



Export Control Procedure

Table of Contents

1. Purpose	2
2. Scope	2
3. Related Documentation	6
EU Export Controls	6
US Export Controls.....	7
Sanctions and Embargoes.....	8
EU Sanctions	9
UK Sanctions	9
4. Procedure	9
Product	10
Export Classification	10
Export Control Classification Process & Principles.....	11
Transaction risk assessment and procedures.....	12
Licence Determination and Application Procedures.....	13
Post-Licensing controls.....	17
Recordkeeping Requirements	17
Admission of students and recruitment of staff	18
5. Procedure review, audits, reporting and corrective actions	18
Internal Export Compliance Audits.....	18
Reporting Violations	18
Raising a concern.....	19
Penalties	19
Breaches of this policy.....	20
6. Contact	20
7. Version Control	20



1. Purpose

- 1.1 This procedure is designed to complement the University's Export Control Policy. It details the processes for export control in DCU and further details of the responsibilities for role holders.

2. Scope

- 2.1 This procedure applies to:
- All individuals working at or for the University and/or its wholly owned subsidiary companies (hereinafter referred to as 'employees');
 - All individuals at DCU engaged in research; and
 - All current students of the University.
- 2.2 This procedure is particularly relevant to:
- Heads of School / Unit
 - The Office of the Chief Operations Officer (OCCO)
 - Principal Investigators
 - Research Support
- 2.3 Export control applies to 'controlled products'. Controlled products are listed in four lists that are maintained by the European Union. They are as follows:
- EU Common Military List
 - Dual List – Regulation (EU) 2023/66
 - Human Rights List – Regulation (EU) 2019/125
 - Non-military Firearms List – Regulation (EU) 258/2012
- 2.4 Under EU legislation, controls on technology transfer or associated technical assistance do not apply to information "in the public domain", to "basic scientific research", or the minimum necessary information for patent applications:
- In the "public domain", means "technology" or "software" which has been made available without restrictions upon its further dissemination (copyright restrictions do not remove "technology" or "software" from being in the public domain);
 - "Basic scientific research" means experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.
- 2.5 As a general rule, Technology Readiness Levels (TRL) 1-2 are generally considered 'basic scientific research', and therefore outside the scope of export control. TRL levels 3-4 are assessed on a case-by-case basis. And everything above level 4 is no longer considered 'basic scientific research', and so is within scope. Where research at TRL levels is funded by a military end-user, or military end-use is suspected, the competent authority should be consulted.

- 2.6 Controls do not apply to technology which is the minimum information necessary for the installation, operation, maintenance (checking) or repair of those goods which are not controlled or whose export has been authorised, with the following exceptions, as detailed in the Dual List – Regulation (EU) 2023/66:
- a) 1E002a – technology for the development or production of polybenzothiazoles or polybenzoxazoles.
 - b) 1E002f – technology for the repair of composite structures, laminates or materials including ceramic powders, ceramic-matrix composite materials and precursor materials.
 - c) 8E002a – technology for the development, production, repair, overhaul or refurbishing/re-machining of propellers specially designed for underwater noise reduction.
 - d) 8E002b – technology for the overhaul or refurbishing of submersible vehicles, surface vessels and pumpjet propulsion systems.
- 2.7 “Software” means a collection of one or more “programs” or “microprograms” fixed in any tangible medium of expression. There are general notes within the dual-use list which define when software is not a controlled good and is as follows:
- a) Generally available to the public by being:
 - i. Sold from stock at retail selling points, without restriction by means of:
 - a) Over-the-counter transactions;
 - b) Mail order;
 - c) Electronic transactions; or
 - d) Telephone call transactions; and
 - ii. Designed for installation by the user without further substantial support by the supplier; and
 - iii. The cryptographic functionality cannot easily be changed by the user.
 - b) “In the public domain” or
 - c) The minimum necessary “object code” for the installation, operation, maintenance (checking) or repair of those items whose export has been authorised.
 - d) “Object code” means an equipment executable form of a convenient expression of one or more processes (“source code”/source language) which has been compiled by programming system.
- 2.8 Therefore export control legislation is not limited to sales or hardware exports. It includes knowledge sharing. As such, it is important that employees, researchers, and students of DCU consider the export control implications involved in all parts of their research process. For instance, access in a third country to a server located in the EU can trigger an export control issue as this is seen as an export of intangible goods.
- 2.9 In addition to the EU lists, US export control legislation applies to US technology. Therefore, a person re-exporting US technology is subject to US export control regulations.

2.10 It is anticipated that the dual use list will be list most frequently applicable to activity in DCU. The following is a non-exhaustive list of dual use controlled products, under each of the 10 categories that appear on the list:

- a) Nuclear materials, facilities and equipment
 - i. Nuclear reactors
 - ii. Vacuum manifolds, vacuum headers or vacuum pumps having a suction capacity of 5 m³/minute or more
 - iii. Cryogenic refrigeration units capable of temperatures of 153 K (-120°C) or less
- b) 'Special materials'
 - i. Human and animal pathogens such as foot-and-mouth disease virus and SARS-related coronavirus.
 - ii. Toxins, such as botulinum toxins (commonly referred to as 'Botox')
 - iii. Chemicals which may be used as precursors for toxic chemical agents
 - iv. High energy density fuel and fuel additives
 - v. Fluorinated silicone fluids with a specified kinematic viscosity
 - vi. Metal powder "production equipment", including plasma generators, usable for the production of specified spherical, spheroidal or atomised materials
- c) Materials processing
 - i. Biological and chemical protection, containment and handling equipment
 - ii. Pressure sensing elements made of or protected by fully fluorinated hydrocarbon polymers
 - iii. Specified coating processes, e.g. Physical Vapour Deposition (PVD): Cathodic Arc Discharge, with polymer substrate, with a resulting coating of borides, carbides, nitrides, and/or diamond-like carbon.
 - iv. Vacuum pumps with specified characteristics
 - v. Heat exchangers or condensers made of specified materials and with specified heat transfer surface areas.
 - vi. Distillation or absorption columns with specified characteristics.
- d) Electronics
 - i. Integrated circuits designed or rated as radiation hardened to withstand specified thresholds
 - ii. Analogue-to-Digital Converter (ADC) and Digital-to-Analogue Converter (DAC) integrated circuits with specified characteristics
 - iii. Neural network integrated circuits
- e) Computers
 - i. Computers rated to operate below below 228 K (-45°C) or above 358 K (85°C)
 - ii. Digital computers having an Adjusted Peak Performance (APP) exceeding 70 weighted teraFLOPS
- f) Telecommunications and "information security"
 - i. Telecommunications equipment hardened to withstand specified environments
 - ii. Equipment designed or modified to use specified cryptographic standards.
- g) Sensors and lasers

- i. Software for the real-time processing of acoustic data
- ii. Underwater survey equipment with specified characteristics
- iii. Acoustic and sonar systems with specified characteristics
- iv. Optical detectors with specified characteristics, e.g. certain types of space-qualified solid state detectors
- v. Cameras, systems or equipment with specified characteristics, e.g. electronic streak cameras having temporal resolution better than 50 ns
- h) Navigation and avionics
 - i. Gyroscopes with specified drift rates
 - ii. Reflectometers having a measurement accuracy of 50 ppm or less
- i) Marine
 - i. Manned, tethered submersible vehicles designed to operate at depths exceeding 1,000m
 - ii. Light systems specially designed or modified for underwater use, with specified capabilities
 - iii. Closed, or semi-closed, circuit rebreathers for use as underwater swimming and diving equipment
- j) Aerospace and propulsion
 - i. Unmanned aerial vehicles (UAVs), or drones, with specified capabilities
 - ii. Slush hydrogen storage or transfer systems
 - iii. Components specially designed for solid rocket propulsion systems
 - iv. Spraying or fogging systems for lighter-than-air vehicles

2.11 Under the Dual List – Regulation (EU) 2023/66, each of the ten categories, listed in 2.5 (a-j) above, is further divided into five sections as follows:

- a) Systems, equipment and components
- b) Test, inspection, and production equipment
- c) Materials
- d) Software
- e) Technology

2.12 In many cases, technology is defined so that it includes the ‘know-how’ related to development, production, and use of controlled goods. Therefore, it is not only the export of tangible equipment which is subject to export controls. Controlled products include intangible goods such as software or ‘know-how’. All controlled products, including intangible products, are subject to export controls. A research-intensive university such as DCU therefore needs to ensure that measures are in place to ensure an export licence is sought before any controlled products, whether tangible or intangible, are exported.

2.13 The following is an example of a controlled product and activities involving that controlled products which are typical to a University environment and which would give rise to a need to apply for an export licence:

- a) An international research team is working with unmanned aerial vehicles (UAVs) that are designed to have controlled flight out of the direct natural vision of the operator. A member of the team develops a design concept which would increase the endurance of the UAVs if modified, so that they can fly for one hour or longer. It would be necessary to secure an export licence before:



- i. Sharing the design with a member of the team outside the EU.
- ii. Presenting on the design at a conference outside the EU.
- iii. Submitting the design to a publication outside the EU.
- iv. Bringing a laptop or other storage device which contains a copy of the design outside the EU.
- v. Accessing a copy of the design on an EU-based server when located outside the EU.

3. Related Documentation

- 3.1 This document should be read alongside the following DCU codes, policies, and regulations:
 - a) Academic Regulations for Postgraduate Degrees by Research and Thesis
 - b) Code of Practice on Authorship
 - c) Export Control Policy
- 3.2 Where a violation needs to be highlighted, and this procedure is for any reason inappropriate, a violation may be reported under the Protected Disclosures Policy (Whistleblowing Policy).
- 3.3 DCU's internal policies and procedures are designed to give effect to applicable national and EU legislation and regulations. Therefore, those with export control responsibilities will need to familiarise themselves with the EU export control environment, as enforced by the Department of Enterprise, Trade and Employment as the national enforcement authority. In addition, there may be instances when the export control environments of the United States of America (US) or United Kingdom (UK) are applicable. What follows is an outline of the key export control documents in the EU, US, and UK, and associated sanction and embargo regimes.

EU Export Controls

Primary Legislation

- 3.4 Council Regulation (EC) No 428/2009 is the primary piece of EU legislation which governs the Community regime for export controls, transfer, brokering and transit of dual-use items. This was subsequently "recast" by [Regulation \(EU\) 2021/821](#), and the Dual Use List was updated further by [Regulation \(EU\) 2023/66](#). [Regulation \(EU\) 2023/66](#), referred to as the "Dual-Use Regulation" from hereon, provides a baseline which all EU Member States must adopt under their own national legislation. EU Member States also have the competencies to further legislate once the primary EU principles are included and there is no conflict between EU and national legislation.

National Legislation

- 3.5 The Control of Exports Act 2008 is Ireland's primary legislation for export controls. The Act provides for the control of the exportation of goods and technology as well as the control of the provision of brokering activities and technical assistance. It also provides for the control of technical assistance related to certain military end-users (as provided for by the Council of the European Union in the Council Joint action of 22 June 2000, and for the

control of arms brokering as provided for by the Council of the European Union in the Council Common Position 2003/468/CFSP of 23 June 2003).

Dual-use goods and technology

- 3.6 Dual-use items include goods, software, technical assistance or other technology (such as documents, plans, blueprints, sketches, diagrams, etc.) that can be used for both civil and military applications. Dual-use items are listed within the EU Dual-Use Control List which is in Annex I to Council [Regulation \(EU\) 2023/66](#).
- 3.7 In addition, Annex IV of [Regulation \(EU\) 2023/66](#), as amended, includes dual-use products which are controlled upon movement between EU member states

End-Use / “Catch All”

- 3.8 If the goods are not listed on the above-mentioned control lists, a licence may still be required under end-use controls. This is known as the “catch-all provision”. This may be imposed in circumstances as determined in Article 4 of the Dual-Use Regulation, which can be imposed by the Department of Enterprise, Trade and Employment, who is the national licensing authority in Ireland. The Department can impose the catch-all provisions on goods which are not mentioned in the control lists in the following situations.
- a) The items in question are or may be intended for use in connection with weapons of mass destruction or missiles capable of delivering such weapons;
 - b) The items in questions are or may be intended for a military end use if the purchasing country or country of destination is subject to an arms embargo decided by the European Community, the United Nations (UN) or the Organisation for Security and Co-operation in Europe (OSCE) and the items in question are or may be intended, in their entirety or in part, for a military end-use (see Article 4, paragraph 1 of the Dual-Use Regulation);
 - c) The items in question are or may be intended for use as parts or components of military goods that have been exported to the country of end-use without the proper licence required (see Article 4, paragraph 1(c), of the Dual-Use Regulation).
 - d) The export of cyber-surveillance items not listed in Annex I if the exporter has been informed the goods are or may be intended for use in connection with internal repression and/or the commission of serious violations of human rights and international humanitarian law (see Article 5 of the Dual-Use Regulation).
- 3.9 If an exporter is aware that dual-use items which they propose to export, not listed in the dual-use list, are intended for any of the uses referred to above, they must notify the authorities. If this situation arises, then the Department of Enterprise, Trade and Employment will notify the exporter that an export licence is required.

US Export Controls

- 3.10 The Export Administration Regulations (EAR) regulates dual-use goods and technology in the US, US origin items wherever they are located, certain foreign-made items incorporating controlled US content, activities of US persons and certain foreign made direct products.



- 3.11 International Traffic in Arms Regulations (ITAR) regulates military goods and technology, marketing and “defence services”. It dictates that information and material pertaining to military goods and technology may only be shared with US persons unless you receive a licence or claim a special exemption.

Extraterritorial Controls

- 3.12 “Extraterritorial controls” apply when countries require an authorisation for export transactions that do not take place from their own territory. For instance, if an item was produced in the United States of America (US) but was exported from Ireland to China, such export may be subject to US export requirements. This is in addition to EU and Irish export requirements. These extraterritorial controls follow the items wherever they go, regardless of how many times they change hands.
- 3.13 It is important that DCU is aware of these controls as the United States is one of the countries that maintain significant extraterritorial controls. The illustrative example provided above is known as a “re-export” under US regulations. US re-export requirements apply to items that are made in the US, and to foreign produced items that have more than a certain percentage of controlled US content or are the product of US technology.
- 3.14 All DCU’s export compliance processes and procedures, including re-exports should take into account all government requirements that apply to the export. All users of this policy should ensure that applicable extraterritorial controls are adhered to when exporting any items of US origin between non-US jurisdictions. In addition, before you can determine the correct export authorisation, you must first ensure that all items involved in the transaction have been classified for export control purposes.

Deemed Re-Exports

- 3.15 Under US export control regulations, the transfer of controlled technical data or software source code to a non-US national in the United States is deemed to be a re-export to the country of which the individual is a citizen. This is the so-called “Deemed Re-Export Rule.”
- 3.16 An export authorisation works in the same way for deemed exports as it does for exports of products. The technology to be transferred to the non-US national must be classified, and the individual must be screened. An export authorisation determination should then be made, based on classification, screening, and the individual’s country of citizenship

Sanctions and Embargoes

- 3.17 Sanctions are often described as compelling, non-military, political instruments of the foreign and security policy of the United Nations and the European Union which are employed in response to violations of international law or to regimes disrespecting constitutional and democratic principles. Such measures are used in an attempt to bring about change.
- 3.18 The most common sanctions are arms embargoes, trade restrictions, financial sanctions (freezing of deposits), and travel and visa restrictions. Sanction and embargo measures take priority over licensing requirements.

- 3.19 In addition, there are government-maintained lists of “restricted parties” with whom companies, organisations or persons are generally forbidden from doing business. All sanctions are subject to frequent change.

EU Sanctions

- 3.20 EU sanctions are laid down in Decisions and/or Regulations. A full list of EU sanctions can be found at the following link: <https://www.sanctionsmap.eu/#/main>
- 3.21 In light of the multiple sanctions packages made by the EU as a result of the invasion of Ukraine in February 2022, particular care has been taken by DCU to ensure full compliance with the evolving regulations and Council Regulation (EU) No 833/2014, as amended.

UK Sanctions

- 3.22 UK sanctions are laid down in regimes under the Sanctions and Anti-Money Laundering Act 2018 (the Sanctions Act) and under other UK legislation such as the Export Control Order 2008 and the Anti-Terrorism, Crime and Security Act 2001.
- 3.23 Information on UK sanctions regime can be found at the following link: <https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act>

4. Procedure

- 4.1 As part of the process to determine whether an export is controlled, it is important to consider the essential elements of export controls. There are seven essential elements to export controls:
- a) Product - What is it (tangible or intangible), what is designed for, does it have defence applications, is it export controlled;
 - b) Destination - where is the ultimate destination, do sanctions or embargoes apply, is the destination a diversion risk, is the destination outside the EU
 - c) Exporter - who holds the contract with the receiver, who has the power to send the goods out of the country or the EU;
 - d) Receiver/End-User - who will receive the product, are there restrictions on the end-user, do you know the end user;
 - e) End-Use - what will the receiver do with the goods;
 - f) Other uses - what else could the end user do with the goods;
 - g) Finance - who will pay for the product, what fees and commissions are paid, what middlemen are involved, what statements are required in contract documentation.
- 4.2 If the product is controlled but not being exported out of the EU and is not an Annex IV item of the Dual-Use List, then no further consideration is needed. Who the exporter is an



important consideration for universities, which ultimately falls to the entity that has the power to export the goods outside of the EU.

Product

- 4.3 The guidance in this section applies to both tangible and intangible products.
- 4.4 In most cases the export of tangible products involves the movement of those goods across an international border. The tangible products would most likely be subject to customs and trade, as well as export control checks.
- 4.5 Export of intangible products is not as clear. The following items include scenarios under which the export of intangible items may occur:
- a) Transmission of software and technology by email or fax;
 - b) Support, engineering and other services that relate to the use, production and or/development of controlled items;
 - c) Oral transmission by telephone where the content of the conversation is equivalent to reading a document. This can also include help-desk support;
 - d) Items made available on websites (e.g. software downloads and uploads);
 - e) Technical assistance including training, data used in research and development projects, technical specifications etc;
 - f) Conference presentations, online lectures, presentations for researchers outside Ireland, secondments outside Ireland; and
 - g) Publishing online research methods.
- 4.6 Intangible goods will typically be in the form of “technology” or “software”. As defined, “technology” is specific information for the development, production or use of goods, and takes the form of technical data or technical assistance.

Export Classification

- 4.7 Classification for export control purposes is a process of assigning an export classification number which is based on the export control regulations of the country of export or other countries whose requirements apply to the export or re-export of items. This is an alpha-numeric number and is often referred to as an ECCN or Control Number. An ECCN is the US terminology used for the control number but is commonly referred to globally. An item can only be assigned one classification number for export control purposes.
- 4.8 An export control classification number must be assigned to both exports of tangible and intangible items.
- 4.9 It is important that DCU maintains processes and procedures to ensure that the correct Control Number is assigned to its products as this is an essential component in complying with applicable export controls legislation. In order to determine the classification



number of an item for export control purposes, an examination of the nature and characteristics of the item must be undertaken.

- 4.10 A principal investigator or research supervisor, or the relevant head of school/unit or executive dean where there is no principal investigator or research supervisor, is responsible for the export control classification of both tangible and intangible goods. The principal investigator or research supervisor is responsible for preparing an export control licence application if one is required and providing information to the OCOO to support the application process. The OCOO will complete the application for an export control licence and retain records of the application. The OCOO can provide guidance and assistance to a principal investigator, research supervisor or head of school/unit at any stage of the application process.

Export Control Classification Process & Principles

- 4.11 DCU is committed to ensuring that the correct classification is assigned to all controlled products exported outside the customs territory of the EU, when exported from DCU sites. The principal investigator or research supervisor responsible for the product being exported, including intangible goods such as technology or software, is responsible for classification requests. Where there is no principal investigator or research supervisor, the relevant head of school/unit or the relevant executive dean will be responsible for classification requests.
- 4.12 Support with classification of dual-use, military and sanctioned goods is provided by the OCOO. Contact the OCOO if you wish to avail of support with classification.
- 4.13 The OCOO develops and maintains the DCU Export Control Monitoring Tool. This will provide a high-level indication as to whether further steps regarding classification should be taken within a school.
- 4.14 For the classification of goods exported from Ireland, Regulation (EU) 2023/66 is referred to for the applicable classification number.
- 4.15 Extraterritorial controls may require classification under the requirements of more than one country. Please see section 3.11-3.13.
- 4.16 A record of all classification checks undertaken internally should be kept. This should include product information, determination of correct classification and relevant legislative provisions to support this, where relevant. Please see section 4.39-4.41 for further information on record keeping.

Transaction risk assessment and procedures

Destination controls

- 4.17 Researchers and research staff must be aware of any sanctions that may apply to certain countries, individuals or entities. Sanctions are political instruments of the foreign and security policy of the United Nations, the European Union, and the UK. They are compelling, non-military instruments that are employed in response to violations of international law or to regimes disrespecting constitutional and democratic principles, in an attempt to bring about change. The most common sanctions are arms embargoes, trade restrictions, financial sanctions (freezing of deposits), and travel and visa restrictions. It sometimes happens that a licence is required in accordance with the Dual-Use Regulation whereas restrictive measures calls for a prohibition. In such cases the prohibition takes priority.
- 4.18 University employees, researchers, and students should contact the OCOO before travel to the following countries if that travel will involve University business, bringing University equipment, or accessing University systems from the destination country:
- a) Afghanistan
 - b) Belarus
 - c) Bosnia & Herzegovina
 - d) Burundi
 - e) Central African Republic
 - f) China
 - g) Democratic People's Republic of Korea (DPRK – North Korea)
 - h) Democratic Republic of the Congo
 - i) Guinea
 - j) Guinea-Bissau
 - k) Haiti
 - l) Iran
 - m) Iraq
 - n) Lebanon
 - o) Libya
 - p) Mali
 - q) Moldova
 - r) Montenegro
 - s) Myanmar (Burma)
 - t) Nicaragua
 - u) Russia
 - v) Serbia
 - w) Somalia
 - x) South Sudan
 - y) Sudan
 - z) Syria
 - aa) Tunisia
 - bb) Turkey
 - cc) Ukraine



- dd) Venezuela
- ee) Yemen
- ff) Zimbabwe

4.19 All due diligence is performed by the OCOO in DCU and all sanctions or embargoes queries should be escalated to this office.

End-user and End-use controls

4.20 DCU must ensure that any item exported to a customer will not be used for any purpose other than its intended use. It is important that DCU is fully aware of the identity of the end-users of its research and research outputs, as many countries have designated certain entities, individuals and regimes as prohibited or restricted parties. This can apply to any business or industry partner involved in a transaction chain (such as a reseller or intermediary). Countries and organisations maintain lists of these prohibited and restricted parties so that export privileges are restricted or require governmental approval.

Licence Determination and Application Procedures

Introduction to Export Licencing Process

4.21 Exports of research or research outputs may require government authorisation due to the nature of the items being exported, the destination country, or the specific end user. DCU must determine whether a licence or authorisation is required for every export or re-export to ensure compliance with export laws and regulations.

4.22 The responsibility in DCU for determining when an export licence is required lies with the OCOO, who is also responsible for managing the conditions of the licence.

Export Licencing Authorities

4.23 An export licence should be sought from the appropriate authorities for the export or re-export of controlled goods, software and technology. Outlined below is the relevant authority to apply to for export licencing:

Country	Authority Name	System used and link
Ireland	Export Licensing Unit, Department of Enterprise, Trade and Employment (DETE)	Online Export Licence System (OELAS) https://oelas.djei.ie/

Exporter of Record

4.24 DCU is the exporter of record for business and licensing purposes.



Export Licensing Requirements

- 4.25 Export authorisations apply to all items being exported, including hardware, software, technical data and services. Therefore, it is important to identify all of these items in an export transaction, and to make an export authorisation determination for each one.
- 4.26 More than one country's laws may apply to an export transaction. For example, the export laws of the United States and Ireland will apply to an export from the EU by DCU, if the item being exported was developed in the United States (see sections 3.11-3.13 on US Extraterritorial Controls). In all cases, the laws of the country of export will apply, but it is important to determine if another country's laws also apply, based on the exported item or other circumstances of the transaction.
- 4.27 In general, an export authorisation is based on a number of factors, namely: product, destination, end-use and end-user. Once all items in the export transaction are identified, they must be classified for export before an export authorisation determination can be made. In addition, all parties to the transaction must be screened in order to make a proper export authorisation determination. If any item is not classified, or if any transaction party has not undergone the appropriate screening, these must be done according to the existing processes and procedures.
- 4.28 Although government export control programs have many similarities, the laws and regulations of each country are different, and one country's rules cannot be used to make export authorisation determinations for shipments from another country. Some countries, such as Ireland, follow the rules of the European Union exclusively, while others follow EU rules plus their own additional rules. Therefore, it is important to identify the specific export regulations that apply to a shipment and follow the process within those regulations to make export authorisation determinations. Particular attention must be paid to the differences in export control legislation that now exist between the UK and the EU.
- 4.29 The export regulations of the United States are perhaps the most complex in regard to determining export authorisation. Due to the US extraterritorial controls, the instructions in this section will describe EU and US requirements. By understanding these methods of making an export authorisation determination, you will have greater awareness of the export authorisation methods in other countries.

Responsibilities for DCU Personnel

- 4.30 As part of the export licensing process, DCU personnel must ensure that all necessary licences are obtained where necessary. The principal investigator or research supervisor, or the relevant head of school/unit or executive dean where there is no principal investigator or research supervisor, is responsible for identifying the potential need for an export licence, and for contacting the OCOO who will determine whether a licence is required. The principal investigator or research supervisor, or the relevant head of school/unit or executive dean where there is no principal investigator or research supervisor, is responsible for:

- a) identifying the potential need for an export licence;
- b) contacting the OCOO who will determine whether a licence is required, and
- c) for compliance with the conditions and reporting obligations attached to that licence.

Authorisations for Export of Dual-Use Items

4.31 When considering whether an export licence is required, DCU researchers and staff must take into account the nature of the product, the end destination and the purpose for which the licence is requested.

4.32 Due to the varying types of licences available depending on the country of export, the table below gives a brief description of the different types of licences available in the EU.

Type of Licence	Licence Description	Licence Requirements
Individual Licence	<p>An individual licence can be requested from the relative authorities for dual-use or military items. The validity period for an individual licence is normally one year, but for dual-use goods a three-year licence may also be issued. This licence is intended for:</p> <ul style="list-style-type: none"> ● one specific exporter; ● one dual-use item; ● export of Community goods and re-export of non-Community goods to specific destinations; and <p>a specific transaction (though part-consignments per licence are permitted)</p>	<ul style="list-style-type: none"> ● A licence application form, duly completed and signed, with a brief but detailed description of the technical specifications of the goods. ● A declaration concerning the end-use of the goods signed and stamped by the end-user (End-User Certificate). <p>If the goods are or will be present in another country at the moment of departure, the exporter is required to state this on the licence application.</p>
Global Licence	<p>Such licences are valid for a period of between three months and one year. However, global licences will not be issued for certain sensitive goods and / or destinations. If this situation arises, then an individual licence must be applied for.</p> <p>A global licence is intended for:</p> <ul style="list-style-type: none"> ● one specific exporter ● one type or a category/categories of goods ● for export to one or more destinations. ● multiple transactions 	<p>A licence application form, duly completed and signed, must be submitted to the relevant authorities. The application form must contain a brief but detailed description of the technical specifications of the goods. In the box marked "additional information", enter a substantiated request to receive a global licence. If this form has insufficient space for DCUs application, an annex containing all details may be added. In addition:</p> <ul style="list-style-type: none"> ● The name and address of the exporter, along with the country of origin and country/countries of consignment and final destination will also need to be listed in the global licence application form; ● In the box marked "value" the total value of envisaged exports under the global licence should be entered; ● The total quantity of the envisaged exports under the global licence should also be included in the application form; and ● A copy of the exporters ICP.

		<p>The reporting requirements that must be followed in relation to the use of global licences will be set out by the authorities. If DCU obtains a global licence, at a minimum they will need to include the following in their periodic reporting:</p> <ul style="list-style-type: none"> • Description of products exported under the global licence; • Quantity and value of products exported under the global licence; • Name and address of consignee/end-user for each transaction; • Licence number; and • Date of export.
Licence for Annex IV Goods	<p>If a controlled item is listed in Annex IV of Regulation (EU) 2023/66 for EU Member States, they are controlled on movement from one EU Member State to another EU Member State (as well as upon export from the EU). Therefore, an application will need to be made to the relevant authorities for such transfers. In contrast to a regular licence application for dual-use goods, this application is made not in the country where the exporter is established but in the country where the goods are present.</p>	<p>A licence application form, duly completed and signed, with a brief but detailed description of the technical specifications of the goods.</p> <p>A declaration concerning the end-use of the goods. The declaration must be legalised by the authorities or by a duly authorised agent. In many countries this will be the Chamber of Commerce. If the customer is a government agency and the end-use is immediately apparent from the contract to which such agency is party, in many cases a separate end-user declaration may be omitted.</p> <p>Note: None of DCU's products currently falls within the scope of Annex IV (this generally relates to military goods); however, due regard should be had for Annex IV when classifying products.</p>
End User Certificate	<p>An end-user certificate is a document which states that the exported items will be imported into the final destination country for the customer's own use or for use by buyer(s) established there. It is important that the end-use certificate indicates the use for which the goods are intended.</p>	<p>This end-user certificate must be certified by the competent authorities or by a duly authorised agency (in many countries this will be the Chamber of Commerce) in the country of final destination which enables the competent authority to indicate that the end-user is known to them as a business and that the transaction is compatible with the customary activities of the business.</p>
Union General Export Authorisations (UGEAs)	<p>The Union General Authorisations (UGEA's) are available for exportation of dual-use items without a formal application to the competent authority. The requirements for each of the eight authorisations are specified in Annex II of Regulation (EU) 2021/821.</p>	<p><i>Notification requirement</i></p> <p>Use of UGEA's is conditional on the exporter notifying the authorities of their use of the UGEA in question. The authorities must be notified of the export within 30 days after the export has taken place. To use these licenses the exporter is required to comply with recordkeeping and notification requirements. The UGEAs are valid for an indefinite period (subject to interim changes). When using UGEA's, on the customs export declaration, the exporter should indicate (in box 44 of the Single Administrative Document (SAD)) that for the purpose of this transaction he is making use of the UGEA, stating the reference X002 followed by the registration number of the authorisation (e.g. EU001).</p>

		<p><i>Information and reporting requirements</i> Exporters using UGEAs are obliged to keep detailed records with respect to the concerned exports:</p> <ul style="list-style-type: none"> ● Products description, ● Quantity, ● Value, ● Consignee details, ● Corresponding documents etc.
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Post-Licensing controls

Shipment Control

- 4.33 The OCOO has the authority to stop any export transaction thought to be in violation of any trade control law, legislation, or regulation.
- 4.34 If there is a requirement to stop any export shipment or research product, the Deputy Chief Operations Officer with responsibility for export control must immediately inform Chief Operations Officer.

Compliance with licence conditions

- 4.35 It is the responsibility of the principal investigator or research supervisor responsible for the product which is subject to export control, or the relevant head of school/unit or executive dean where there is no principal investigator, to ensure the proper use of each export licence and take into consideration any requirements for each licence.

Recordkeeping Requirements

- 4.36 All export compliance activities must be documented, including export authorisation determinations and all tasks and documents associated with development, review and submission of export licence applications. Whenever an export authorisation determination is made, the individual making the determination should ensure that a record is created and maintained according to legislative requirements, some of which are outlined below.
- 4.37 Record keeping requirements are outlined in Article 27 of Regulation (EU) 2021/821 for requirements in Ireland. It states that all exporters of dual-use items are responsible for keeping detailed records or registers of their exports and must be capable of providing the following information.
- a) Description of the exported goods and CN code assigned to products
 - b) Quantity of goods exported;
 - c) Name and address of the exporter;
 - d) Name and address of consignee;
 - e) Information on the end-user and the intended end-use of the exported goods.
- 4.38 From an export control perspective, the retention period of the relevant documentation is a minimum of five years from the end of the calendar year in which the export took place for EU exports.



Admission of students and recruitment of staff

- 4.39 Export control concerns may impact the requirements of non-EU nationals joining the university as students, researchers, or in professional, technical or academic roles.
- 4.40 The Office of the Vice President for Academic Affairs (OVPA) in consultation with the OCOO, will assess whether additional requirements need to be met before students that are non-EU nationals are admitted to study in an area with exposure to controlled products.
- 4.41 Human Resources in consultation with the OCOO will assess whether additional requirements need to be met before staff that are non-EU nationals are recruited into an area with exposure to controlled products.

5. Procedure review, audits, reporting and corrective actions

Internal Export Compliance Audits

- 5.1 The Export Control Policy and these procedures outline the compliance monitoring in place at DCU, which ensures a consistent and periodic review of the University's Internal Compliance Programme (ICP).
- 5.2 The University's ICP is underpinned by:
 - a) the Export Control Policy
 - b) the Export Control Procedures (i.e. this document)
 - c) Communication of DCU's commitment to upholding effective export controls
 - d) Active involvement in export compliance
 - e) Provision of resources to develop and implement the ICP
 - f) Evaluation of the effectiveness of the ICP
- 5.3 The DCU Export Control Monitoring Tool is used to conduct a systematic, regular assessment of the University's exposure with respect to export control.

Reporting Violations

- 5.4 DCU is committed to ensuring that it meets all of its export control obligations at all times. It is of utmost importance that DCU is apprised of any potential violations. All DCU employees, researchers, and students have a responsibility to report any suspected non-compliance occurrences. Researchers and university staff are to notify the OCOO if any instance of non-compliance is suspected.
- 5.5 Any suspected mistakes or violations with respect to DCU's ICP for complying with applicable export control regulations, and suspected mistakes or violations with regard to export licences or other export control approvals shall immediately be reported to the OCOO.



- 5.6 See section 5.9 on raising a concern below should you suspect a violation may have occurred.
- 5.7 The OCOO will have the authority to investigate, report and take corrective action with respect to any suspected mistake or violation. If a violation occurred, or a severe violation is suspected, the Deputy Chief Operations Officer with responsibility for export control will immediately inform the Chief Operations Officer.
- 5.8 Prior to voluntarily disclosing any suspected export control mistake or violation to a governmental authority or official, the Deputy Chief Operations Officer with responsibility for export control will present the facts surrounding the suspected export control mistake or violation to the Chief Operations Officer. The Chief Operations Officer will, with the advice from and consultation with the Deputy Chief Operations Officer with responsibility for export control, determine whether or not a mistake or violation took place, and whether or not a voluntary disclosure should be made to the relevant governmental authority or official. Where a violation needs to be highlighted, and this procedure is for any reason inappropriate, a violation may be reported under the Protected Disclosures Policy (Whistleblowing Policy).

Raising a concern

- 5.9 Any DCU employee, researcher, or student who suspects a potential instance of non-compliance must immediately notify the Deputy Chief Operations Officer with responsibility for export control at coo@dcu.ie.
- 5.10 Remember, you will always be supported if you raise a concern about a breach of the University's Export Control ICP. Retaliation against any person who raises a concern is strictly prohibited. Further information about reporting suspected wrongdoing can be found in the DCU Protected Disclosures Policy (Whistleblowing Policy). You are also encouraged to discuss any questions and concerns concerning business practices and policies with OCOO.
- 5.11 Upon notification of a potential non-compliance event, the Deputy Chief Operations Officer with responsibility for export control should do the following:
- a) Record the information in the Export Control Incident Log;
 - b) Gather information on the event; and
 - c) Determine whether the event needs to be escalated to the Chief Operations Officer.

Penalties

- 5.12 Any breach of export legislation can have significant consequences for DCU and may result in criminal and civil penalties, the seizure of assets, the denial of export privileges, as well as damage to the University's public image and its ability to fulfil its commercial and research goals. Fines and penalties for violations of these laws may be imposed.



Breaches of this policy

- 5.13 Any suspected breaches of this policy and export controls regulations and legislation will be documented and recorded in writing, along with the associated corrective actions and any correspondence with the relevant authorities by the OCOO. Examples of records that typically should be maintained include, but are not limited to, the following
- a) Notification(s) of the issue;
 - b) Research into the issue and supporting documentation;
 - c) Investigations into the issue;
 - d) Voluntary self-disclosure determinations;
 - e) Remedial and corrective action information; and
 - f) Communication with the individual who flagged the issue, teams involved, DCU senior management; external counsel; and regulatory authorities.

6. Contact

- 6.1 Any queries regarding this Procedure should be directed to the OCOO:

Office of the Chief Operations Officer

Tel: 01-700 8306

Email: coo@dcu.ie

7. Version Control

Procedure Name	Export Control Procedure
Unit Owner	Office of the Chief Operations Officer
Version Reference	Original Version 1.0
Approved by	Chief Operations Officer
Effective Date	24 January 2023