



**An Roinn Gnó,  
Fiontar agus Nuálaíochta**  
Department of Business,  
Enterprise and Innovation

**Report under the  
Control of Exports Act 2008**  
Covering the Period  
1<sup>st</sup> January 2017 –  
31<sup>st</sup> December 2017



## Minister's Introduction

I am pleased to present the sixth report on the operation of the Control of Exports Act 2008, covering the period 1<sup>st</sup> January to 31<sup>st</sup> December 2017.

Ireland pursues free trade and open market policies, while at the same time respecting fundamental principles of, non-proliferation, regional stability and respect for human rights. These principles underpin the export controls and trade sanctions administered by my Department.

Ireland has maintained the highest standards in export control and trade sanctions in accordance with international law. I welcome the continued good cooperation between exporting companies and the Trade Licensing and Control Unit. My Department also encourages companies to maintain effective internal compliance procedures to ensure they can play their part in our shared obligation to promote stability and respect for human rights.

This report focuses on licensing activity during 2017 as well as key legislative developments. The report provides data on the number of licence applications along with data on the value and destination of licensed exports. The report also outlines the various EU trade sanctions introduced or updated during 2017.

I am committed to promoting transparency in the operation of Ireland's export control regime. To this end, my Department publishes summary data on the export of controlled products on the Department's website every six months, in addition to the annual reports on the operation of Ireland's export control regime.

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Heather Humphreys, T.D.

Minister for Business, Enterprise & Innovation

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# 1. Introduction

The Control of Exports Act 2008 requires that the Minister, as soon as practicable after the end of each year, prepare and lay before each House of the Oireachtas a report on the operation in the preceding year of matters within the Act.

This report relates to licensing activity over the period 1<sup>st</sup> January-31<sup>st</sup> December 2017. Supplementary information, including detailed statistics on the licences issued, is provided in the Annexes. Background information on multilateral non-proliferation regimes, relevant to the Irish export control regime and its administration, is set out in Annex V.

Previous reports on the operation of Ireland's export control regime are available on the Department's website<sup>1</sup>.

## 2. Changes to European and Irish Legislation

### Update to the Dual-Use Regulation

Council Regulation (EC) 428/2009 of 5 May 2009 (the "Dual-Use Regulation")<sup>2</sup> is the primary legislation governing the export of dual-use items from the Europe Union. Annex I to the Dual-Use Regulation lists the dual-use items subject to control and requiring authorisation for export outside the EU. Annex I is amended annually to take account of changes made to control lists by the principal multilateral export control regimes (Annex V). These changes are implemented by means of European Commission delegated acts.

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<sup>1</sup>See <<https://dbei.gov.ie/en/Publications/Publication-files/Annual-Report-Control-of-Exports.pdf>>.

<sup>2</sup> Council Regulation (EC) 428/2009 of 5 May 2009 setting up a community regime for the control of exports, transfer, brokering and transit of dual-use items.

On 26<sup>th</sup> September 2017 Commission Delegated Regulation (EU) 2017/2268<sup>3</sup> amending the Dual-Use Regulation came into force. This Regulation made a number of additions, deletions and amendments to the notes and definitions used in Annex I to the Dual Use Regulation, in order to update the EU control list to reflect decisions taken in export control regimes in 2016.

## **Intra-EU Transfer of Defence Related Products and Updates to the Common Military List**

Directive 2009/43/EC of the European Parliament and of the Council, of 6 May 2009,<sup>4</sup> establishes a licensing regime for the intra-EU transfer of defence-related products. The purpose of this Directive is to simplify the rules and procedures applicable to such intra-Community transfers in order to ensure the proper functioning of the internal market. Directive 2009/43/EC includes an Annex which sets out the defence-related products subject to control (the “EU Common Military List”).<sup>5</sup>

The EU Common Military List is amended and updated periodically to update and revise definitions and technical specifications of defence related products subject to control. Updating the EU Common Military list implies also that Directive 2009/43/EC be similarly amended and updated.<sup>6</sup> Directive 2009/43/EC was amended and updated twice in 2017 through Commission Directive (EU) 2017/433, of 7 March 2017, and Commission Directive

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<sup>3</sup> Commission Delegated Regulation (EU) 2017/2268 of 26 September 2017 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items.

<sup>4</sup> Directive 2009/43/EC of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community.

<sup>5</sup> Statutory Instrument (“S.I.”) No. 346 of 2011 – European Communities (Intra-Community Transfers of Defence-Related Products) Regulations 2011 gives effect to this Directive in Irish law.

<sup>6</sup> Directive 2009/43/EC, at Article 37, states that “the list of defence-related products set out in the Annex should be updated in strict conformity with the Common Military List of the European Union.”

(EU) 2017/2054, of 8 November 2017.<sup>7</sup> In each instance statutory instruments implemented and gave effect to the updating and amending of 2009/43/EC.<sup>8</sup>

### 3. Trade Sanctions introduced in 2017

EU restrictive measures (see Annex VI) are instruments by which the EU seeks to bring about a change in the policies or activities of other countries such as tackling violations of international law or human rights, or addressing policies that do not respect the rule of law or democratic principles. Sanctions are used, as one of a number of political instruments, to promote EU values and objectives.

The European Union introduced a number of new sanctions during 2017, in response to issues of international concern, for example concerns about regional conflict and human rights. The Department of Business, Enterprise and Innovation<sup>9</sup> was the competent authority for the trade aspects of EU sanctions concerning, for example, trade with Iran, Syria and the Democratic People's Republic of Korea. The Department of Finance and Central Bank are responsible for the implementation of EU financial sanctions. The Department of Business, Enterprise and Innovation and the Department of Finance shared responsibility for drafting Regulations to provide for penalties in national law for breaches of EU sanctions. Thirty-nine new Regulations were made during 2017 the details of which are set out in Annex I to this report.

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<sup>7</sup> Commission Directive (EU) 2017/433 of 7 March 2017 was adopted after adoption by the Council on 14 March 2016 of an updated EU Common Military List. Commission Directive (EU) 2017/2054 of 8 November 2017 was adopted after adoption by the Council on 6 March 2017 of an updated EU Common Military List.

<sup>8</sup> S.I. No. 268/2017 "European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2017", dated 15 June 2017, implemented and gave effect to Commission Directive (EU) 2017/433. S.I. No. 39/2018 "European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2018", dated 15 February 2018, implemented and gave effect to Commission Directive (EU) 2017/2054.

<sup>9</sup> Since 1 September of 2017, and consistent with S.I. No. 361 of 2017 Labour Affairs and Labour Law (Transfer of Departmental Administration and Ministerial Functions) Order 2017 the Department of Business, Enterprise and Innovation is the competent authority for the administration of trade sanctions. Prior to that date, the Department of Jobs, Enterprise and Innovation was the competent authority. See <<http://www.irishstatutebook.ie/eli/2017/si/361/made/en/pdf>>.

The Department issued 122 licences, with a total value of €70m, during 2017 under Article 3 of Council Regulation (EU) No. 833/2014<sup>10</sup> which imposes a licensing requirement for the sale, supply, transfer or export to Russia of certain energy-related equipment and technology. The licences issued were predominantly in respect of mining products for use in hard mineral (coal and metal ore) mines. The equipment and technology subject to control is listed in Annex II of Council Regulation (EU) No. 833/2014.

## 4. Export Control Policy Review

In recent years, as detailed in previous reports, the European Commission has reviewed the European Union's control regime for dual-use goods. This review process has resulted in the publication of:

- A Green Paper on dual-use export controls in 2011.<sup>11</sup>
- A European Commission Communication to the Council and the European Parliament on export control policy in 2014.<sup>12</sup>
- An Industry Forum also in 2014.<sup>13</sup>
- A public consultation process followed by a European Commission report in 2015.<sup>14</sup>
- A European Commission proposal, published on 28 September 2016, to reform, update and modernise the Dual-Use Regulation.<sup>15</sup>

During 2017 the European Commission's proposal was considered by the Council and the European Parliament both of which will ultimately approve any reform of the Dual-Use Regulation.

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<sup>10</sup> Council Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

<sup>11</sup> See <[http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\\_148020.pdf](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148020.pdf)>.

<sup>12</sup> See < [http://trade.ec.europa.eu/doclib/docs/2014/april/tradoc\\_152446.pdf](http://trade.ec.europa.eu/doclib/docs/2014/april/tradoc_152446.pdf)>.

<sup>13</sup> See <[http://trade.ec.europa.eu/doclib/docs/2014/october/tradoc\\_152858.pdf](http://trade.ec.europa.eu/doclib/docs/2014/october/tradoc_152858.pdf)>.

<sup>14</sup> See <[http://trade.ec.europa.eu/doclib/docs/2015/november/tradoc\\_154003.pdf](http://trade.ec.europa.eu/doclib/docs/2015/november/tradoc_154003.pdf)>.

<sup>15</sup> See <[http://eur-lex.europa.eu/resource.html?uri=cellar:1b8f930e-8648-11e6-b076-01aa75ed71a1.0013.02/DOC\\_1&format=pdf](http://eur-lex.europa.eu/resource.html?uri=cellar:1b8f930e-8648-11e6-b076-01aa75ed71a1.0013.02/DOC_1&format=pdf)>.



The Council's consideration of the European Commission's proposal took place at working party level, where the Department represented Ireland at the Working Party on Dual-Use Goods. In the European Parliament, the Committee for International Trade (INTA) completed its review of the European Commission's proposal on 3 November 2017.<sup>16</sup>

Neither the Council nor the European Parliament completed their review processes by the end of 2017. The Working Party on Dual-Use Goods was scheduled to continue its review of the European Commission's proposal into 2018. INTA's report, which included recommendations to amend the European Commission's proposal, was scheduled for consideration by the European Parliament, in plenary session, in early 2018.

## 5. Export Licences and Statistical Trends

### Individual Dual-Use Licenses

Four hundred and forty-seven individual dual-use licences were issued in 2017, an increase of 9% on licence numbers issued in 2016.

Values of exports on individual licences issued in 2017 decreased by 10% compared with 2016, i.e., from €394.6 million to €357.1 million.<sup>17</sup> There was an increase in the value of Dual-Use Regulation Category 5 items<sup>18</sup> (telecommunications and information security equipment and components) of 5% from €194.9 million to €204.8 million and decreases in the value of Category 3 items (electronics) of 14% from €169.3m to €145.3m and Category 2 items (materials processing equipment) from €25.3 million to less than €1 million.

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<sup>16</sup> See <<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2017-0390&language=EN>>.

<sup>17</sup> See Annex II of this report.

<sup>18</sup> See Annex IV of this report for a list of dual-use control categories in the Dual-Use Regulation.

## Global Dual-Use Licences

Global dual-use export licences provide exporters with more administrative flexibility than individual export licences. They can be used to cover shipments of goods and technology listed on the licence to the countries of destination listed on the licence. Global dual-use export licences are issued to companies that have a very high volume of relatively low-risk exports.

In addition, global dual-use export licences are issued subject to a number of strict conditions, such as a prohibition on their use for exports to military, police or State security forces end-users. Global licence holders must submit an application for an individual dual-use licence where they intend exporting to this category of end-user.

Twenty-three global dual-use licences were in use in 2017 compared to 22 in 2016. The value of actual exports reported under dual-use global licences in 2017 was €2,856.1 million compared to €2,825.6 million in 2016, an increase of 1%.<sup>19</sup>

## Military Licences

Licensing controls for military items cover military goods, military technology and also components for such items. Licences issued for military goods in 2017 involved components with a military rating, sports and hunting firearms, and controlled items to companies engaged in mining activity. Additionally, it should be noted that in view of the relatively small cohort of exporters of military goods and technology in Ireland, a change in the licence requirements of one or two exporters may have a significant impact on the statistics.

The number of military licences issued decreased by 8% from 128 in 2016 to 118 in 2017. The value of the exports on licences issued decreased by 60% from €62.8m in 2016 to €24.9m in 2017.

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<sup>19</sup> See Annex II of this report.

## Brokering Licences

A brokering licence is required where a person or entity is negotiating or arranging transactions that involve the transfer of items listed on the EU Common Military List, or who buy, sell or arrange the transfer of items listed on the EU Common Military List that are in their ownership:

- From a non-EU country to a non-EU country.
- From Ireland to a non-EU country.
- From another EU Member State to a non-EU country.

Two licences for brokering of military items were issued during 2017.

A licence is required for the brokering of dual-use items from one third country to another in certain circumstances, for example where the goods will be used in connection with chemical, biological or nuclear weapons. No licence applications for the brokering of dual-use items were received during 2017.

## Data Aggregation and Commercial Sensitivities

This report seeks to provide as much transparency as possible on licence value, numbers, destinations and product categories in respect of dual-use and military products subject to the Control of Exports Act 2008.

The table below sets out summary information regarding the number and value of licences granted by the Department during 2016 and 2017. More detailed statistical information is set out in Annex II to this report.

### Summary Data

Type of Licence	Number by Year		Value by Year <sup>20</sup>	
	2017	2016	2017	2016
Individual Dual-Use	447	409	357,136	394,631
Global Dual-Use	23	22	2,856,145	2,825,575
Military	118	128	24,949	62,779
TOTAL <sup>21</sup>	588	559	3,238,230	3,282,985

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<sup>20</sup> The values reported for individual dual-use licences and military licences is the value in the approved license and hence may therefore overstate the value of actual exports. The values reported for global dual-use licences relate to actual exports reported for 2016 and 2017.

<sup>21</sup> In addition to the licenses reported in this Table, Global Military Transfer licenses are also issued pursuant to Article 6 of Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community. The Value of these licenses was less than €2 million for 2016 and less than €4 million in 2017.

## 6. Denials

The export licensing process centres on ensuring, as far as possible, that the item to be exported will be used by the stated end-user for the stated end-use, and will not be used for an illicit purpose, e.g., for use in connection with weapons of mass destruction. The safeguards built into the licensing system facilitate robust checks and cross checks in this regard.

The Department may refuse an export licence, following consultation with the Department of Foreign Affairs and Trade and other EU and international export licensing authorities, as appropriate, and having taken into account the considerations set out below.

In 2017 four export licence applications were denied. These denials were made on the grounds of considerations about the intended end-use, the risk of diversion and EU sanctions.

### **Considerations When Deciding Whether to Grant/Deny**

Article 12 of the Dual-Use Regulation sets out the criteria for deciding whether or not to grant an individual or global dual-use licence. Article 12 requires that Member States shall take into account all relevant considerations including:

- a) The obligations and commitments they have each accepted as members of the relevant international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.
- b) Their obligations under sanctions imposed by a common position or a joint action adopted by the Council or by a decision of the Organisation for Security and Co-operation in Europe (OSCE) or by a binding resolution of the Security Council of the United Nations.
- c) Considerations of national foreign and security policy, including those covered by Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

d) Considerations about intended end-use and the risk of diversion.

The Common Position, referred to in point (c) above, sets out common criteria against which applications for exports of military goods should be assessed. These are as follows:

Criterion One: Respect for the international obligations and commitments of Member States, in particular, sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.

Criterion Two: Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law.

Criterion Three: Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

Criterion Four: Preservation of regional peace, security and stability.

Criterion Five: National security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.

Criterion Six: Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.

Criterion Seven: Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.

Criterion Eight: Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.

## **7. Enforcement and Investigations**

As set out in previous reports, the Department monitors exports of controlled items in close co-operation with Revenue Customs. As part of this co-operation, details of certain proposed exports to countries that are subject to trade sanctions are referred to the Department by Revenue Customs before being allowed proceed. During 2017 Revenue Customs referred 396 proposed exports to the Department for review.

# Annex I – Irish Regulations in respect of EU Sanctions

## Afghanistan

### **1. S.I. No. 120/2017 - European Union (Restrictive Measures concerning Afghanistan) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 753/2011, as amended, regarding restrictive measures concerning Afghanistan. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the provision of certain activities in relation to military goods and technology.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Afghanistan.

## Belarus

### **1. S.I. No. 124/2017 - European Union (Restrictive Measures concerning Belarus) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EC) No 765/2006, as amended, regarding restrictive measures concerning Belarus. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.

- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on:
  - the sale/export of goods that might be used for purposes of internal repression.
  - the provision of certain activities in relation to military goods and technology or goods that might be used for internal repression.

This Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Belarus.

### **Central African Republic**

- 1. S.I. No. 91/2017 - European Union (Restrictive Measures concerning Central African Republic) Regulations 2017**
- 2. S.I. No. 254/2017 - European Union (Restrictive Measures concerning Central African Republic) (No. 2) Regulations 2017**
- 3. S.I. No. 513/2017 - European Union (Restrictive Measures concerning Central African Republic) (No. 3) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) No 224/2014, as amended, regarding restrictive measures concerning Central African Republic. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.



- Prohibitions on the provision of certain activities in relation to military goods and technology or armed mercenary personnel.

The Regulations provide that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulations also create offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Central African Republic.

### **Democratic People's Republic of Korea**

- 1. S.I. No. 92/2017 - European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) Regulations 2017**
- 2. S.I. No. 256/2017 - European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) (No. 2) Regulations 2017**
- 3. S.I. No. 518/2017 - European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) (No. 3) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) 2017/1509, as amended, regarding restrictive measures concerning the Democratic People's Republic of Korea (DPRK). The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the provision of certain activities in relation to military goods and technology.
- Prohibitions on the export and import restrictions on dual use goods and goods which could contribute to DPRK's nuclear or weapons programmes.
- Prohibitions on the export of luxury goods.

- Export and import restrictions in relation to gold, precious metals and diamonds and the provision of brokering, technical assistance or financial assistance in relation to these items.
- Export restrictions in relation to DPRK bank notes and coinage;
- Transport restrictions.
- Financial and investments sanctions.
- Sectoral prohibitions concerning the procurement of gold and certain ores and minerals.
- Prohibitions on the sale or supply of aviation fuel.

The Regulations provide that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulations also create offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to the DPRK.

### **Democratic Republic of the Congo**

- 1. S.I. No. 90/2017 - European Union (Restrictive Measures concerning the Democratic Republic of the Congo) Regulations 2017**
- 2. S.I. No. 262/2017 - European Union (Restrictive Measures concerning the Democratic Republic of the Congo) (No. 2) Regulations 2017**
- 3. S.I. No. 514/2017 - European Union (Restrictive Measures concerning the Democratic Republic of the Congo) (No. 3) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EC) No 1183/2005, as amended, regarding restrictive measures concerning the Democratic Republic of the Congo. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.

- Prohibitions on the provision of certain activities in relation to military goods and technology.

The Regulations provide that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulations also create offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to the Democratic Republic of the Congo.

## **Egypt**

### **1- S.I. No. 168/2017 - European Union (Restrictive Measures concerning Egypt) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 270/2011, as amended, regarding restrictive measures concerning the Egypt. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

## **Iran**

### **1. S.I. No. 75/2017 - European Union (Restrictive Measures concerning Iran) Regulations 2017**

**2. S.I. No. 255/2017 - European Union (Restrictive Measures concerning Iran) (No. 2) Regulations 2017**

**3. S.I. No. 515/2017 - European Union (Restrictive Measures concerning Iran) (No. 4) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) No 267/2012, as amended, regarding restrictive measures concerning Iran. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the provision of missile technology.
- Authorisation regimes in relation to:
  - The provision of certain goods related to particular nuclear power activities.
  - Providing Enterprise Resource Planning software designed for use in nuclear and military activities.
  - The supply of certain metals.

**4. S.I. No. 261/2017 - European Union (Restrictive Measures concerning Iran) (No. 3) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 359/2011, as amended, regarding restrictive measures concerning Iran. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on:
  - the sale/export of goods that might be used for purposes of internal repression and other listed equipment.

- the provision of certain activities in relation to goods that might be used for internal repression or other listed equipment.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Iran.

## **Iraq**

- 1. S.I. No. 61/2017 - European Union (Restrictive Measures concerning Iraq) Regulations 2017**
- 2. S.I. No. 122/2017 - European Union (Restrictive Measures concerning Iraq) (No. 2) Regulations 2017**
- 3. S.I. No. 169/2017 - European Union (Restrictive Measures concerning Iraq) (No. 3) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EC) No 1210/2003, as amended, regarding restrictive measures concerning Iraq. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities and restrictions on trade in cultural goods.

The Regulations provide that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

There is also an arms embargo in place with regard to Iraq.

## **Libya**

- 1. S.I. No. 180/2017 - European Union (Restrictive Measures concerning Libya) Regulations 2017**
- 2. S.I. No. 385/2017 - European Union (Restrictive Measures concerning Libya) (No. 2) Regulations 2017**
- 3. S.I. No. 469/2017 - European Union (Restrictive Measures concerning Libya) (No. 3) Regulations 2017**
- 4. S.I. No. 562/2017 - European Union (Restrictive Measures concerning Libya) (No. 4) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) 2016/44, as amended, regarding restrictive measures concerning Libya.

The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on:
  - the sale/export and import of goods that might be used for purposes of internal repression.
  - provision of certain activities in relation to military goods and technology, goods that might be used for internal repression or the provision of armed mercenary personnel.
  - Activities related to certain vessels in order to prevent illegal export of crude oil from Libya.

The Regulations provide that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulations also create offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Libya.

## **Mali**

### **1. S.I. No. 564/2017 - European Union (Restrictive Measures concerning Mali) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) 2017/1770 regarding restrictive measures concerning Mali. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

## **Republic of Guinea-Bissau**

### **1. S.I. No. 257/2017 - European Union (Restrictive Measures concerning the Republic of Guinea-Bissau) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 377/2012, as amended, regarding restrictive measures concerning the Republic of Guinea-Bissau. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

### **Russian Federation**

- 1. S.I. No. 121/2017 - European Union (Restrictive Measures concerning Ukraine) Regulations 2017**
- 2. S.I. No. 208/2017 - European Union (Restrictive Measures concerning Ukraine) (No. 2) Regulations 2017**
- 3. S.I. No. 386/2017 - European Union (Restrictive Measures concerning Ukraine) (No. 3) Regulations 2017**
- 4. S.I. No. 466/2017 - European Union (Restrictive Measures concerning Ukraine) (No. 4) Regulations 2017**
- 5. S.I. No. 566/2017 - European Union (Restrictive Measures concerning Ukraine) (No. 5) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) No 208/2014 as amended, Council Regulation (EU) No 269/2014 as amended, Council Regulation (EU) No 692/2014 as amended, and Council Regulation (EU) No 833/2014 as amended, regarding restrictive measures concerning the Russian Federation. The effect of these measures includes:

- A range of financial restrictions.
- Restrictions with regard to:
  - The provision of military related items and dual-use items to the Russian Federation.



- The provision of certain activities relating to military related items and dual-use items.
- The provision of certain goods and services related to infrastructure in certain sectors in Crimea, restrictions on investment in Crimea, and restrictions of imports from Crimea.
- Restrictions on the provision of certain items and technology to the Russian Federation relating to the energy sector.

The Regulations provide that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulations also create offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to the Russian Federation.

## **Somalia**

### **1- S.I. No. 167/2017 - European Union (Restrictive Measures concerning Somalia) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 147/2003, as amended, and Council Regulation (EU) No 356/2010, as amended, regarding restrictive measures concerning Somalia. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the import of charcoal.
- Prohibitions on the provision of certain activities in relation to military goods and technology.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Somalia.

## **South Sudan**

### **1. S.I. No. 259/2017 - European Union (Restrictive Measures concerning South Sudan) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 748/2014, as amended, regarding restrictive measures concerning South Sudan. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the provision of certain activities in relation to military goods and technology.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to South Sudan.

## **Sudan**

### **1. S.I. No. 260/2017 - European Union (Restrictive Measures concerning Sudan) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 747/2014, as amended, regarding restrictive measures concerning Sudan. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the provision of certain activities in relation to military goods and technology.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Sudan.

## **Syria**

- 1. S.I. No. 93/2017 - European Union (Restrictive Measures concerning Syria) Regulations 2017**
- 2. S.I. No. 253/2017 - European Union (Restrictive Measures concerning Syria) (No. 2) Regulations 2017**
- 3. S.I. No. 516/2017 - European Union (Restrictive Measures concerning Syria) (No. 3) Regulations 2017**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) No 36/2012, as amended, regarding restrictive measures concerning Syria.

The effect of these measures includes:

- A wide range of financial and trade restrictions including freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Restrictions on:
  - exporting dual-use items that might be used for internal repression.

- restrictions on exporting certain equipment for use in the oil and gas sectors and certain luxury items.
- the provision of certain financial services and investment in certain infrastructural projects.
- trade in cultural items; and import restrictions on crude oil, petroleum products, diamonds and precious metals.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Syria.

## **Tunisia**

### **1. S.I. No. 258/2017 - European Union (Restrictive Measures concerning Tunisia) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 101/2011, as amended, regarding restrictive measures concerning Tunisia. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

## **Yemen**

### **1. S.I. No. 210/2017 - European Union (Restrictive Measures concerning Yemen) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 1352/2014, as amended, regarding restrictive measures concerning Yemen. The effect of these measures includes:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.
- Prohibitions on the provision of certain activities in relation to military goods and technology.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Yemen.

## **Zimbabwe**

### **1. S.I. No. 263/2017 - European Union (Restrictive Measures concerning Zimbabwe) Regulations 2017**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EC) No 314/2004, as amended, regarding restrictive measures concerning Zimbabwe. The effects of these measures include:

- The freezing of funds and economic resources of certain listed individuals and entities.
- Prohibitions on the provision of funds and economic resources to the listed individuals and entities.

- Prohibitions on the sale/export of goods that might be used for purposes of internal repression and on the provision of services related to that equipment.

The Regulation provides that competent authorities of the State may issue instructions for the purpose of giving full effect to the sanctions.

The Regulation also creates offences for breach of the Council Regulation or for failure to comply with the instructions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

There is also an arms embargo in place with regard to Zimbabwe.

## Annex II – 2017 Export Licence Statistics

### Overview Table

<i>Type of Licence</i>	2017		2016		2015	
	No.	Value €000	No.	Value €000	No.	Value €000
<b>Individual Dual-Use<sup>22</sup></b>	447	357,136	409	394,631	546	377,811
<b>Global Dual-Use<sup>23</sup></b>	23	2,856,145	22	2,825,575	23	1,030,299
<b>Military<sup>24</sup></b>	118	24,949	128	62,779	81	42,626
<b>TOTAL<sup>25</sup></b>	588	3,238,230	559	3,282,985	650	1,450,736

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<sup>22</sup> The export values reported in this Annex for individual dual-use licences are approved licensed values which may be higher than the value of actual exports.

<sup>23</sup> The export value reported in this Annex for global dual-use licences relate to actual exports. Global licence reporting requirements, which have been in place since 2013, enable the reporting of the value of actual exports.

<sup>24</sup> The export values in this Annex for military licences is the value are approved license values which may be higher than the value of actual exports.

<sup>25</sup> As indicated in note 21, volume and value data for Military Global Transfer License is not included in the reported figures.

## Individual Dual-Use Licences by Category Table

Category <sup>26</sup>	2017		2016		2015	
	No.	Licence Value €000	No.	Licence Value €000	No.	Licence Value €000
2	32	65	13	25,316	24	1,026
3	60	145,279	52	169,264	57	64,347
5	312	204,815	308	194,854	430	306,227
Catch-all	0	0	0	0	*	4
1,4,6, 7 & 8	43	6,977	36	5,197	34	6,207
<b>Total</b>	<b>447</b>	<b>357,136</b>	<b>409</b>	<b>394,631</b>	<b>546</b>	<b>377,811</b>

## Global Licences by Category Table

Category <sup>27</sup>	2017		2016		2015	
	No.	Value €000	No.	Value €000	No.	Value €000
1	2	0	2	0	2	0
2	2	0	2	5	2	24
3	5	275	5	107	5	196
4	2	0	2	0	2	0
5	23	2,855,870	22	2,825,463	22	1,030,079
6	2	0	2	0	2	0
<b>Total<sup>28</sup></b>	<b>23</b>	<b>2,856,145</b>	<b>22</b>	<b>2,825,575</b>	<b>23</b>	<b>1,030,299</b>

<sup>26</sup> The categories correspond to those set out in Annex I to the Dual-Use Regulation as amended. See Annex IV of this report for a list of dual-use control categories in the Dual-Use Regulation.

<sup>27</sup> The categories correspond to those set out in Annex I to the Dual-Use Regulation as amended. See Annex IV to this report for a list of dual use item categories.

<sup>28</sup> The total figure for global licenses is not the sum of the figures for each category. This is because a global license may cover more than one category and will be recorded in each category. E.g., a



The above table shows the total number of global licences in operation during 2015, 2016 and 2017. While the total number of licences reflected in the table shows the number of licences in operation during the years reported, a small number of these global licences permitted the export of more than one category of items. The table provides a breakdown of all categories permitted for export under the global licences and the volume of actual exports reported under each category of the licences.

The table above shows the actual value of exports made under global licences during 2015, 2016 and 2017. These figures cannot be compared with values provided in previous reports which, prior to 2014, reflected the estimated values provided on global licence applications<sup>29</sup> rather than the actual value of exports. The actual value of exports provides more relevant information and is considered of greater interest for comparative purposes.

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global license covering products in categories 3 and 4 will be included in the number of global licenses category 3 and category 4.

<sup>29</sup> Values on global licences were estimated by exporters at the time of application. Variations invariably arose, for example, given the temporary transfer of machinery within groups. In addition, companies are subject to regular changes in the lists of controlled products. In addition, reviews of control lists can result in products no longer being subject to control and companies who previously required export licences having fewer products subject to control and possibly no longer being required to engage with the licensing system.

**Dual-Use Exports by Category, Destination, Number  
and Licenced Value 2017 (made under individual licences)**

Category	Destination	No. Issued	Value <100,000	Value 100,000-500,000	Value > 500,000
1					
	China	6	4	2	
	Hong Kong	2	1	1	
	Indonesia	1			1
	Mongolia	1	1		
	Somalia	2	1		1
	South Korea/Republic of Korea	1			1
	Taiwan	1	1		
	Thailand	1	1		
	United Arab Emirates	1	1		
	United States	1		1	
2					
	Bahrain	1	1		
	Belarus	1	1		
	China	6	6		
	India	4	4		
	Israel	2	2		
	Jordan	2	2		
	Malaysia	2	2		
	Mongolia	1	1		
	Qatar	3	3		
	Russia	1	1		
	Taiwan	2	2		
	Turkey	3	3		

	United Arab Emirates	3	3		
	Vietnam	1	1		
3					
	China	26	15	6	5
	India	1	1		
	Israel	3	2	1	
	Macau	2		2	
	Malaysia	4	2		2
	Philippines	3			3
	Russia	5	3	2	
	Singapore	4	1	2	1
	South Korea/Republic of Korea	7	4		3
	Taiwan	3			3
	Thailand	1	1		
	Vietnam	1	1		
4					
	Philippines	1	1		
5					
	Afghanistan	1			1
	Albania	2			2
	Algeria	2			2
	Argentina	3			3
	Azerbaijan	1		1	
	Bahrain	3	2		1
	Bangladesh	2			2
	Belarus	2	2		
	Bosnia And Herzegovina	3	2		1
	Brazil	9	1		8
	Brunei Darussalam	2	1		1
	Burkina Faso	1	1		
	Cayman Islands	1	1		

	Chad	1	1		
	China	45	7	1	37
	Democratic Republic of the Congo	1	1		
	Egypt	18	11	1	6
	El Salvador	1			1
	Gabon	1	1		
	Georgia	1			1
	Hong Kong	7	5	2	
	India	16	8		8
	Indonesia	2	1	1	
	Israel	13	11		2
	Jordan	4	3	1	
	Kenya	1			1
	Kuwait	3	2		1
	Lebanon	7	4		3
	Macedonia	1			1
	Madagascar	1	1		
	Malawi	1	1		
	Malaysia	2	1		1
	Mexico	2		1	1
	Morocco	2	2		
	Nicaragua	1			1
	Nigeria	1	1		
	Oman	5	4		1
	Palestinian Territories	1			1
	Peru	1			1
	Philippines	1		1	
	Qatar	18	4	5	9
	Russia	4	4		
	Rwanda	1	1		
	Saudi Arabia	21	11	2	8

	Serbia	2	2		
	Singapore	3	1	1	1
	South Africa	7	5		2
	South Korea/Republic of Korea	4		2	2
	Sri Lanka	1	1		
	Taiwan	5	1		4
	Thailand	2	1	1	
	Tunisia	1			1
	Turkey	28	13	6	9
	Ukraine	6	5		1
	United Arab Emirates	32	12	8	12
	Uruguay	1			1
	Vietnam	2		1	1
	Yemen	2	1	1	
6					
	India	1	1		
	Iraq	1		1	
	Lebanon	1		1	
	Malaysia	1		1	
	Papua New Guinea	1		1	
	Philippines	2	1	1	
	Russia	2	2		
	Turkmenistan	1		1	
7					
	Brazil	1	1		
	China	1	1		
	India	1	1		
	Israel	1		1	
	Russia	1	1		
	South Korea/Republic of Korea	5	5		
	Turkey	3	3		

8					
	China	2	2		
	Total	447	228	60	159

### Military Exports by Category<sup>30</sup>, Destination, Number and Licenced Value<sup>31</sup> 2017

Code	Destination	2017 Number of Licences Issued	2017 Value of Licences €
ML1	Australia	3	10,088
	Canada	3	13,471
	Mali	2	13,793
	New Zealand	5	59,560
	Switzerland	1	3,000
	United States	10	30,731
ML3	Canada	1	9,408
	Finland	1	584,808
	Germany	1	90,720
ML4	United Kingdom	5	322,500
ML5	Australia	3	400,103
	Canada	4	195,121

<sup>30</sup> Military List Categories are provided at Annex III.

<sup>31</sup> The statistics in this table represent the value listed on the export licence, and not the actual value of the goods/technology exported under the licence.

	Germany	3	569,820
	New Zealand	1	183,260
	Norway	1	288,200
	South Korea/Republic of Korea	4	624,000
	Sweden	2	711,782
	Turkey	2	898,553
	United States	18	9,108,241
ML6	South Africa	1	67,566
	Switzerland	1	48,000
ML9	India	1	18,680
ML10	United Kingdom	6	522,625
	United States	3	8,847,202
ML11	Australia	1	92,225
	France	1	36,189
	Italy	1	308,291
	United Kingdom	7	0
ML15	United Kingdom	16	10,785
ML21	Australia	1	100,000
	United States	3	300,000
ML22	Australia	1	50,000
	Canada	1	30,000
	Turkey	1	100,000
	United States	3	300,000
	Total	118	24,948,722

## Aggregated Military Licences by Destination 2017

Destination	Number of Licences	Licence Value <sup>32</sup> €
Australia	9	652,416
Canada	9	248,000
Finland	1	584,808
France	1	36,189
Germany	4	660,540
India	1	18,680
Italy	1	308,291
Mali	2	13,793
New Zealand	6	242,820
Norway	1	288,200
South Africa	1	67,566
South Korea/Republic of Korea	4	624,000
Sweden	2	711,782
Switzerland	2	51,000
Turkey	3	998,553
United Kingdom	34	855,910
United States	37	18,586,174
<b>Total</b>	<b>118</b>	<b>24,948,722</b>

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<sup>32</sup> The statistics in this table represent the value listed on the export licence, and not the value of the goods/technology actually exported under the licence.



## Final End Use

To provide full transparency on the destination of controlled products being exported from Ireland, the following table provides details of controlled products to be subsequently re-exported from the initial licensed export destination.

<b>Category<sup>33</sup></b>	<b>Destination of ultimate end-use</b>	<b>Number of incidences</b>	<b>Total licensed value €<sup>34</sup></b>
ML5	Finland	1	165,189
ML5	New Zealand	2	34,089
ML5	Oman	1	829,101
ML5	Saudi Arabia	2	161,132

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<sup>33</sup> Military List categories are provided at Annex III.

<sup>34</sup> The statistics in this table represent the value listed on the export licence, and not the value of the goods/technology actually exported under the licence which may be lower than the face value of the licence.

## Annex III - Summary of Military List Codes

- ML1** Smooth bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, and specially designed components therefor.
- ML2** Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, and specially designed components therefor.
- ML3** Ammunition and fuse setting devices, and specially designed components therefor.
- ML4** Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, and specially designed components therefor.
- ML5** Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, specially designed for military use, and specially designed components and accessories therefor.
- ML6** Ground vehicles and components.
- ML7** Chemical or biological toxic agents, "riot control agents", radioactive materials, related equipment, components and materials.
- ML8** "Energetic materials" and related substances.
- ML9** Vessels of war (surface or underwater), special naval equipment, accessories, components and other surface vessels.
- ML10** "Aircraft", "lighter-than-air vehicles", unmanned aerial vehicles, aero-engines and "aircraft" equipment, related equipment and components, specially designed or modified for military use.
- ML11** Electronic equipment, not specified elsewhere on the EU Common Military List, and specially designed components therefor.
- ML12** High velocity kinetic energy weapon systems and related equipment, and specially designed components therefor.
- ML13** Armoured or protective equipment, constructions and components.
- ML14** 'Specialised equipment for military training' or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon

specified by ML1 or ML2, and specially designed components and accessories therefor.

**ML15** Imaging or countermeasure equipment, specially designed for military use, and specially designed components and accessories therefor.

**ML16** Forgings, castings and other unfinished products specially designed for items specified by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.

**ML17** Miscellaneous equipment, materials and 'libraries', and specially designed components therefor.

**ML18** Production equipment and components.

**ML19** Directed energy weapon systems (DEW), related or countermeasure equipment and test models, and specially designed components therefor.

**ML20** Cryogenic and "superconductive" equipment, and specially designed components and accessories therefor.

**ML21** "Software."

**ML22** "Technology."

## Annex IV – Summary of Dual-Use Categories

The Dual-Use categories referenced in this report correspond to those set out in Annex I to the Dual-Use Regulation as amended:

- Category 0:** Nuclear materials, facilities and equipment
- Category 1:** Special materials and related equipment
- Category 2:** Materials Processing
- Category 3:** Electronics
- Category 4:** Computers
- Category 5:** Telecommunications and information security
- Category 6:** Sensors and lasers
- Category 7:** Navigation and avionics
- Category 8:** Marine
- Category 9:** Aerospace and Propulsion

# Annex V – Multilateral Nonproliferation Regimes

## Introduction

Ireland is a member of the following multilateral export control regimes that underpin European and Irish export controls:

- Australia Group.
- Missile Technology Control Group.
- Nuclear Suppliers Group.
- Wassenaar Arrangement.
- Zangger Committee.
- Organisation for the Prohibition of Chemical Weapons.

The Department of Foreign Affairs and Trade represents Ireland at each of these export control regimes, for example at meetings and in sharing information with relevant national authorities in other regime member countries. The Department of Foreign Affairs and Trade works very closely with Department of Business, Enterprise and Innovations regarding the work of the regimes.

The regimes operate as political arrangements each member country is responsible for implementing export controls, through their respective individual domestic legislation and administration. As set out below, the different regimes focus on different types of dual-use goods.

## The Australia Group

The Australia Group,<sup>35</sup> formed in 1985, is primarily concerned with preventing the proliferation the control of chemical and biological weapons.

The Australia Group seeks harmonisation of participating countries' export controls to prevent the development of chemical or biological weapons by using licensing measures.

Australia Group participants adhere strictly to the Geneva Protocol (1925), the Biological and Toxic Weapons Convention (BWC) and the Chemical Weapons Convention (CWC).

The Australia Group's remit also includes the control of microorganisms and toxins as well as some manufacturing equipment for biological weapons.

Australia Group meetings are held annually, in plenary session, in Paris and are chaired by Australia. Intersessional meetings may also be held, if deemed necessary.

The Australia Group had 42 members at 31 December 2017:<sup>36</sup>

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<sup>35</sup> See <<http://www.australiagroup.net/en>>.

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Cyprus, Republic of Korea, Republic of Turkey, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America.

## Missile Technology Control Regime

The Missile Technology Control Regime (MTCR),<sup>37</sup> established in 1982, is primarily concerned with preventing the proliferation of unmanned delivery systems for Weapons of Mass Destruction.

The MTCR's remit includes the control of missiles systems capable of carrying chemical and biological warheads, some complete rocket systems including space launch vehicles (SLVs) and sounding rockets, as well as to unmanned airborne vehicles such as drones, unmanned aerial vehicles (UAVs) and remotely piloted missiles.

MTCR member countries apply MTCR guidelines, via their own domestic legislation, to a common MTCR list of controlled items. MTCR members also share information about relevant national export licensing issues.

MTCR holds annual Plenary Meetings chaired on a rotational basis. Technical Experts Meetings, Information Exchanges and Enforcement Expert Meetings are held on an ad hoc basis.

The 2017 Plenary meeting was held in Dublin in October 2017. The Plenary marked the beginning of Ireland and Iceland Co-Chairing MTCR, until the next Plenary meeting in 2018.

The MTCR has 35 members:

Argentina, Australia, Austria, Belgium, Bulgaria, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Russian Federation, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America.

## Nuclear Suppliers Group

The Nuclear Suppliers Group (NSG),<sup>38</sup> established in 1975, is primarily concerned with preventing nuclear items exported for commercial and civilian purposes being used in the production of nuclear weapons.

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<sup>36</sup> India joined the Australia Group on 19 January 2018,

<sup>37</sup> See <<http://mtrc.info>>.

<sup>38</sup> See <<http://www.nuclearsuppliersgroup.org/en>>.

The NSG publishes Guidelines to member countries consistent with the various international instruments for nuclear non-proliferation. The NSG also publishes a control list of nuclear and nuclear related products. This control list is updated annually.

Countries who are engaged in importing of nuclear and nuclear-related products must provide assurances to NSG Participants that any such trading activities will not result in, or form part of, the development of nuclear weapons.

Member countries are expected to desist from nuclear trade with governments who are not subject to international regulatory measures and inspections. In addition, member countries may prohibit the export of any item suspected to be destined to a nuclear weapons programme, even if the item to be exported does not appear on an NSG control list.

NSG holds annual Plenary Meetings chaired on a rotational basis. Two other standing bodies that report to the Plenary are:

- The Consultative Group (CG) which hold consults members on issues associated with the NSG Guidelines.
- The Information Exchange Meeting (IEM) which precedes the NSG Plenary provides members with the opportunity to share information and developments of relevance to the NSG Guidelines.

There are 48 members of the NSG:

Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and United States of America. The European Commission participates as an observer.

## The Wassenaar Arrangement

The Wassenaar Arrangement<sup>39</sup>, established in 1996, is primarily concerned with improving regional and international stability and security, by promoting transparency and greater responsibility in the export of conventional weapons and dual-use goods and technologies. The Wassenaar Arrangement compliments and reinforces measures for the non-proliferation of weapons of mass destruction, such as international treaties. The Wassenaar Arrangement has 42 members.

The Wassenaar Arrangements has a two-part control list:

- The List of Dual-Use Goods and Technologies which includes nine categories of dual-use goods and also two annexes, of sensitive items and very sensitive items respectively.
- The Munitions List which covers conventional military equipment.

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<sup>39</sup> See <<http://www.wassenaar.org>>.

The Wassenaar Agreement provides member countries with guidelines on best practices for the control of listed items). Member countries operate national export controls on listed items. Member countries also share information on exports and denials of specified controlled items to external destinations, and to exchange information on sensitive dual-use products and technologies.

The Wassenaar Plenary, the governing body of the Arrangement, meets annually in Vienna, Austria. There are subsidiary bodies responsible for preparing recommendations for plenary decisions:

- The General Working Group (GWG) which deals with policy-related matters.
- The Experts' Group (EG) which addresses issues concerning the lists of controlled items.

The Wassenaar Arrangement has 42 members.

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America.

## Zangger Committee

The Zangger Committee,<sup>40</sup> was established in 1974, subsequent to the Nuclear Non-Proliferation Treaty (NPT). The Zangger Committee provides guidance to all parties to the NPT, to ensure the peaceful use of nuclear material and equipment.

The Zangger Committee normally meets annually in Vienna, Austria. The Zangger Committee has 39 Members:

Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Luxemburg, The Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America. The European Union is permanent observer.

## Organisation for the Prohibition of Chemical Weapons

The mission of the Organisation for the Prohibition of Chemical Weapons (OPCW)<sup>41</sup> is to implement the provisions of the Chemical Weapons Convention (CWC) in order to rid the world of chemical weapons and to foster cooperation in chemistry for peaceful purposes.

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<sup>40</sup> See <<http://zanggercommittee.org>>.

<sup>41</sup> See <<https://www.opcw.org>>.



The Secretariat proposes policies for the implementation of the CWC to the Member States of the OPCW, and develops and delivers programmes with and for them. These programmes have four broad aims:

1. To ensure a credible and transparent regime for verifying the destruction of chemical weapons and to prevent their re-emergence, while protecting legitimate national security and proprietary interests;
2. To provide protection and assistance against chemical weapons;
3. To encourage international cooperation in peaceful uses of chemistry; and
4. To bring about universal membership of the OPCW by facilitating international cooperation and national capacity building.

The OPCW Member States represent about 98% of the global population and landmass, as well as 98% of the worldwide chemical industry.

## Annex VI – EU Restrictive Measures

Restrictive measures, or sanctions, are a tool of the EU's Common Foreign and Security Policy (CFSP). The EU implements all sanctions imposed by the UN. In addition, the EU may reinforce UN sanctions by applying stricter and additional measures. Where the EU deems it necessary, it may decide to impose autonomous sanctions.

### *Key objectives of EU sanctions*

- Safeguarding EU's values, fundamental interests, and security;
- Preserving peace;
- Consolidating and supporting democracy, the rule of law, human rights and the Principles of international law;
- Preventing conflicts and strengthening international security.

EU sanctions are not intended to be punitive, but rather to bring about a change in policy or behaviour by the target country, entities or individuals, with a view to promoting the objectives of the CFSP. Sanctions can take the form of arms embargoes, travel bans and economic measures such as asset freezes and export controls. The sanctions are reviewed at regular intervals and the Council of the EU decides whether sanctions should be renewed, amended or lifted.

EU Sanctions are discussed at the Working Party of Foreign Relations Counsellors (RELEX)<sup>42</sup>. The sanctions are enacted via EU Regulations, which have direct effect in Irish law. However, penalties for the breach of such Regulations, must be provided for through the enactment of statutory instruments under the European Communities Act 1972 (as amended).

The Department of Business, Enterprise and Innovation (D/BEI) is one of Ireland's three national competent authorities for EU Restrictive Measures, along with the Department of Foreign Affairs and Trade (D/FAT)<sup>43</sup> and the Central Bank<sup>44</sup>. D/BEI does not participate in the formulation of EU sanctions and is notified of new sanctions by D/FAT.

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<sup>42</sup> See <<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-foreign-relations-counsellors>>.

<sup>43</sup> See <<https://www.dfa.ie/home/index.aspx?id=28519>>.

<sup>44</sup> See <<https://www.centralbank.ie/regulation/how-we-regulate/international-financial-sanctions>>.

- D/BEI is responsible for the implementation of Statutory Instruments (SIs) in order to give full effect to the sanctions relating to specific countries (responsibility for implementing country-specific SIs is shared between D/BEI and the Department of Finance).
- D/BEI is responsible for enforcing trade (non-financial) sanctions and works closely with Revenue-Customs to this end.
- D/BEI also implements a unique sanction against Russia which requires prior authorisation for exports of certain technologies to Russia.



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