of civil nuclear capabilities, as well as civil nuclear cooperation, in particular in the field of research and development;
- (d) maritime safety;
- (e) civilian telecommunications networks, including the provision of internet services;
- (f) the exclusive use of entities owned, or solely or jointly controlled by a legal person, entity or body which is incorporated or constituted under the law of a Member State or of a partner country; or
- (g) the diplomatic representations of the Union, Member States and partner countries, including delegations, embassies and missions.

5. By way of derogation from paragraphs 1 and 2, the competent authority of a Member State may authorise the sale, supply, transfer or export of the goods and technology referred to in paragraph 1 or the provision of related technical or financial assistance, for non-military use and for a non-military end-user, after having determined that such goods or technology or the related technical or financial assistance are due under contracts concluded before 3 March 2022, or ancillary contracts necessary for the execution of such a contract, provided that such authorisation is requested before 1 May 2022.

6. Authorisations required under this Article shall be granted by the relevant competent authority in accordance with the rules and procedures laid down in Regulation (EU) 2021/821, which shall apply *mutatis mutandis*. Such authorisations shall be valid throughout the Union.

7. When deciding on a request for authorisation pursuant to paragraphs 4 and 5, the competent authority shall not grant an authorisation if it has reasonable grounds to believe that:

- (i) the end-user might be a military end-user or a natural or legal person, entity or body listed in Annex V, or that the goods might have a military end-use; or
- (ii) the sale, supply, transfer or export of goods and technology referred to in paragraph 1, or the provision of related technical or financial assistance, is intended for aviation or the space industry.

8. The competent authority may annul, suspend, modify or revoke an authorisation which it has granted pursuant to paragraphs 4 and 5 if it deems that such annulment, suspension, modification or revocation is necessary for the effective implementation of this Regulation.;

- (6) the following Articles are inserted:

*Article 1fa*

1. With regard to the entities listed in Annex V, by way of derogation from Article 1e(1) and (2) and Article 1f(1) and (2), and without prejudice to the authorisation requirements pursuant to Regulation (EU) 2021/821, the competent authority may only authorise the sale, supply, transfer or export of dual-use goods and technology and goods and technology listed in Annex Va, or the provision of related technical or financial assistance, after having determined that such goods or technology or the related technical or financial assistance are:

- (a) 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; or
- (b) due under contracts concluded before 3 March 2022, or ancillary contracts necessary for the execution of such a contract, provided that such authorisation is requested before 1 May 2022.

2. Authorisations required under this Article shall be granted by the competent authorities of the Member State in accordance with the rules and procedures laid down in Regulation (EU) 2021/821, which shall apply *mutatis mutandis*. Such authorisation shall be valid throughout the Union.

3. The competent authorities may annul, suspend, modify or revoke an authorisation which they have granted pursuant to paragraph 1 if they deem that such annulment, suspension, modification or revocation is necessary for the effective implementation of this Regulation.

#### Article 1fb

1. The notification to the competent authority referred to in Articles 1e(3) and 2f(3) shall be submitted by electronic means, whenever possible, on forms containing at least all the elements of, and in the order provided for in, the models set out in Annex Vc.

2. All authorisations referred to in Articles 1e and 1f shall be issued by electronic means, whenever possible, on forms containing at least all the elements of, and in the order provided for in, the models set out in Annex Vc.

#### Article 1fc

1. The competent authorities shall exchange information on authorisations granted and denials issued pursuant to Articles 1e, 1f and 1fa with the other Member States and the Commission. Such exchange of information shall be carried out using the electronic system provided pursuant to Article 23(6) of Regulation (EU) 2021/821.

2. Information received as a result of the application of this Article shall be used only for the purpose for which it was requested, including the exchanges mentioned in paragraph 4. Member States and the Commission shall ensure the protection of confidential information acquired in the application of this Article in accordance with Union law and the respective national law. Member States and the Commission shall ensure that classified information provided or exchanged under this Article is not downgraded or declassified without the prior written consent of the originator.

3. Before a Member State grants an authorisation in accordance with Article 1e, 1f or 1fa for a transaction which is essentially identical to a transaction which is the subject of a still valid denial issued by another Member State or by other Member States, it shall first consult the Member State or Member States which issued the denial. If, following such consultations, the Member State concerned decides to grant an authorisation, it shall inform the other Member States and the Commission thereof, providing all relevant information to explain the decision.

4. The Commission, in consultation with the Member States, shall, where appropriate and on the basis of reciprocity, exchange information with partner countries, with a view to supporting the effectiveness of export control measures under this Regulation and the consistent application of export control measures applied by partner countries.;

(7) Article 1g is amended as follows:

(a) the following paragraph is inserted:

‘1a. It shall be prohibited to provide, directly or indirectly, technical assistance, brokering services, financing or financial assistance, including financial derivatives, as well as insurance and re-insurance, related to the prohibitions in paragraph 1’;

(b) paragraph 3 is deleted;