

UCC Export Control Internal Compliance Programme (ICP)

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1. Introduction

This ICP outlines the procedures and guidelines to enable compliance with EU export control regulations by University College Cork. [Export control](#) laws regulate the transfer of listed items (controlled products and materials) to other countries. It is important that compliance with export control measures is recognised as part of the broader responsibility for research integrity at UCC, as set out in the [UCC Code of Research Conduct](#), and that University personnel are aware of their obligations to ensure compliance in this area.

2. Scope & Background

Universities are subject to export controls in the same way as any other organisation, regardless of the reason or motivation for the export. If a university exports a listed item, or exports technical assistance or knowledge relating to a **listed item** (collectively referred to as ‘controlled products’) to a third country, any export must be preceded by;

- Issue of an Export Licence,
- Notification of use of a General Authorisation.

Academic freedom does not exempt researchers and Universities from complying with the export control regulations. This ICP directs all UCC personnel to information and resources to determine the appropriate export compliance requirements. For further details on scope and background please refer to the [UCC Export Control Guidance Note](#).

3. Responsibilities

All UCC personnel must ensure that they fully comply with this ICP. Failure to comply with [Export control](#) laws may result in fines, criminal prosecution, product recalls, suspension, or revocation of UCC's import or export privileges and a serious disruption of University research activity. Different Units within UCC have different responsibilities dependent on their function and as detailed below;

Role(s)	Responsibility	
	UCC	Tyndall
<ul style="list-style-type: none"> Overall compliance, including training and awareness of UCC personnel. This includes ensuring training on export controls is made available to all UCC personnel. 	OVPRI	Tyndall Operations
<ul style="list-style-type: none"> Oversight of export control requirements. 		
<ul style="list-style-type: none"> Maintaining a list of export control applications and log of issues encountered or corrective actions suggested with regard to this ICP. 		
<ul style="list-style-type: none"> Reporting of export control compliance as required by the institution. 		
<ul style="list-style-type: none"> Developing and reviewing this ICP on an ongoing basis and to incorporate any operational or compliance related changes within the university. 	OVPRI in consultation with OCLA	Tyndall Operations / Tyndall Legal
<ul style="list-style-type: none"> Advising on export control and assisting with associated queries 		Tyndall Legal
<ul style="list-style-type: none"> Informing and including standard contract clauses on export controls to be used in University contracts. 	OCLA	Tyndall Legal
<ul style="list-style-type: none"> Declaration of export control compliance as part of governance reporting (see 7. Reporting) 	All Units	All Units
<ul style="list-style-type: none"> Raising awareness of this ICP and ensuring compliance of their respective personnel, in particular principal investigators / research supervisors. Principal investigators and supervisors are responsible for 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. Monitoring local compliance of export control requirements at pre and post-award 	Head of School/Unit	Head of Unit
<ul style="list-style-type: none"> Familiarise themselves with the UCC Export Control Guidance Note and using diligence to determine whether their project requires any export control considerations. Notifying OVPRI (exportcontrol@ucc.ie) as early as possible if there are likely to be any export control requirements associated with their project. 	All UCC Personnel who are potential exporters.	All Tyndall Personnel who are potential exporters.
<ul style="list-style-type: none"> Engaging in on-going training and education (see 6. Training and Awareness) to maintain their awareness of export control requirements and to help them follow applicable regulations and watch for violations or issues. 		

OVPRI: Office of the Vice President for Research and Innovation; OCLA; Office of Corporate and Legal Affairs

4. Procedures & Controls

A 2-stage review process is preferred to enable compliance with export control regulations.

4.1 Pre-award / Proposal Stage

Personnel who propose to export are advised to use due diligence to determine the need for export control considerations within their project, with reference to the [UCC Export Control Guidance Note](#).

UCC based personnel who propose to export should notify OVPRI as early as possible if there are likely to be any export control requirements associated with their activity. If this is done at proposal stage, that will allow the PI to structure the project so that it is fully compliant with export control requirements.

(In the case of Funding calls, UCC based personnel are asked to indicate 'yes' or 'no' in response to the following statement: *I have reviewed the [UCC Export Control Guidance Note](#) and confirm there are no export control requirements associated with this project. [If you responded 'No' then please notify OVPRI (exportcontrol@ucc.ie) as soon as possible]*)

4.2 Post Award / Contract Stage

Export control must also be considered and assessed at contract stage;

- As part of the contract preparation process, personnel are required to complete a contract [Briefing Document](#), which incorporates an Export Control Questionnaire (see below). If this questionnaire indicates the requirement for an export control license, the application process at 4.3 must then be followed.

4. EXPORT CONTROL																					
a) Does the project involve the export, transfer, shipping, transmission (including email) by UCC of any item or material that would be within the definition of a military goods or dual-use item to a different country or jurisdiction? <i>For further information please consult the UCC Export Control Guidance Note</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Military Goods Dual-Use Technology																				
b) Does the project require export of any high risk dual use item by UCC? <i>To verify follow the link to Annex 4 of the Dual Use Regulation the current version of which is included in the UCC Export Control Guidance Note</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>																				
c) Where the response to the preceding 4.a / 4. b is "Yes" select the category of the item subject to export from the list below; Data <input type="checkbox"/> Materials <input type="checkbox"/> Device <input type="checkbox"/> Components <input type="checkbox"/> Software <input type="checkbox"/>																					
d) Where the response to the preceding 4.a / 4. b is "Yes" the proposed export destination is; <table border="1"><thead><tr><th colspan="2">Country</th><th colspan="2">Country</th></tr></thead><tbody><tr><td>Europe</td><td><input type="checkbox"/></td><td>Asia</td><td><input type="checkbox"/></td></tr><tr><td>North America</td><td><input type="checkbox"/></td><td>Middle East</td><td><input type="checkbox"/></td></tr><tr><td>South America</td><td><input type="checkbox"/></td><td>Africa</td><td><input type="checkbox"/></td></tr><tr><td>Australia / New Zealand</td><td><input type="checkbox"/></td><td>Russia</td><td><input type="checkbox"/></td></tr></tbody></table>		Country		Country		Europe	<input type="checkbox"/>	Asia	<input type="checkbox"/>	North America	<input type="checkbox"/>	Middle East	<input type="checkbox"/>	South America	<input type="checkbox"/>	Africa	<input type="checkbox"/>	Australia / New Zealand	<input type="checkbox"/>	Russia	<input type="checkbox"/>
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Australia / New Zealand	<input type="checkbox"/>	Russia	<input type="checkbox"/>																		

- Additionally, for UCC main campus other than Tyndall National Institute, a declaration specific to export control is also included as part of 'Investigator certifications' within the (Appendix C) Contract Assessment Form: *I/We have reviewed the [UCC Export Control Guidance Note](#) confirm there are no export control requirements associated with this project. We will immediately inform OVPRI if any arise.*

If having followed the preceding steps it remains unclear whether an export license is required, personnel should contact exportcontrol@ucc.ie for further consultation as necessary.

Procedures and controls will continue to be reviewed, with the potential to embed the screening question above within the planned [web-based Research Information System](#).

Note that the review process for export control forms part of a broader due diligence process within UCC for engaging in international cooperation. Due diligence processes at pre-award and post-award are outlined in the [Research Security Framework & Due Diligence Process](#) and serve as current internal controls for managing risks associated with potential reputational damage to the institution, misuse of University R&I, undermining of UCC's values and mission, and loss of commercial business, due to foreign interference and/or geo-political dynamics.

5. Application Process

Where, having followed the procedures detailed under the preceding part 4, it is determined that:

- A. An Export Licence is required.
- B. An Export Licence is not required subject to the utilisation of a General Authorisation.

UCC based personnel should contact exportcontrol@ucc.ie who will facilitate the necessary application process.

Tyndall based personnel should contact legal@tyndall.ie who will facilitate the necessary application process.

It should be noted that only select authorised University representatives are permitted to apply for an Export Control Licence and / or notify of the University's availing of a General Authorisation.

Licence applications may take a number of weeks, and the requirement for same should be determined at the earliest possible juncture to avoid delay.

6. Training and Awareness

The aim of training is to educate UCC personnel on the importance and requirements of export control regulations. UCC endeavours to ensure all personnel involved in export-related compliance activities receive on-going training and education to help them follow applicable regulations and watch for violations or issues. It is expected that all relevant and applicable UCC personnel complete and pass Module 13 'Export Controls' of the [Epigeum Research Integrity Training](#), as part of the wider Research Integrity Epigeum training requirements for UCC Researchers. Self-registration for the freely available Epigeum Research Integrity course is via the UCC Epigeum portal [here](#).

Further training on Export Control, [Export Controls Training for Researchers](#), is available on the following topics:

1. What are export controls?
2. Export control legislation and what applies to the researcher?
3. Export control lists, classification and licences.

7. Reporting

Any UCC staff member or researcher having knowledge of any suspected or known violation of this ICP has the responsibility to report the matter to the OVPRI (exportcontrol@ucc.ie).

Requests by governmental officials concerning export transactions shall be addressed to the OVPRI (in the case of UCC) and Tyndall Operations (in the case of Tyndall National Institute) before any information is provided to the inquiring party.

Each functional Unit within UCC completes an Annual Assurance Statement which is a core component of the University's system of internal control, and which will be supplemented to make provision for export control compliance. This statement also forms the basis by which the University provides its Annual Governance Statement to the Higher Education Authority.

7.1 Corrective actions

UCC will continue to review its export control processes, ensuring this is an ongoing activity where past gaps are identified, and corrective actions taken. If any personnel identify corrective actions that should be undertaken, they may contact the OVPRI (exportcontrol@ucc.ie). OVPRI 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. For example, if staff apply for an export control licence but subsequently find a license is not required, they should report this outcome to OVPRI. This will help inform the ICP and provide clarification on future cases where the requirement for a licence is uncertain.

8. Document Control

OVPRI (in the case of UCC) and Tyndall Operations (in the case of Tyndall National Institute) will maintain a list of export control applications and log of issues encountered or corrective actions suggested with regard to the University's ICP, ensuring record keeping requirements are adhered to and processes are in place to meet the requirements of the local enforcement body, i.e. the DETE, or other export control regimes if applicable. Record keeping requirements are outlined in Article 27 of [Regulation \(EU\) 2021/821](#) for requirements in Ireland. 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. Further information on recordkeeping requirements at UCC can be found in the [Records Management Policy](#).

9. Key resources

- [Control of Exports Act 2023](#) which gives full effect to Council Regulation (EU) No. 2021/821
- [Department of Enterprise, Trade and Employment Export Controls Page](#)
- [EU Commission Exporting Dual-Use items webpage](#)
- [Regulation \(EU\) 2021/821](#)
- [EU Guidance page on Export Controls](#)
- [Wassenaar Arrangement](#)
- [EU Commission: Export Control Guidance for Research Organisations](#)
- The [EU sanctions map](#)
- Department Video: [Export Licensing and Control: Information for Exporters](#)

10. Definitions

Terms	Definitions
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Controlled product	<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> <p>a) EU Common Military List</p> <p>b) Dual List – Regulation (EU) 2023/66</p> <p>c) Human Rights List – Regulation (EU) 2019/125</p> <p>d) Non-military Firearms List – Regulation (EU) 258/2012</p>
Dual-use Goods	<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 nonexplosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices.</p>
Export	<p>Regulation (EU) 2023/66 of 20 May 2021 defines “export” as:</p> <ul style="list-style-type: none"> • an export procedure within the meaning of Article 269 of the Union Customs Code; • 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; • an outward processing procedure within the meaning of Article 259 of the Union Customs Code; or • 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.
Exporter	<p>Regulation (EU) 2023/66 defines ‘exporter’ as:</p> <ul style="list-style-type: none"> • 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 • 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. <p>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; 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</p>

	person's personal baggage within the meaning of point (a) of Article 1(19) of Commission Delegated Regulation (EU) 2015/2446
Technical assistance	'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;
Technology	"Technology" means specific information necessary for the "development", "production" or "use" of goods. This information takes the form of 'technical data' or 'technical assistance'.

11. Contact

Queries in relation to this ICP and all communication with respect to export control should be directed to exportcontrol@ucc.ie.

12. Version control

Procedure Name	Export Control Procedure
Unit Owner	OVPRI
Version Reference	Version 2.0
Approved by	Director of Research Support and Policy
Effective Date	19-09-2024
Review frequency	Every year
Next review date	05-09-2025
Revision History	
Version 1.0	01.01.2024
Version 2.0	19.09.2025
Version 2.1	24.06.2025