

UCC Statement on Export Control

UCC engages widely in international research collaboration and the global movement of researchers. Some of the knowledge held, goods used and research activities carried out have the potential to be misused. Export control law aims to prevent such technology falling into the wrong hands, which could impact our security, regional stability and protection of human rights. The purpose of this Statement is to raise awareness around export control laws and how it might apply to activities carried out in UCC.

Export control laws are measures imposed by the State to regulate the transfer of goods to other countries. It applies to the University in the same way as any other organisation. This means that individual academics and researchers in UCC may be obliged to obtain an export licence from the Department of Business, Enterprise and Innovation before it can lawfully carry out certain activities.

It is important that compliance with export control measures is recognised as part of the broader responsibility for research integrity at UCC and that individual academics and researchers are aware of their obligations to ensure compliance in this area.

A. Export Control in the Irish Legal System

In the Irish context, export of controlled items is regulated and governed as follows;

1. The control of military exports from Ireland is based exclusively on national export control legislation more particularly [S.I. No. 216/2012](#) and as updated from time to time through issuing of export Regulations and;
2. The control of dual-use goods, based on the EU regulation and as transposed into Irish law via Ministerial Order.

B. What types of items are subject to Irish and EU export control laws?

Technologies, material, equipment or know-how that could be used in nuclear, chemical, or biological weapons or ballistic missiles and other explosive devices – more specifically:

1. Military use items - that have been specially designed or modified for military use and their components – see the military list at;

<http://www.irishstatutebook.ie/eli/2012/si/216/made/en>

2. Dual use items – that is items that can be used for civil or military purposes and which meet certain specified technical standards. This includes the components of these items – see consolidated lists at;

- **Annex IV** - *High risk dual use – high risk dual use items*

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2019:338:FULL&from=EN>

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- **Annex I** - *Dual use items*

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2019:338:FULL&from=EN>

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3. If a person knows or has reason to suspect that an item not on the above (military or dual use control lists) may be used for weapons of mass destruction purposes.

C. What is meant by 'export' or transfer of controlled items?

The physical or electronic export of controlled items (see "A" above). This includes:

1. Sending or taking physical items overseas;
2. Travelling overseas carrying information on a laptop or USB;
3. Electronic transfers, emails, texts, documentation/reports, uploading information to an overseas server;
4. Provision of software, databases, etc. or
5. Telephone or other communication such as Skype or FaceTime

D. Who is responsible for compliance with Export Control?

In the academic context, export control laws are most likely to apply in relation to scientific and technical research with military, nuclear, chemical, biological, missile and aerospace applications. However, all individuals particularly those involved in the scientific and engineering disciplines need to be aware of export control regulations as the responsibility for compliance with export control regulations rests with the individual. Failure to comply is a criminal offence.

E. Is an Export Licence application always required?

1. Generally speaking, an Export Licence will be required for all exports of military use items unless otherwise specified or exempted under national legislation (See B1 above)
2. An Export Licence for Annex 1 – Dual Use Items will only be required where the proposed export is to a destination outside the EU unless the proposed export of a controlled item comes within a [Union General Export Authorisation](#). There are currently 6 General Authorisations;
 - **EU001** Covers most Annex I exports to 8 destinations: Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein) and United States of America
 - **EU002** – export of certain dual-use items to certain destinations Annex IIb.
 - **EU003** – Covers most Annex I export after repair/replacement to 24 listed destinations.
 - **EU004** – temporary export for exhibition or fair to 24 listed destinations.
 - **EU005** – selected telecommunications items to 9 listed destinations.
 - **EU006** – selected chemicals to 6 listed destinations.

Export of the controlled will be permitted where the conditions of the applicable authorisation are met and which include an obligation to [notify](#) the Department of Business, Enterprise and Innovation within 30 days.

3. In the case of High Risk Dual Use Items a prior authorisation will always be required even in the case of intra-EU transfers.

F. What Next?

UCC has taken measures to support individual researchers comply with export control laws by registering with the Export Control Unit in the Department of Business, Enterprise and Innovation so that licence application can be submitted.

1. Check you are aware whether your research areas may be subject to export control laws by checking if your work falls within the list of controlled items (*see consolidated lists under section A above (What types of items are subject to Irish and EU export control laws)?*)
2. If the item, technology or knowledge is on the list (i.e. the research is in the area of the controlled legislation), consider is there a potential 'export' or transfer of controlled items (*see section B above - What is meant by 'export' or transfer of controlled items)?*
 - If the answer to the first two questions is yes, you should seek advice from the Office of Corporate and Legal Affairs to help determine whether you need to seek an export licence – this in turn will depend on where the item is being exported to and whether an exemption might apply (e.g. already in the public domain, fundamental scientific research etc.)
 - If the answer to the above two questions is no, a licence should not be required unless the individual knows or suspects the recipients and/or collaborators are engaged in military purposes and/or they are listed as a sanctioned person/country. To confirm see http://eeas.europa.eu/archives/docs/cfsp/sanctions/docs/measures_en.pdf

In this instance you should contact the Office of Corporate and Legal Affairs for advice.

Please contact either the Research Office or the Office of Corporate and Legal Affairs if you require any further information in relation to the above.