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| THE UNIVERSITY OF PARDUBICE | |
| Rector's Measure No. 8/2022 | |
| Subject Matter: | Procedure for the admission and further study of students from Russia and Belarus in the context of the war aggression against Ukraine and the implementation of the ban on the provision of technical assistance and intangible transfer of technology |
| Applicable to: | All departments of the University of Pardubice |
| Effective from: | 2 June 2022 |
| Reference number: | RPO/0041/22 |
| Prepared and submitted by: | doc. Mgr. Pavel Panoch, Ph.D., Vice-Rector for Education and Quality |
| Approved by: | doc. Mgr. Pavel Panoch, Ph.D., Vice-Rector for Education and Quality |

Article 1 Introductory Provisions

- (1) In connection with the Russian aggression against Ukraine and the involvement of Belarus therein, and concerning the directly applicable sanction regulations of the European Union¹, the Rector of the University of Pardubice (the "University"), in order to implement the prohibition on the provision of technical assistance and intangible technology transfer at the University, issues the following Measure which sets out the procedure for the admission and further study of students from Russia and Belarus.
- (2) Any action should be taken only on the legal basis of the sanctions imposed within the European Union against Russia and Belarus in connection with the armed conflict on the territory of Ukraine.

Article 2 Basic Principles for the Application of Sanctions in Relation to Studies

- (1) The University is obliged, inter alia, to comply with the prohibition to provide technical assistance, directly or indirectly, to any natural or legal person, entity or body in Russia or Belarus or for use in Russia or Belarus (the "risk countries"), both at the stage of admission to studies and in the course of studies already in progress, as well as in the conduct of applied research.

¹ COUNCIL REGULATION (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0833&from=EN>
COUNCIL REGULATION (EU) No. 692/2014 of 23 June 2014 concerning restrictions on the import into the Union of goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol, available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0692&from=EN>
COUNCIL REGULATION (EU) 2022/263 of 23 February 2022 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas, available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0263&from=EN>
COUNCIL REGULATION (EC) No. 765/2006 of 18 May 2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R0765&from=EN>

- (2) For the purposes of international sanctions in EU law, technical assistance means any technical assistance relating to repair, development, manufacture, assembly, testing, maintenance or other technical services, which may take the form of instruction, advice, training, the transmission of working knowledge or skills or consultation; technical assistance also includes oral forms of assistance.
- (3) In line with the opinion of the European Commission, the provision of higher education and the conduct of applied research could also fall under the concept of technical assistance.²
- (4) The national coordinator for the implementation of international sanctions in the Czech Republic for the purpose of maintaining or restoring international peace and security, the protection of fundamental human rights and the fight against terrorism is the **Financial Analytical Office** (the "FAU"), whose activities and authority are defined by Act No. 253/2008 Sb., on Selected Measures against the Legitimation of Proceeds of Crime and Financing Terrorism, as amended (the AML Act) and Act No. 69/2006 Sb., on the Implementation of International Sanctions, as amended.
- (5) In defining the procedure under this Measure, the University shall be guided by the **Technical Assistance and Intangible Technology Transfer Manual issued by the FAU**³ and the **Methodological Recommendation for Universities and Scientific Research Institutions** published on 23 March 2022 in the context of international sanctions against Russia and Belarus⁴.
- (6) Each case of application of sanctions must be assessed individually. It is always necessary to determine whether a prohibition on the provision of technical assistance should be applied in the case of a particular natural person, given the nature of that person's programme of study or research. The specific goods and technologies to which the prohibition on the provision of technical assistance applies shall always be explicitly stated in the relevant sanctioning regulation.

Article 3

Critical Study Programme Detection

- (1) For the purposes of this Measure, a critical study programme is a study programme, the study of which can be considered as technical assistance within the meaning of Article 2(2) hereof.
- (2) The determination of whether an accredited study programme is critical is made by the faculty that implements the specific programme.
- (3) The prohibition on the direct or indirect provision of technical assistance in higher education does not apply to information generally available. In scientific research, it does not apply to basic research, i.e. research whose results are openly published, not immediately commercially exploitable and not covered by patent protection. In a university

² Find the Commission Opinion of 5 August 2019 here: https://ec.europa.eu/info/files/190805-opinion-technical-assistance-prohibition_cs

³ Available here: [prirucka-technicke-pomoci-a-nehmotneho-prenosu-technologie.pdf \(financnianalytickyurad.cz\)](#)

⁴ Available here: [metodicke-doporuceni-pro-vysoke-skoly-a-vedecko-vyzkumne-instituce-zc-dne-23-brezna-2022.pdf \(financnianalytickyurad.cz\)](#)

setting, the following study programmes are at increased risk in terms of the provision of technical assistance or intangible technology transfer:

| kritické studijní programy na fakultách UPCE podle typu studia | | | | | | |
|--|--------------|----------------------|--------------|-------------------------------------|--------------|--|
| fakulta | Bc. | | NMgr. | | Ph.D. | |
| | kód SP | název SP | kód SP | název SP | kód SP | název SP |
| DFJP | | x | | x | | x |
| FEI | B0714A060022 | Komunikační technika | N0613A140007 | Informační technologie | P0788D060001 | Elektrotechnika a informatika |
| | | | N0714A060018 | Komunikační a radarové systémy | P0788D060002 | Electrical Engineering and Informatics |
| | | | N0714A150005 | Automatické řízení | | |
| FES | | x | N0688A140007 | Informatika a systémové inženýrství | P1802 | Aplikovaná informatika |
| | | | N0688A140008 | Informatics and System Engineering | P1802 | Applied informatics |
| | | | | | P0688D140003 | Systémové inženýrství a informatika |
| | | | | | P0688D140004 | System Engineering and Informatics |
| FF | | x | x | | x | |
| FChT | | x | N0531A130027 | Inženýrství energetických materiálů | P0531D130053 | Inženýrství energetických materiálů |
| FR | | x | | x | | x |
| FZS | | x | | x | | x |

- (4) The risk of providing technical assistance within the provided scope of education and research conducted at the University must be:
- analysed in detail specifically and individually in the carried-out study programmes, courses of study and research,
 - assessed in terms of the permeability of studies across the University; to this end, the different units will provide the necessary synergies;
 - particular attention must be paid to information provided that may have a hidden link to categories of goods and technology defined in directly applicable European Union sanctions legislation.
- (5) Bachelor's and Master's degree programmes in which public and common knowledge and skills are imparted to students are not considered technical assistance, and the study of students from the risk countries is not a violation of sanctions.
- (6) When deciding on admission to study or continuation of study in the case of students and applicants for doctoral study programmes who come from the risk countries, it is necessary to assess the content of the specific study programme and the individual study plan, including the subject of the scientific research activity and the topic of the dissertation being prepared.
- (7) Study programmes of all levels that specifically and uniquely apply technologies within the areas defined in directly applicable European Union sanctions legislation may be classified as providing technical assistance. The study of students from the risk countries in such programmes may be considered a violation of sanctions.
- (8) In deciding whether to admit applicants to critical degree programmes or continue studying in these programmes, the decision in the case of applicants and students with dual (or multiple) citizenships, one of which is Russian or Belarusian, is made according to the citizenship to which the sanctions apply.
- (9) In exceptional cases of doubt, justified explicitly by the relevant faculty, as to whether a particular study programme materially fulfils the essence of a critical study programme, the Dean of the relevant faculty shall report this finding to the Vice-Rector for Education and Quality. The Vice-Rector shall consult the potential danger of the particular study

programme in the form of a qualified enquiry with the FAU. The FAU shall immediately inform the Rector and the Dean of the faculty concerned of their opinion.

Article 4

Measures to Implement Sanctions in Relation to Applicants from the Risk Countries

- (1) When deciding on the admission of applicants from the risk countries **to critical study programmes**, the following procedure shall apply:
 - (a) applicants from the risk countries cannot be admitted to study a critical study programme;
 - (b) applicants from the risk countries may be offered the opportunity to study in another (non-critical) study programme if they meet all the conditions for admission thereto;
 - (c) in the case of a doctoral programme, applicants from the risk countries may be offered
 - i. an individual study plan excluding any critical subjects;
 - ii. a possibility to change, after discussion with the applicant, the dissertation topic in such a way that its implementation would not make it possible to designate the study programme as critical;
 - (d) if it is not possible to proceed according to (b) or (c) of this paragraph, or if the applicant refuses an offer of admission to another study programme or a change of doctoral study, the Dean shall decide not to admit the applicant to study.
- (2) When deciding on the admission of applicants from the risk countries **to non-critical study programmes**, the following procedure shall apply:
 - (a) if the applicant fulfils the conditions for admission to study, they must be admitted and are therefore entitled to enrol;
 - (b) the department of studies of the relevant faculty informs applicants from the risk countries by e-mail in advance that the Ministry of the Interior of the Czech Republic does not currently issue new visas to persons from Russia and Belarus.

Article 5

Measures to Implement Sanctions in Relation to Students from the Risk Countries

- (1) In case of continuation of studies of existing students of the University from the risk countries **in critical study programmes**, the following procedure shall apply:
 - (a) students from the risk countries will be offered a transfer to another (non-critical) study programme;
 - (b) doctoral students will be offered a change in their individual study plan or dissertation topic so that their study can no longer be considered as being the one in a critical study programme;
 - (c) if the procedure under (a) or (b) of this paragraph is not possible, the Dean of the faculty concerned shall notify the Vice-Rector for Education and Quality, who shall request the FAU to assess or grant an exemption. The request shall be preceded by collecting information about the student available to the University and by reviewing the student on the EU Sanction Map as available at www.sanctionsmap.eu;
 - (d) if an offer under (a) or (b) is not accepted by the student and, following consideration by the FAU, the student is not granted an exemption, the University shall suspend the student's studies

(i) either following an application submitted by the student, or
(ii) ex officio, by direct enforcement of the relevant EU Council Regulation, for the duration of the sanctions. The person shall not be entitled to re-enrol in the course of study for the duration of the sanctions.

- (2) The access of students from the risk countries to goods and technologies covered by technical assistance under Article 3(7) hereof must be prevented even outside the teaching of their study programme. If the fulfilment of the conditions of the study does not allow such access to be prevented, the study is considered a critical study programme, and the procedure under paragraph (1) of this Article shall be applied.
- (3) Specific questions concerning possible conflicts of studies with applicable legislation may be consulted through the Vice-Rector for Education and Quality with the FAU in the case of international sanctions, with the Licensing Administration of the Ministry of Industry and Trade in the case of military equipment and dual-use goods or technologies, and with the State Office for Nuclear Safety in the case of nuclear items.

Article 6 **Final Provisions**

- 1) This measure shall enter into force and effect on the date of the Rector's signature.

In Pardubice on this 2 June 2022

prof. Ing. Libor Čapek, Ph.D.
Rector