



An Roinn Fiontar, Trádála agus Fostaíochta
Department of Enterprise, Trade and Employment

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Summary of Ireland's Export Control System

Objectives

The objectives of Ireland's Export Control system are:

- To prevent the export of goods that could be used in nuclear and other weapons of mass destruction programmes
- To prevent the export of military goods to countries whose behaviour is a threat to international and regional peace
- To prevent the export of goods that could be used to violate human rights or exacerbate internal conflict in the country of final destination
- To prevent the export of goods that could be subsequently diverted for purposes other than their stated end-use.

Legislation

The Irish export control system distinguishes between "military" goods, such as weapons, components, delivery systems and ammunition that are mainly, but not exclusively, intended for military use and "dual-use" goods, that is products that have both civil and military applications, including chemicals and high performance ICT hardware and software.

The export of military goods is governed by national legislation, currently the Control of Exports Act, 1983 (No. 35 of 1983) and the Control of Exports Order, 2005 (S.I. No 884 of 2005) while the export of dual-use goods is regulated under EU legislation, currently Council Regulation (EC) 1334/2000 of 22 June 2000 as amended by Council Regulation (EC) 394/2006 of 27 February 2006.

New legislation has been drafted to bring Ireland's export controls into line with best international practice. The Control of Exports Bill 2007 was initiated in the Seanad (Senate or upper house) of the Oireachtas (Irish Parliament) on Friday 9 February 2007. The need for modern legislation was identified in a review commissioned by the Department in 2004. Among the main features of the Bill are the introduction of controls on arms brokering, on technical assistance activities such as repair, maintenance and development and on the transfer of technology by electronic means. Enforcement of the new legislation will be a key feature with substantially increased fines of up to €10 million and prison sentences of 5 years for the most serious offences and enhanced inspection and audit powers for authorised officers. The proposed Bill also provides for the introduction of an Annual Report to the Oireachtas on the operation of Ireland's export control system.

What is controlled?

In summary, an Irish export licence is required for:

- Exports of normal dual-use goods to countries other than the EU Member States and countries covered by the Community General Export Authorisation contained in Council Regulation (EC) 1334/2000: Australia, Canada, Japan, New Zealand, Norway, Switzerland and the United States
- Exports of sensitive and highly sensitive dual-use items to all countries, including EU Member States
- Exports of military goods to all countries, including EU Member States
- Exports of non-controlled dual use goods where there is reason to believe that they may be used in a WMD Programme
- Exports of goods that could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Export controls are imposed on both finished products and on components, and also on technical services associated with the controlled goods. However some goods may be exempt from controls, for example software that is generally available to the public or information such as basic scientific research that is in the public domain.

Responsible Government agencies

The Licensing Unit of the Department of Enterprise, Trade and Employment operates the Irish export control system in cooperation with a number of Government Departments and agencies including:

- The Department of Foreign Affairs, which is consulted on all military licence applications, (other than individual shotgun exports) and on dual-use licence applications where foreign policy considerations apply.
- The Revenue Commissioners, whose Customs and Excise officers have the lead role in the enforcement of export controls.

Decision making criteria

All applications for export licences are considered in accordance with the criteria set out in the EU Code of Conduct on Arms Exports and, as appropriate, the EU Dual Use regulation. If another EU Member State has denied a licence to the same end-user for an essentially identical transaction within the last three years then it is highly unlikely that an export licence will be granted. The Department will also have due regard as to whether the country of final destination is an EU Member State or a participating state in the international export control regimes.

Recent Developments

At present, all export licence applications must be submitted in hardcopy. Over the last year however, the Department has been working to develop a facility for electronic licence applications in line with a recommendation of the 2004 review. Final testing of the system is currently underway and it is anticipated that OELAS (online export licensing application system) will be launched in mid-March.

Further information

More information on Ireland's export control system, including the texts of legislation and a downloadable version of our users guide to export controls, can be downloaded from the Department's website at:

www.entemp.ie/trade/marketaccess/exports/

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