



# Export Control Policy

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## 1. Introduction

- 1.1 The European Union (EU) operates a system of controls on the export of sensitive items from the member states. These controls form part of a global framework designed to prevent the proliferation of weapons of mass destruction, to preserve regional stability, to prevent terrorism, and to protect human rights.
- 1.2 DCU is committed to upholding its legal and ethical responsibilities by maintaining an effective Export Control Internal Compliance Programme (Export Control ICP). This programme will be underpinned by:
  - a) This Export Control Policy
  - b) An associated set of Export Control Procedures
  - 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.
- 1.3 A breach of Export Controls would constitute a serious offence and could result in the guilty party being liable to a fine or imprisonment. For the avoidance of doubt, individuals and institutions can be prosecuted under the relevant legislation. The Department of Enterprise, Trade and Employment, as the National Competent Authority, investigates potential breaches of Export Controls. The reputational damage incurred by the University for a breach involving DCU students, staff or collaborators/partners (which can occur through informal exchanges), would be substantial.
- 1.4 In accordance with the EU and Irish export control regulations and laws, the implementation of an ICP is a prerequisite to obtain a global licence.

## 2. Purpose

- 2.1 DCU is committed to complying with all relevant Export Control and Trade Sanctions laws and regulations in the countries in which it operates. The purpose of this Policy is to establish minimum standards and responsibilities for Export Control and Trade Sanctions compliance in DCU.
- 2.2 This Policy and the associated Export Control Procedures set out the controls that DCU has put in place to identify controlled products, including expert knowledge, research and research outputs, and equipment. They also set out the controls that DCU has put in place for receipt of funding from, or the creation of partnerships with, new industries outside of Ireland; checks DCU must undertake on export shipments or sharing of controlled research including on the end user and end use of products DCU sends outside the EU; and steps that should be taken with respect to admission of students or recruitment of staff in areas with exposure to controlled products.
- 2.3 This policy and the associated procedures contain information and resources for use by all DCU employees and researchers to determine the appropriate export compliance

obligations associated with exporting from the EU in order to ensure that DCU complies with all applicable export control laws worldwide.

### 3. Scope

- 3.1 Universities are subject to export controls in the same way as commercial exporters. The motivation or the reason for the export is not relevant. If a university exports a listed item, or exports technical assistance or knowledge relating to a listed item (collectively referred to as ‘controlled products’), it must obtain a licence in advance, regardless of the intended use. While Academic freedom is a fundamental right guaranteed by the Charter of Fundamental Rights of the European Union and the Universities Act 1997, academic freedom does not exempt researchers and Universities from complying with the export control regulations.
- 3.2 This policy 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.

### 4. Policy Statement

- 4.1 DCU is a research-intensive university that values cooperation with other higher education institutions and industry partners. This offers many opportunities, but also involves risks. As a university, DCU is dedicated to discovering, stewarding, and sharing knowledge. However, it is also important to guard against that knowledge being used to do harm. Export control is an important means of protecting knowledge from falling into the wrong hands. University management is committed to export compliance and will communicate this to all staff and use every reasonable opportunity to reaffirm the importance of export compliance.
- 4.2 DCU is committed to ensuring that no unauthorised access to or removal of dual-use items by employees, researchers, contractors, suppliers or visitors is permitted.
- 4.3 Export compliance is a university-wide system and every employee contributes to ensuring its integrity. Employees need to understand the “big picture” and recognize that they can become the weak link that can cause a breach if they personally do not work according to approved procedures.
- 4.4 Export control may impact teaching or research, as well as other University operations. In particular export control may impact requirements of non-EU nationals joining the university as students, researchers, or in professional, technical or academic roles.
- 4.5 DCU implements information security controls to protect the University IT infrastructure to ensure the confidentiality, integrity, and availability of its key information assets. The

controls serve to ensure that adequate safeguards are applied to identify, protect, detect and respond to information security risks.

- 4.6 Responsibility for the physical security of equipment which is subject to export control is located with Heads of School or Executive Deans, as appropriate. Access to physical labs is restricted. There are additional restrictions on access to sites with controlled equipment.

## 5. Roles and Responsibilities

- 5.1 Each employee, researcher, and student of DCU must ensure that they fully comply with this policy and the University’s ICP. Failure to comply with any trade-related rules may result in fines, criminal prosecution, product recalls, suspension, or revocation of DCU’s import or export privileges and a serious disruption of its research activity.
- 5.2 Any DCU employee having knowledge of any suspected or known violation of this policy has the responsibility to report the matter to the Office of the Chief Operations Officer (OCCO).
- 5.3 While all DCU employees, researchers, and students are responsible for complying with this policy and the associated procedures, the following offices and officers in the University assist with this:
  - a) Heads of School /units
  - b) OCCO
  - c) Principal Investigators and research supervisors
  - d) Research Support
  - e) Human Resources
  - f) Office of the Vice-President Academic Affairs
- 5.4 Any questions in relation to export controls can also be addressed to [coo@dcu.ie](mailto:coo@dcu.ie)
- 5.5 Certain roles within DCU fill specific responsibilities to meet the relevant export compliance obligations worldwide. Those roles and responsibilities are defined below.

Role	Responsibility
Heads of School / Unit	<p>The Head of School / Unit is responsible for:</p> <ul style="list-style-type: none"> <li>a) Ensuring a response (or responses) are submitted on behalf of the school or unit to the DCU Export Control Monitoring Tool.</li> <li>b) Undertaking export control responsibilities for any product or technology within the control of the relevant school or unit that is subject to export controls where a principal investigator or research supervisor is not responsible.</li> </ul>

Office of the Chief Operations Officer (OCCO)	<p>The OCCO is responsible for:</p> <ul style="list-style-type: none"> <li>a) Advising on export control and responding to associated queries.</li> <li>b) Applying for an export control licence after being alerted to the need for one by a Principal Investigator, Heads of School/Unit, or Executive Dean.</li> <li>c) Investigating reports of breaches of the University's ICP and maintaining the Export Control Incident Log.</li> <li>d) Developing the DCU Export Control Monitoring Tool and issuing requests to Heads of School or Unit to complete a return.</li> <li>e) Ensuring that this policy is developed and revised to reflect both EU and Irish legislative changes relating to export controls and any operational or compliance-related changes within the university.</li> <li>f) Informing training materials on export controls for University researchers.</li> <li>g) Informing standard contract clauses on export controls to be used in University contracts.</li> <li>h) Retaining a copy of records on export control applications.</li> <li>i) Maintaining a log of issues encountered or corrective actions suggested with regard to the University's ICP.</li> <li>j) Reviewing the ICP as appropriate.</li> </ul>
Principal Investigators/ research supervisors	<p>The principal investigator / research supervisor is responsible for:</p> <ul style="list-style-type: none"> <li>a) Knowing whether any product , including technology (e.g. know how), being used in, or resulting from, their research or the research of students they are supervising is subject to export controls.</li> <li>b) Alerting the Office of the Chief Operations Officer of the need to apply for an export control licence.</li> <li>c) Preparing an export control licence application if one is required and providing information to the Office of the Chief Operations Officer to support the application process.</li> </ul>
Research Support	<p>The Research Support Office is responsible for:</p> <ul style="list-style-type: none"> <li>a) Delivering training on export controls to all University researchers.</li> <li>b) Including relevant contract clauses on export controls in contracts pertaining to University research.</li> <li>c) Reporting to the OCCO any ad hoc or incidental export control requirements or concerns which are surfaced in the course of day-to-day business or queries.</li> </ul>

Human Resources	Human Resources are responsible, in consultation with the Office of the Chief Operations Officer, for assessing whether additional requirements need to be met before staff that are non-EU nationals are recruited into an area with exposure to controlled products.
Office of the Vice-President Academic Affairs	The Office of the Vice-President Academic Affairs is responsible, in consultation with the Office of the Chief Operations Officer, for assessing 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.

5.6 The procedures associated with this policy, the Export Control Procedures, detail the processes for export control in DCU and further details of the responsibilities for role holders.

#### Organisational chart

5.7 A chart illustrating roles and responsibilities within the University’s ICP is detailed in an appendix to this policy.

#### Training and awareness raising

5.8 The DCU Research Support Office provides introductory training in DCU Loop, available at: [RSO EXPORTCONTROLS](#). DCU is currently looking to implement a new export control training program for all relevant DCU personnel by 1 September 2023.

5.9 The purpose of training is to educate DCU researchers and research staff on the importance and requirements of export control regulations. DCU endeavours to ensure all researchers and staff involved in export-related compliance activities receive on-going training and education to help them follow applicable regulations and watch for violations or issues.

#### Corrective actions

5.10 DCU continues to review its export control processes, ensuring this is an ongoing activity where past errors are identified, and corrective actions taken. If staff identify corrective actions that should be undertaken, they may contact the OCOO. The OCOO will keep a log of any issues encountered or corrective actions suggested, and will use this log to inform reviews of the University’s ICP.

## Record-keeping

- 5.11 DCU personnel are responsible for maintaining records relating to the export of DCU research and research outputs. It is of utmost importance that all relevant personnel are knowledgeable about the record keeping requirements. The OCOO shall ensure that record keeping requirements are adhered to and processes are in place to meet the requirements of the local enforcement body, i.e. the Department of Enterprise, Trade and Employment, or other export control regimes if applicable.
- 5.12 Requests by governmental officials concerning export transactions shall be addressed to the OCOO before any information is provided to the inquiring party.

## 6. Breaches of this policy

- 6.1 Any breach of export legislation can have significant consequences for the University 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.
- 6.2 Any suspected breaches of this policy and export controls regulations and legislation should be documented and recorded in writing, along with the associated corrective actions and any correspondence with the relevant authorities in accordance with guidance provided 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.
- 6.3 Any DCU employee violating this policy, or the relevant trade regulations, may be subject to disciplinary action as provided for under DCU Statute: # 5 Suspension & Dismissal of Employees, in addition to penalties by the competent national authorities.
- 6.4 Any DCU student violating this policy, or the relevant trade regulations, may be subject to disciplinary action as provided for under the Student Code of Conduct and Discipline, in addition to penalties by the competent national authorities.

## 7. Definitions

- 7.1 The following list contains legal definitions in accordance with EU and Irish legislation as well as explanations of various export controls terminology:

Terms	Definitions
<b>Controlled Product</b>	<p>Export control applies to ‘controlled products’. Controlled products are listed in four lists that are maintained by the European Union. They are as follows:</p> <ul style="list-style-type: none"> <li>a) EU Common Military List</li> <li>b) Dual List – Regulation (EU) 2023/66</li> <li>c) Human Rights List – Regulation (EU) 2019/125</li> </ul> <p>Non-military Firearms List – Regulation (EU) 258/2012</p>
<b>Dual-Use Goods</b>	<p>Items, including software and technology, which can be used for both civil and military purposes, and includes items which can be used for the design, development, production or use of nuclear, chemical or biological weapons or their means of delivery, including all items which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices.</p>
<b>ECCN</b>	<p>Export Control Classification Number</p>
<b>Export</b>	<p>Regulation (EU) 2023/66 of 20 May 2021 defines “export” as:</p> <ul style="list-style-type: none"> <li>• an export procedure within the meaning of Article 269 of the Union Customs Code;</li> <li>• a re-export within the meaning of Article 270 of the Union Customs Code; a re-export also occurs if, during a transit through the customs territory of the Union according to point (11) of this Article, an exit summary declaration has to be lodged because the final destination of the items has been changed;</li> <li>• an outward processing procedure within the meaning of Article 259 of the Union Customs Code; or</li> </ul> <p>transmission of software or technology by electronic media, including by fax, telephone, electronic mail or any other electronic means to a destination outside the customs territory of the Union; it includes making available in an electronic form such software and technology to natural or legal persons or to partnerships outside the customs territory of the Union; it also includes the oral transmission of technology when the technology is described over a voice transmission medium;</p>
<b>Exporter</b>	<p>Regulation (EU) 2023/66 defines ‘exporter’ as:</p> <ul style="list-style-type: none"> <li>• any natural or legal person or any partnership that, at the time when the export declaration or the re-export declaration or an exit summary declaration is accepted, holds the contract with the consignee in the third country and has the power to determine the sending of the items out of the customs territory of the Union; where no export contract has been concluded or if the holder of the contract does not act on its own behalf, exporter means the person who has the power to determine the sending of the items out of the customs territory of the Union; or</li> <li>• any natural or legal person or any partnership that decides to transmit software or technology by electronic media, including by fax, telephone, electronic mail or by any other electronic means to a destination outside the customs territory of the Union or to make available in an electronic form such software and technology to natural or legal persons or to partnerships outside the customs territory of the Union.</li> <li>• Where the benefit of a right to dispose of the dual-use item belongs to a person resident or established outside the customs territory of the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting party resident or established in the customs territory of the Union;</li> </ul> <p>where point (a) or (b) is not applicable, any natural person carrying the dual-use items to be exported where these dual-use items are contained in the person’s personal baggage within the meaning of point (a) of Article 1(19) of Commission Delegated Regulation (EU) 2015/2446</p>
<b>Global Export Authorisation</b>	<p>Regulation (EU) 2023/66 defines a global export authorisation as an authorisation granted to one specific exporter, in respect of a type or category of dual-use items which may be valid for exports to one or more specified end-users and/or in one or more specified third countries</p>



<b>Individual Authorisation</b>	<b>Export</b>	Regulation (EU) 2023/66 defines an individual export authorisation means an authorisation granted to one specific exporter for one end-user or consignee in a third country and covering one or more dual-use items
<b>Intangible transfers</b>		Transfers by electronic means, including fax, email or telephone, from within the EU to a person or a place outside of the EU. The transfer of intangible items within the European Union could trigger export control requirements under certain conditions.
<b>Intra-Community transfer</b>		Intra-Community transfer refers to the movement of items, including software and technology, between EU member states. An export licence may be required when transferring certain dual-use items listed in Annex IV to Regulation (EU) 2023/66, as amended, between two EU Member States.
<b>Technical Assistance</b>		'Technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including by electronic means as well as by telephone or any other verbal forms of assistance;
<b>Technical Data</b>		Technical data may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.
<b>Technology</b>		"Technology" means specific information necessary for the "development", "production" or "use" of goods. This information takes the form of 'technical data' or 'technical assistance'.
<b>Third Country</b>		Any country outside the European Union.
<b>Union General Export Authorisation (UGEA)</b>		For exports from the EU, a UGEA is defined as an export authorisation for exports to certain countries of destination that is available to all exporters who respect the conditions and requirements listed in Sections A to H of Annex II of Regulation (EU) 2023/66;

## 8. Recordkeeping and documentation

- 8.1 As part of its operations DCU is required to maintain and produce records related to the exportation of items, including software and technology. The OCOO shall ensure that record keeping requirements are adhered to and processes are in place to meet the requirements of the local enforcement body, i.e. the Department of Enterprise, Trade and Employment, or other export control regimes if applicable.

## 9. Useful Resources

- [Department of Enterprise, Trade and Employment Export Controls Page](#)
- [EU Commission Exporting Dual-Use items webpage](#)
- [Regulation \(EU\) 2023/66](#)
- [EU Guidance page on Export Controls](#)
- [Wassenaar Arrangement](#)

## 10. Contact

- 10.1 Any queries regarding this Policy should be directed to the OCOO:

**Office of the Chief Operations Officer**  
**Tel: 01-700 8306**  
**Email: [coo@dcu.ie](mailto:coo@dcu.ie)**



## 11. Policy Review

- 11.1 It is a requirement that this policy will be reviewed and updated periodically for any legislative changes. The Office of the Chief Operations Officer (OCCO) will be responsible for ensuring that this policy is developed and revised to reflect both EU and Irish legislative changes relating to export controls and any operational or compliance-related changes within the university.

## 12. Version Control

<b>Policy Name</b>	Export Control Policy
<b>Unit Owner</b>	Office of the Chief Operations Officer
<b>Version Reference</b>	<b>Original Version 1.0</b>
<b>Approved by</b>	University Executive
<b>Effective Date</b>	24 January 2023



## Appendix: DCU Export Control ICP Organisational Chart

