



## Foreign trade law requirements for the use of cloud services

Any technical support relating to dual-use goods\* to persons in or from third countries through the use of so-called supercomputers is fundamentally subject to the rules of export control. The provision of specific knowledge/know-how, software or technologies in a cloud represents an export if the transfer is made to non-European countries, persons from third countries have access to these contents or the data is hosted on servers in third countries. The exchange of information already in the public domain or concerning basic scientific research is not critical.

For this exchange, of which the contents are stored in the cloud, the approval requirements or prohibitions under foreign trade law must also be observed.

Approval requirements may apply in particular if

- persons from or in third countries gain access to contents that are classified as dual-use technology or are an explicit component of dual-use goods.
- persons from embargoed countries have access to the contents of the cloud.
- employees become aware of military or nuclear use of the cloud contents from non-European countries. The same applies to knowledge of use in connection with weapons of mass destruction.
- employees have reason to suspect that a transaction, delivery or access to contents serve to support international terrorism, the proliferation of weapons of mass destruction or the circulation of funds from criminal acts.

Cloud users should therefore be conscientious about placing contents in the cloud and only allow access from third countries or third country individuals if you are certain that no critical or sensitive informations will be provided. Anyone who decides to transfer or make available knowledge/know-how, software or technologies by means of electronic media or carriers is considered to be responsible for such export.

If you possibly want to make critical knowledge or technologies available to a person from or in a third country via a cloud provider, please contact the Staff Unit Export Control. This Unit will take over the concrete examination and, if necessary, requests a approval from the German Federal Office for Economic Affairs and Export Control (BAFA).

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\*Dual-use goods are goods that can be used for both military and civilian purposes and are listed in Annex I of the Dual-Use Regulation.