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Commission Notice

**COMMISSION GUIDANCE NOTE ON THE PROVISION OF HUMANITARIAN AID
TO FIGHT THE COVID-19 PANDEMIC IN CERTAIN ENVIRONMENTS SUBJECT
TO EU RESTRICTIVE MEASURES**

INTRODUCTION

EU restrictive measures (sanctions) may consist of freezing of funds or economic resources of certain persons, entities and bodies, as well as in some cases in restrictions to trade in certain goods and services. The purpose of these restrictions is to attain the objectives of the Union's Common Foreign and Security Policy, which include in particular preserving peace, strengthening international security and consolidating and supporting democracy, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law (Article 21 of the Treaty on European Union).

EU sanctions are targeted. They focus on those whose actions endanger the abovementioned values, while avoiding negative consequences on the civilian population. In particular, EU sanctions are not meant to stand in the way nor impede the supply of humanitarian aid, including medical activities. EU measures comply with all obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law¹.

Sanctions may alter countries' ability to fight COVID-19 by affecting the procurement of certain goods and technologies, either because such goods are subject to restrictions (for instance, dual-use goods which can also be used for military purposes), or because the persons involved in their procurement are sanctioned. In addition, there may be an indirect, but significant effect caused by certain operators' unwillingness to engage in transactions related to a sanctioned country or individual, even if those are legitimate (over-compliance), for fear of accidentally violating the sanctions, or a lack of economic incentives to engage in comparison to the risks stemming from those transactions. In addition, those targeted by restrictive measures may pass on to the civilian population the economic consequences of international sanctions imposed on them, thus increasing hardship for the non-targeted civilian population.

GENERAL PRINCIPLES

- ✓ EU sanctions are not meant to stand in the way nor impede the supply of humanitarian aid. Any action not explicitly prohibited under EU sanctions is considered permitted, unless otherwise stated by a national competent authority (NCA). Over-compliance should not lead to undermining the provision of humanitarian aid.
- ✓ EU sanctions contain exceptions which enable otherwise restricted actions to be carried out in order to provide humanitarian aid. In the context of the fight against the COVID-19 pandemic, restricted activities may be exceptionally allowed even in the absence of explicit exceptions, if there is no other means to ensure the provision of humanitarian aid.
- ✓ It is for the Humanitarian Operators to prove to the relevant NCA that the conditions of the existing exceptions are fulfilled, or, in the absence of such exceptions, that the only available option to provide humanitarian aid to the persons in need is to resort to restricted activities. NCAs should provide necessary guidance as to how to obtain humanitarian derogations. When a derogation is requested, it needs to be dealt with in an expedite manner.
- ✓ The Commission calls on Member States to create a contact point for humanitarian derogations and cooperate closely in the context of the fight against the COVID-19 pandemic.

The purpose of this Note is to give practical guidance, in the form of questions and answers, on compliance with EU sanctions when providing humanitarian aid, in particular medical assistance, to fight the COVID-19 pandemicⁱⁱ. This Guidance is addressed to all actors subject to the jurisdiction of the EU involved in such activities. First, it seeks to support the competent authorities of EU Member States (hereinafter “NCAs”). These are national bodies nominated by the Member States to manage EU sanctions at a domestic level. They are called upon to assess requests for derogations, reply to questions or otherwise engage with operators within their jurisdiction in the context of humanitarian activities. Second, it aims at providing clarity to public and private operators which must comply with EU sanctions and which are involved in the supply of humanitarian aid to the population in order to combat the COVID-19 pandemic (hereinafter, “Humanitarian Operators”). Humanitarian Operators include donors, international organisations, banks and other financial institutions – when involved in transactions supporting humanitarian aid –, as well as non-governmental organisations (NGO) and the non-profit sector.

For further guidance, Humanitarian Operators should seek the advice of their NCA. The Commission remains at the disposal of NCAs for further questions and supportⁱⁱⁱ, and calls upon Member States to create a “contact point” for humanitarian derogations in the context of the fight against the COVID-19 pandemic. The Commission stands ready to support Member States in this regard so as to ensure uniform implementation of EU legislation.

The first version of this Note covers **Syria**. The Commission will progressively update it to include further guidance on this and other sanctions regimes.

SYRIA

LEGAL REFERENCES AND GUIDANCE

- Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria (Syria Regulation)^{iv};
- The European Commission's "Frequently Asked Questions" document on EU restrictive measures in Syria^v ("Syria FAQs").

EU sanctions vis a vis Syria ("Syria Sanctions") were imposed in response to the violent repression by the Syrian regime, including through the use of chemical weapons and live ammunition, of peaceful protest resulting in the death and injury of several demonstrators and arbitrary detentions. The sanctions laid down in Council Regulation (EU) No 36/2012 consist of a number of sectoral restrictions, including a prohibition on exporting goods or technology which might be used for internal repression, including chemicals used in chemical attacks, and a prohibition on the local purchase and import of petroleum products. A number of exceptions are foreseen, notably for humanitarian purposes. EU sanctions target specific persons and specific sectors of the Syrian economy, meaning that the majority of sectors – including food and medicines - are not targeted by EU sanctions at all.

Sanctions laid down in Council Regulation (EU) No 36/2012 include individual designations entailing an assets freeze on persons and entities responsible for the violent repression against the civilian population, persons benefiting from or supporting the regime, Ministers and senior members of Syrian armed forces. As of 17 February 2020, 277 individuals and 71 entities are designated. These lists are also reflected in the EU Sanctions Map^{vi} and in the Financial Sanctions Database^{vii}, both of which are freely accessible online.

Given the significant presence of terrorist groups in areas within Syria, EU sanctions against international terrorism pursuant to United Nation Security Council Resolution (UNSCR) 1267 and 1373 are also relevant in this context^{viii}. Similarly, the EU has adopted sanctions against the proliferation and use of chemical weapons^{ix}, which currently target five Syrian persons ("EU Sanctions concerning International Terrorism and Chemical Weapons").

The Syria Sanctions and EU Sanctions concerning International Terrorism and Chemical Weapons do not concern medicine, medical equipment and medical assistance provided to the population at large. As such, medical equipment, including oxygen, respirators, personal protective equipment (PPE) and ventilators as well as medicines and other medical items required to fight the COVID-19 pandemic are not subject to direct restrictions on export, supply, financing or use in Syria.

Nevertheless, in specific cases, the export, supply, financing or use of these items may be indirectly impacted by other restrictions, such as the freezing of funds or economic resources of certain persons, entities and bodies subject to EU sanctions ("designated persons") which happen to be involved in the relevant transactions.

As a general rule, **Syria Sanctions allow for funds and economic resources to be made available to designated persons, where such funds or economic resources are**

necessary solely for the purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria. In certain cases, a prior licence from the NCA is necessary (see Section I).

Moreover, Humanitarian Operators might also need to carry out ancillary activities (e.g. transport of medical devices, currency exchange and storage), which may be affected by specific restrictions (e.g. prohibition on the purchase of oil products in Syria). **The Syria sanctions also provide for a series of derogations allowing such ancillary activities to proceed, under certain conditions** (see Section II and III).

The questions below have been compiled through interaction with NCAs, Humanitarian Operators and other international stakeholders since the beginning of the COVID-19 crisis.

I. PROHIBITION ON MAKING FUNDS AND ECONOMIC RESOURCES AVAILABLE TO DESIGNATED PERSONS

1. Does the provision of humanitarian assistance in the form of food, medicines, medical equipment, disinfectants, medical assistance and other medical products, and the creation of temporary medical infrastructures needed to fight the COVID-19 pandemic in Syria, qualify as “humanitarian relief” or “assistance to the civilian population”?

Yes, the provision of humanitarian assistance in the form indicated under Question 1 qualifies as “humanitarian relief” or “assistance to the civilian population”.

2. Are Humanitarian Operators allowed to liaise with designated persons if this is needed in order to provide humanitarian assistance to the civilian population in Syria in the context of COVID-19 pandemic?

Yes. Humanitarian Operators may liaise with designated persons if this is needed in order to organise the provision of humanitarian aid in a safe and efficient manner.

As a general rule, Article 16a(2) of the Syria Regulation allows for the making available of funds and economic resources to designated persons where such funds or economic resources are necessary solely for the purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria. A prior licence from the NCA is necessary in order to do so.

The Syria Regulation also allows Humanitarian Operators to make funds and economic resources available to designated persons without the need for prior authorisation from the NCA in very specific and limited cases (e.g. Article 16a(1) of the Syria Regulation). See Question 19 and Questions 25.

3. Can medicine, medical equipment, disinfectants and protective equipment constitute “economic resources”?

Yes. According to the definition in the Syria Regulation, “economic resources” means any kind of resources, tangible or intangible, movable or immovable, “*which are not funds, but which may be used to obtain funds, goods or services*”^x. Providing batches of medicine, medical equipment and disinfectants to a designated person allows that person to, for instance, sell the goods and obtain funds in exchange, hence it amounts to making economic resources available to, or for the benefit of, a designated person. This could be

the case where medical devices are provided to designated persons within the Syrian administration or to designated persons running healthcare facilities. Making economic resources available to, or for the benefit of, a designated person requires prior authorisation by the NCA, unless otherwise exempted.

However, providing isolated items of the above-mentioned goods to a designated person for their own use or protection would not amount to making economic resources available to them (see, by analogy, Question 6 of the Syria FAQs).

4. Can the provision of medical assistance amount to “making economic resources available” to designated persons?

In principle, the provision of medical assistance to persons infected by, or suspected of having contracted COVID-19, is not itself considered to have an intrinsic economic value, or be exchangeable for funds or economic resources. Consequently, it does not amount to an economic resource, and thus the involvement of a designated person in the provision of such medical assistance will not breach the Syria Regulation.

For the specific case in which a designated person happens to be involved in the provision of medical assistance **and** draws economic benefit from it, for instance by charging the beneficiaries for the service provided or by obtaining any economic resource for his/her/its own benefit in the context of the provision of medical assistance, see Question 2.

5. Can Humanitarian Operators provide funds to local organisations in Syria for the purpose of fighting the COVID-19 pandemic?

Yes.

For the specific case in which a designated person happens to be involved in the chain leading to the provision of humanitarian aid, see Question 2 and 4. With respect to how to ensure that no funds or economic resources are made available to designated persons, see also Question 20.

II. IMPORT AND EXPORT RESTRICTIONS

6. Is the export of ventilators or powered respirators for medical purposes (assisted breathing) allowed under the Syria Sanctions?

Yes. In principle, ventilators for medical purposes do not fall under the scope of the export restrictions of the Syria Regulation.

With respect to powered respirators, a case-by-case assessment of the technical features of the specific item to be exported may be needed, in order to ensure that it is meant solely for medical purposes, and not for military activities or internal repression. This is because in the latter case, powered respirators could be subject to prior NCA authorisation under the Dual-Use Regulation, as referred to by the Syria Regulation^{xi}.

For technical specifications, Humanitarian Operators should seek information from the manufacturer on whether the item falls under the scope of the Dual Use Regulation.

The relevant NCA should be contacted in case of doubt.

For the specific case in which a designated person happens to be involved in the chain leading to the provision of humanitarian aid, see Question 2.

7. Is the provision of medical devices other than ventilators or powered respirators to fight the COVID-19 pandemic, including oxygen canisters, allowed under the Syria Regulation?

Yes. In principle, the sale, supply, transfer or export to Syria, financing or use of medical devices is not prohibited under the Syria Regulation.

For the specific case in which a designated person may obtain economic resources from the provision of humanitarian aid, see Question 2.

8. Is the provision of medicines, disinfectants, detergents or chemicals to fight the COVID-19 pandemic allowed under the Syria Regulation?

Yes. In principle, EU restrictive measures laid down in the Syria Regulation do not prohibit the sale, supply, transfer or export, financing or use of medicines, soaps, disinfectants (biocides), detergents or chemicals for medical use needed to fight the COVID-19 pandemic.

However, the sale, supply, transfer or export to Syria, financing or use of some chemical substances used for disinfection/cleaning require prior authorisation granted by a NCA pursuant to Article 2b, due to the fact that they may also be used for internal repression, including carrying out chemical attacks. In particular, this is the case for ethanol, isopropanol and sodium hypochlorite^{xiii}.

An authorisation is required for the sale, supply, transfer or export of ethanol, isopropanol and sodium hypochlorite on their own or in mixtures in specific high concentrations (“Restricted concentrations”)^{xiii}. To obtain such an authorisation, the Humanitarian Operators must demonstrate that these substances will be used to provide humanitarian relief in the context of the fight against the pandemic, and not for other purposes^{xiv}. The Humanitarian Operators can seek guidance from the NCA on the necessary information to substantiate the application for that authorisation.

Disinfectants, hand sanitizers and detergents/cleaning products in the form of end-products are themselves mixtures. However, these end-products generally require a lower concentration of ethanol, isopropanol and sodium hypochlorite than the Restricted concentrations^{xv}. In this case, the derogation is not required. These products can therefore be freely traded and provided in the context of humanitarian aid.

The prior authorisation is also not required in the less likely case where those end-products incorporate ethanol, isopropanol and sodium hypochlorite in concentration equal to or exceeding the Restricted concentrations, provided that the Humanitarian Operator can guarantee that either of these conditions is met:

1. ethanol, isopropanol and sodium hypochlorite cannot feasibly be removed from the product or used for other purposes (removal/repurposing of the controlled chemicals is unfeasible)^{xvi}; or
2. for ethanol and sodium hypochlorite, the end-products are consumer goods packaged for retail sale for personal use or packaged for individual use^{xvii}.

For technical specifications of the goods, Humanitarian Operators should seek information from the manufacturer, possibly obtaining a declaration that the item does not fall under the relevant restriction of the Syria Regulation^{xviii}. In case of doubt, Humanitarian Operators should contact the NCA.

For the specific case in which a designated person happens to be involved in the chain leading to the provision of humanitarian aid, see Question 2.

9. Is the provision of COVID-19 testing kit (qRT-PCR KIT) allowed under the Syria Regulation?

Yes. EU restrictive measures set out in the Syria Regulation do not prohibit the sale, supply, transfer or export, financing or use of COVID-19 testing kits such as quantitative real time PCR kit (qRT-PCR KIT). The reagents commonly used in qRT-PCR KIT are also not subject to any kind of trade restrictions under the Syria Regulation. Should the Humanitarian Operator have reason to believe that the reagents provided with the qRT-PCR KIT are not the ones commonly used, it should seek confirmation from the manufacturer that those reagents are not subject to export restrictions under the Syria Regulation. The NCA should be contacted in case further guidance is needed.

For the specific case in which a designated person happens to be involved in the chain leading to the provision of COVID-19 testing kit (qRT-PCR KIT) as part of humanitarian aid, see Question 2.

10. Is the provision of personal protective equipment needed to fight the COVID-19 pandemic allowed under the Syria Regulation?

Yes. In principle, the Syria Regulation does not prohibit the sale, supply, transfer or export, financing and use of personal protective equipment (PPE) needed to fight the COVID-19 pandemic.

Certain specific items used as PPE in the context of the fight against the COVID-19 pandemic, such as masks, gloves and protective shoes can also be adapted for use in war situations to protect from biological agents. The sale, supply, transfer or export, financing or use of this PPE is subject to prior authorisation by a NCA^{xix}.

Humanitarian Operators should ensure that the PPE intended for sale, supply, transfer or export, financing or use in the fight against the pandemic is not adapted for use in war scenarios. In case of uncertainty, Humanitarian Operators should seek the necessary clarification from the manufacturer. If an authorisation is nevertheless required, because the PPE is adapted for use in war scenarios in addition to use in civilian contexts, the Humanitarian Operator handling the export should demonstrate to the NCA that the item has a humanitarian purpose^{xx}.

For the specific case in which a designated person happens to be involved in the chain leading to the provision of humanitarian aid, see Question 2.

III. OTHER RESTRICTIONS

11. Can EU banks open a new bank account with a Syrian credit or financial institution to support humanitarian aid fighting the COVID-19 pandemic?

Yes, subject to a specific request for derogation.

Under specific conditions, Article 25a of the Syria Regulation provides that banks can request a derogation from the NCA to open a bank account with a Syrian credit or financial institution for the purpose of providing assistance to the Syrian civilian population. See also Questions 23 to 24 of the Syria FAQs.

12. Can EU nationals travel to Syria to provide medical assistance to fight the COVID-19 pandemic?

Yes. In principle, nothing in the Syria Regulation prohibits travel to Syria, or the provision of medical assistance in the country.

For the specific case in which a designated person happens to be involved in the chain leading to the provision of humanitarian aid, see Question 2.

13. Can Humanitarian Operators purchase fuel in Syria for transporting, into or within Syria, medical equipment to fight the COVID-19 pandemic?

Yes, pursuant to Article 6a of the Syria Regulation.

If Humanitarian Operators receive public funding from the EU or a Member State for the purpose of providing humanitarian aid in Syria, no prior authorisation by the NCA is required in order to purchase fuel needed to provide such aid pursuant to Article 6a(1). In this case, if the payment for the fuel goes to a designated person, it can be made without any authorisation as per Article 16a(1) of the Regulation.

If Humanitarian Operators do not receive funding from the EU or a Member State for the purpose of providing humanitarian aid in Syria, a prior authorisation by the NCA is required in order to purchase the fuel pursuant to Article 16a(2) of the Regulation. In this case, if the payment for the fuel goes to a designated person, an authorisation is needed in accordance with Article 16a(2) of the Regulation (see also Question 18 of the Syria FAQs). In the latter case, when contacting the NCA, Humanitarian Operators should specify whether they need to purchase oil on different occasions (e.g. small purchases from petrol stations) or if they envisage a one-off purchase (e.g. refuelling a lorry before leaving Syria). While blanket exemptions are not allowed, Article 6a(2) of the Syria Regulation allows NCAs to grant general derogations for identical recurring operations.

See also Question 18 on joint applications and Question 19 on general derogations.

See also the Syria FAQs, questions 16 to 18.

14. If imports of medical material into Syria in connection with the fight against the COVID-19 pandemic are subject to taxes and import duties, can Humanitarian Operators pay those to the Syrian Government?

Yes, if this is the only way to provide humanitarian assistance to the civilian population in Syria in the context of COVID-19 pandemic.

If the payment is to be made to, or will indirectly benefit, a designated person, which is highly likely in this case, a derogation from the NCA may be needed. See also Question 2.

15. Can Humanitarian Operators evacuate people affected by the COVID-19 pandemic to other locations in Syria or outside the country?

Yes.

If the action entails, for instance, purchasing fuel or making funds available to a designated person^{xxi}, a derogation may be necessary. See Question 13.

Note that it is possible to procure jet fuel for designated Syrian air carriers for the purpose of evacuation of the population affected by the pandemic in accordance with Article 7a.5(b) of the Syria Regulation.

16. Can Humanitarian Operators finance or take part in the construction of makeshift hospitals, sanitation operations or temporary infrastructures to fight the COVID-19 pandemic?

Yes. See also Question 1.

For the specific case in which a designated person happens to be involved in the construction and/or draws economic benefit from it, see Question 2. By way of example, this could be the case if the designated person charges a fee for accessing the temporary infrastructure, or if it retains ownership of the latter after the end of the crisis caused by the COVID-19 pandemic.

17. Can Humanitarian Operators provide humanitarian aid if the only way is to provide aid through designated persons?

Humanitarian Operators should make use of the existing exceptions under the Syria Regulation. However, in accordance with International Humanitarian Law, where no other option is available, the provision of humanitarian aid should not be prevented by EU restrictive measures. This, however, is unlikely to be the case, given that the Syria Sanctions provide ample derogations catering for humanitarian activities and if the present guidelines are strictly followed.

IV. PROCEDURAL QUESTIONS

18. Are joint applications acceptable, for instance, one application by several Humanitarian Operators, or one application to several NCAs at the same time?

For the sake of efficiency, if a humanitarian project to fight the COVID-19 pandemic requires several applications for derogations to be **submitted, whether to one or several NCAs**, it should be possible to submit a single application to all relevant NCAs.

Similarly, if a humanitarian project requires **several Humanitarian Operators to apply** for derogations, it should be possible to submit a joint application. Donors, banks, International Organisations and NGOs involved in a humanitarian project should cooperate to exchange information in order to gather the evidence required by the NCAs to grant the authorisation.

In the current exceptional circumstances, **NCAs are invited to establish a contact point for humanitarian derogations related to the fight against the COVID-19 pandemic**. Given the urgency of the situation, NCAs should cooperate to ensure that they provide timely and consistent replies to such requests. The Commission stands ready to support NCAs in their efforts.

19. Can NCAs grant general authorisations, or do Humanitarian Operators need to apply for an authorisation for each individual activity?

NCAs can grant derogations under any EU sanctions for a limited number of reasons, which the NCA needs to verify in each given case.

The Syria Regulation explicitly allows NCAs to grant general authorisations (“*under the general and specific conditions they deem appropriate*”) in two cases: for the making available of certain funds or resources to designated persons in relation to humanitarian activities under Article 16a(2) and for purchasing petroleum products in Syria for the same activities, under Article 6a(2).

It is up to the relevant NCA to decide whether, in the case of identical recurrent activities/transactions the conditions of which are known in advance, they wish to grant a single authorisation covering all activities/transactions, or prefer to authorise them one by one. The Commission encourages NCAs to consider whether, in the current exceptional circumstances, a single authorisation could facilitate the provision of humanitarian aid to the persons affected by the COVID-19 pandemic. In issuing an authorisation, the NCAs may decide to impose conditions to ensure that the exceptions do not frustrate or circumvent the objective of the sanctions.

20. How can Humanitarian Operators ensure that they are not making funds or economic resources available to designated individuals, entities or bodies when providing aid to fight the COVID-19 pandemic?

Annexes II and IIa of the Syria Regulation contain the lists of individuals, entities and bodies designated under EU restrictive measures. These lists are also reflected in the EU Sanctions Map^{xxii} and in the Financial Sanctions Database^{xxiii}, both of which are freely accessible to Humanitarian Operators. These lists are regularly updated.

Humanitarian Operators should already have in place the required procedures to carry out the necessary checks to ensure that partners involved in the delivery of humanitarian aid are not designated under EU restrictive measures. In the context of providing assistance to fight the spread of COVID-19 in Syria, close attention should be paid to the designated persons, entities and bodies linked to the healthcare sector, both public and private, as well as the logistics sector. The Humanitarian Operators should also ensure that funds and economic resources, including medical equipment, are not diverted by designated persons. This entails adopting the necessary precautions and verifications to ensure that funds and economic resources are not seized by these persons (e.g. designated members of the Syria armed forces).

Humanitarian Operators, especially those closest to external partners and subcontractors, should gather as much information as reasonably possible and make their partners aware, preferably contractually, that funds or economic resources must not be made available to designated persons or for their benefit. The use of Hawala and other informal types of money transfer also fall within the scope of this prohibition.

According to Article 28 of the Syria Regulation, violations of EU restrictive measures do not give rise to any liability if the violator did not know, and had no reasonable cause to suspect, that its actions would infringe the prohibitions at hand. In this vein, EU restrictive measures should not lead to over-compliance. In particular, they should not be

interpreted as requiring Humanitarian Operators to carry out unrealistic efforts to collect evidence or prove the negative.

If a designated person happens to be involved in a humanitarian transaction, this does not automatically mean that the transaction must be abandoned. The Syria Regulation contains a number of important exceptions allowing such transactions to go through, subject, in certain cases, to the NCA's prior approval. See also Section I, and in particular Questions 2, 4 and 5, and Question 25.

In case of doubt, Humanitarian Operators should reach out to the relevant NCA to enquire whether their procedures respect the anti-circumvention clause of the Syria Sanctions. NCAs should provide timely and clear guidance to Humanitarian Operators in that regard.

21. How can Humanitarian Operators request a derogation in order to carry out a restricted action/transaction, if the purpose is to provide assistance to people affected by the COVID-19 pandemic?

A derogation can be requested by any Humanitarian Operator involved in the provision of humanitarian aid. Usually, the implementing partners are best placed to gather the necessary information. All other operators, including donors and banks, should cooperate with the applicant to facilitate the collection and sharing of such information.

Humanitarian Operators must address the NCA with which they have the closest link, as indicated in Annex III to the Syria Regulation. They should seek guidance from the NCA to identify the documents needed to obtain the relevant derogations.

See also Question 18 concerning joint applications.

22. How can Humanitarian Operators obtain expedited derogations, if the situation on the ground so requires?

Humanitarian Operators seeking an urgent derogation should clearly point out the urgency and explain the underlying reasons in their application. The more complete an application is, the easier and faster an NCA will be able to process it. Supporting declarations from the donors, letters of comfort from other authorities and similar documents may also be attached to the submission to facilitate the review of the application by the NCA. Humanitarian Operators must obtain the relevant authorisation before initiating the humanitarian project to fight the COVID-19 pandemic.

In order to expedite the process, Humanitarian Operators should liaise with and seek guidance from the NCA even before the submission of an application.

Consistent guidance throughout the EU is paramount in order to ensure that Humanitarian Operators in the EU are able to operate. The Commission stands ready to support NCAs in their efforts, and to create a single platform for publishing the guidance issued by NCAs.

23. Are Humanitarian Operators required to comply with EU Sanctions concerning International Terrorism and Chemical Weapons when delivering aid to fight the COVID-19 pandemic in Syria?

Yes.

EU Sanctions concerning International Terrorism and Chemical Weapons target certain persons which may operate in Syria. If they become involved in a transaction, the specific restrictions in the EU Sanctions against International Terrorism and Chemical Weapons apply. Further specific guidance from the relevant NCA is required in such a case.

24. What is the difference between exemptions and derogations (together defined as “exceptions”)?

Exemptions mean that a restriction does not apply when the purpose of the action is to provide humanitarian aid. Humanitarian Operators can carry out the action at hand without any delay. They should however be capable of demonstrating that the action was undertaken for a specific humanitarian purpose.

Derogations mean that a restricted (prohibited) action can be carried out only after the NCA has granted an authorisation, as long as the purpose is to provide humanitarian aid^{xxiv}.

25. Should the Humanitarian Operators vet the final beneficiaries of humanitarian aid?

No. According to International Humanitarian Law, Article 214(2) of the Treaty on the Functioning of the European Union and the humanitarian principles of humanity, impartiality, independence and neutrality, humanitarian aid must be provided without discrimination. The identification as an individual in need must be made by the Humanitarian Operators on the basis of these principles. Once this identification has been made, no vetting of the final beneficiaries is required.

ⁱ Council Conclusions on Humanitarian Assistance and International Humanitarian Law - Brussels, 25 November 2019 (<https://data.consilium.europa.eu/doc/document/ST-14487-2019-INIT/en/pdf>).

ⁱⁱ This Note supplements, and should be read in conjunction with, the other applicable guidance documents concerning the implementation of EU restrictive measures published by the European Commission (hereinafter the “Commission”) and the National Competent Authorities (hereinafter the “NCA”) in the Member States, as well as the [Best Practices](#) for the effective implementation of restrictive measures published by the Council of the European (<http://data.consilium.europa.eu/doc/document/ST-8519-2018-INIT/en/pdf>).

ⁱⁱⁱ RELEX-SANCTIONS@ec.europa.eu

^{iv} OJ L 016 19.1.2012, p. 1.

^v https://ec.europa.eu/info/files/170901-faqs-restrictive-measures-syria_en

^{vi} <https://www.sanctionsmap.eu/>

^{vii} <https://webgate.ec.europa.eu/europeaid/fsd/fsf>

^{viii} Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida

organisations (OJ L 139, 29.5.2002, p. 9¹; Council Regulation (EU) 2016/1686 of 20 September 2016 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them (OJ L 255, 21.9.2016, p. 1); Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ L 344, 28.12.2001, p. 70¹).

^{ix} Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons (OJ L 259, 16.10.2018, p. 12).

^x Article 1(f) of the Syria Regulation.

^{xi} Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. See in particular entry 1A004.a of the Annex to the Dual-Use Regulation, which is referred to by Article 2d of the Syria Regulation, as amended by Article 1 of Council Regulation (EU) No 697/2013 of 22 July 2013 (OJ L 198, 23.7.2013, p. 28).

^{xii} Ethanol is an active substance which is used for many disinfectant products (product type 1 under Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products). Isopropanol has recently been used as an alternative to ethanol due to the shortage of the latter. Sodium hypochlorite is used as a biocide in detergents, commonly encountered in liquid bleach. The sale, supply, transfer or export of ethanol, isopropanol, and sodium hypochlorite, which are listed under Annex IX, entry A1.004, is subject to authorisation requirements under Article 2b of the Syria Regulation. Ethanol is applied in the production of dialkyl alkylphosphonates and anhydrous ethanol, which can be used as solvents in chemical reactions to produce precursors of chemical weapons (including sarin). Sodium hypochlorite solutions can be used to extract chlorine gas.

^{xiii} The restriction apply to mixtures in concentrations from 90% or greater (ethanol, sodium hypochlorite) or 95% or greater (Isopropanol).

^{xiv} According to Article 2b(2), the NCA shall not grant an authorisation if it has reasonable grounds to determine that the substances the sale, supply, transfer or export of which is in question is or might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression.

^{xv} The concentration of ethanol and isopropanol in disinfectants and detergents is usually 75%. Bleaches contain sodium hypochlorite below 10% concentration, with common concentration of about 5%.

^{xvi} See General Note to Annex IX, as amended by Article 3 of Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation (EU) No 36/2012 (OJ L 156, 16.6.2012, p. 10).

^{xvii} See Annex IX of the Syria Regulation, as amended by letter (a), point 11, Article 1 of Council Regulation (EU) No 697/2013 of 22 July 2013 (OJ L 198, 23.7.2013, p. 28). According to this Article, this condition does not apply to those consumer goods incorporating isopropanol.

^{xviii} In particular, entry A1.004 of Annex IX to the Syria Regulation.

^{xix} In particular, see entry I.B.1A004, table A, Part 1 of Annex IA to the Syria Regulation. This entry covers, inter alia, protective suits, gloves and shoes specially designed or modified for defence against biological agents adapted for use in war.

^{xx} Article 2a(2) of the Syria Regulation.

^{xxi} By way of example, see entry 50, Part B, Annex II (Syrian Arab Airlines).

^{xxii} <https://www.sanctionsmap.eu/>

^{xxiii} <https://webgate.ec.europa.eu/europeaid/fsd/fsf>

^{xxiv} Exemptions are generally phrased along the following lines: “*(The prohibitions laid down in) Article... shall not apply to...*”. Derogations are generally phrased along the following lines: “*By way of derogation from the (prohibitions in) Article..., the competent authorities may authorise, under the conditions they deem appropriate...*”.