



An Roinn Post, Fiontar agus Nuálaíochta  
Department of Jobs, Enterprise and Innovation

**Report under the  
Control of Exports Act 2008  
Covering the Period  
1<sup>st</sup> January 2016 – 31<sup>st</sup> December 2016**

## **Tánaiste's Introduction**

I am pleased to present the fifth report on the operation of the Control of Exports Act 2008, covering the period 1 January to 31 December 2016. While Ireland pursues free trade and open market policies, we also recognise the core principles of, national security, regional stability and respect for human rights which underpin export controls.

This report focuses on key legislative developments and licensing activity during 2016. Also provided are data on the number of licence applications together with data on the value and destination of licensed exports. The report also outlines the various trade sanctions in operation during 2016.

Ireland has maintained the highest international standards in export control in accordance with international law. I welcome the continued good cooperation between exporting companies and the Export Licensing Unit. I also encourage companies to maintain effective internal compliance procedures to ensure they can play their part internationally in promoting stability and respect for human rights.

I am committed to ensuring 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 in addition to reports on the operation of the Ireland's export control regime.

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Frances Fitzgerald, T.D.

An Tánaiste and Minister for Business, Enterprise & Innovation

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## **Introduction - Key Developments During 2016**

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 focuses on developments and changes in Ireland's export control regime and on licensing activity during 2016 including the information presented in Annexes 1 – IV. Background information on international agreements and arrangements 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>

### **1. Update to the Dual-Use Regulation**

Council Regulation (EC) 428/2009 of 5 May 2009 (the "Dual-Use Regulation")<sup>2</sup> is the main piece of legislation governing the export of dual-use items from Europe. Annex I to the Dual-Use Regulation comprises the list of dual-use items subject to control and requiring authorisation for export outside the EU. Annex I to the Dual Use Regulation, is amended on a regular basis to take account of changes made to control lists by international export control regimes. These changes are implemented by means of European Commission delegated acts.

On 12 September 2016 Commission Delegated Regulation (EU) 2016/1969<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 2015.

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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.

<sup>3</sup> Commission Delegated Regulation (EU) 2016/1969 of 12 September 2016 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.

## **2. Further Changes to European and Irish legislation**

### **European Communities (Intra-Community Transfers of Defence-Related Products) Regulations**

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. 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.

Directive 2009/43/EEC, identifies the defence-related products subject to control (the “EU Common Military List”). The EU Common Military List is amended and updated annually. Commission Directive (EU) 2016/970<sup>5</sup> of 27 May 2016 amended Directive 2009/43/EEC to reflect the amendments made in the 2015 EU Common Military List. The amendments comprised editorial changes and updates to the definitions and the parameters of control of certain items. S.I. No. 473 of 2016 implemented and gave effect to Commission Directive (EU) 2016/970.

### **Regulation (EU) 2016/2134 of the European Parliament and of the Council amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**

This Regulation extends existing control measures in respect of the import and export of certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment to also include control measures in respect of the provision of brokering activities or the provision of technical assistance in respect of these goods.

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<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> Commission Directive (EU) 2016/970 of 27 May 2016 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products.

### **3. Trade Sanctions introduced in 2016**

Sanctions (sometimes referred to as restrictive measures) 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 the many available political instruments, to promote EU values and objectives.

The European Union introduced a number of new sanctions during 2016, in response to issues of international concern, for example concerns about regional conflict and human rights. The Department of Jobs, Enterprise and Innovation<sup>6</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 Jobs, 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 two new Regulations were made during 2016 the details of which are set out in Annex I to this report.

The Department issued 108 licences during 2016 under Article 3 of Council Regulation (EU) No. 833/2014<sup>7</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.

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<sup>6</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, and including all of 2016, the Department of Jobs, Enterprise and Innovation was the competent authority. See <<http://www.irishstatutebook.ie/eli/2017/si/361/made/en/pdf.>>

<sup>7</sup> Council Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

#### 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>8</sup>
- A European Commission Communication to the Council and the European Parliament on export control policy in 2014.<sup>9</sup>
- An Industry Forum also in 2014.<sup>10</sup>
- A public consultation process followed by a European Commission report in 2015.<sup>11</sup>

On 28 September 2016 the European Commission published a proposal to reform the Dual-Use Regulation.<sup>12</sup> The European Commission's proposed many amendments to update and modernise the current Dual-Use Regulation. Commissioner for Trade Cecilia Malmström stated:

*"We are living in turbulent times. Preserving peace and protecting human rights are core objectives of the EU and our trade policy is essential to that aim. That's why we are proposing a set of modern rules to make sure that exports are not misused to threaten international security or undermine human rights."<sup>13</sup>*

The European Commission's proposal was considered by the Council and the European Parliament who together will ultimately approve any reform of the Dual-Use Regulation. These respective review processes were ongoing at the end of 2016. The consideration of the European Commission's proposal by the Council took place at working party level where the Department represented Ireland at the Working Party on Dual-Use Goods.

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<sup>8</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>9</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>10</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>11</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>12</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)>.

<sup>13</sup> Commission Press Release 28 September 2016 See <[http://europa.eu/rapid/press-release\\_IP-16-3190\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3190_en.htm)>.

## **5. Export Licences and Statistical Trends**

### **Individual Dual-Use Licences**

There were 409 individual dual-use licences issued in 2016, a decrease of 25% on licence numbers issued in 2015. This arose from a reduction in the number of applications received, principally in relation to Dual-Use Regulation Category 5 (Telecommunications and information security equipment and components).

Values of exports on individual licences issued in 2016 increased by 4% compared with 2015, i.e., from €377.8 million to €394.6 million.<sup>14</sup> There was a decrease in the value of Dual-Use Regulation Category 5 items (telecommunications and information security equipment and components) of 36% from €306 million to €195 million and an increase in the value of Category 3 items (electronics) of 163% from €64m to €169m.<sup>15</sup>

### **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 two global dual-use licences were in use in 2016 compared to 23 in 2015. The value of actual exports reported under dual-use global licences in 2016 was €2,826 million compared to €1,030.3 million in 2015, an increase of 174%.<sup>16</sup> Most of this increase related to intra-company sales by one global licence holder.

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<sup>14</sup> See Annex II of this report.

<sup>15</sup> See Annex IV of this report for a list of dual-use control categories in the Dual-Use Regulation.

<sup>16</sup> See Annex II of this report.

## **Military Licences**

Licensing controls for military items cover military goods, military technology and also components for such items. Licences issued for military goods in 2016 involved components rather than finished goods. Also, a number of military licences were issued to individuals holding sports firearms and 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 increased by 58% from 81 in 2015 to 128 in 2016. The value of the exports on licences issued increased by 47% from €43m in 2015 to €63m in 2016.

## **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.

No licence applications for brokering of military items were received during 2016.

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 2016.

## 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 2015 and 2016. More detailed statistical information is set out in Annex II to this report.

### Summary Data

Type of Licence	Number by Year		Licenced Value by Year €000	
	2016	2015	2016	2015
Individual Dual-Use	409	546	394,631	377,811
Global Dual-Use	22	23	2,825,575	1,030,299
Military	128	81	62,779	42,626
Military Global Transfer <sup>17</sup>	*	0	1,673	0
<b>TOTAL</b>	<b>560</b>	<b>650</b>	<b>3,284,658</b>	<b>1,450,736</b>

### Licence Value

The licence value in respect of individual dual-use licences and military licences may not reflect the value of goods actually exported under that licence. For efficiency and speed of response to supply chain requirements, some companies might include the value of expected repeat business into their original application. This repeat business may, or may not occur. Hence, the value of actual exports made may be less than the face value permitted under the export licence.

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<sup>17</sup> A Military Global Transfer licence is issued pursuant to Article 6 of Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community. A licence is issued to an individual supplier authorising transfers of defence-related products to recipients in one or more other EU Member States.

\* Suppression of commercially sensitive information due to low numbers.

The licence value provided in this report in respect of global dual-use licences relates to actual exports reported.

In an effort to provide more accurate information on licensing activity, revised global licence reporting requirements were put in place from 2013. The licence value provided in this report in respect of global dual-use licences relates to actual exports reported in respect of all global licences in operation during 2015. Reports prior to 2013 reflected the estimated value<sup>18</sup> provided on global licence applications 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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<sup>18</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. Reviews of control lists can result in products being removed from control and companies who previously required export licences no longer being required to engage with the licensing system or having fewer products subject to control.

## **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 2016 two export licence applications were denied. These denials were made on the grounds of considerations about the intended end-use and the risk of diversion.

### **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 are set out in Article 12 of the Dual-Use Regulation. Article 12 provides 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 the 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 2016 Revenue Customs referred 136 proposed exports to the Department for review.

## **Annex I – Irish Regulations in respect of EU Sanctions**

### **Afghanistan**

**1. S.I. No. 318/2016 - European Union (Restrictive Measures concerning Afghanistan) Regulations 2016**

**2. S.I. No. 584/2016 - European Union (Restrictive Measures concerning Afghanistan) (No. 2) Regulations 2016**

These Regulations provide 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 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 Afghanistan.

### **Belarus**

**1. S.I. No. 319/2016 - European Union (Restrictive Measures concerning Belarus) Regulations 2016**

The 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 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.

## **Burundi**

### **1. S.I. No. 75/2016 - European Union (Restrictive Measures concerning Burundi) Regulations 2016**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) 2015/1755, regarding restrictive measures concerning Burundi. The effects of these measures include:

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

### **Central African Republic**

#### **1. S.I. No. 474/2016 - European Union (Restrictive Measures concerning Central African Republic) Regulations 2016**

This Regulation provides 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 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 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 Central African Republic.

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

#### **1. S.I. No. 79/2016 - European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) Regulations 2016**

#### **2. S.I. No. 540/2016 - European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) (No. 2) Regulations 2016**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EC) No 329/2007, 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 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. 74/2016 - European Union (Restrictive Measures concerning the Democratic Republic of the Congo) Regulations 2016**
- 2. S.I. No. 539/2016 - European Union (Restrictive Measures concerning the Democratic Republic of the Congo) (No. 2) Regulations 2016**

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 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.

## **Iran**

- 1. S.I. No. 478/2016 - European Union (Restrictive Measures concerning Iran) Regulations 2016**

This Regulation provides 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 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.
- **S.I. No. 477/2016 - European Union (Restrictive Measures concerning Iran) (No. 2) Regulations 2016**

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 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. 500/2016 - European Union (Restrictive Measures concerning Iraq) Regulations 2016**
- 2. S.I. No. 544/2016 - European Union (Restrictive Measures concerning Iraq) (No. 2) Regulations 2016**

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 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.

## **Liberia**

- 1. S.I. No. 77/2016 - European Union (Restrictive Measures concerning Liberia) Regulations 2016**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EC) No 234/2004, as amended, regarding restrictive measures concerning Liberia. Council Regulation (EC) No 234/2004 was repealed later in 2016.

## **Libya**

- 1. S.I. No. 320/2016 - European Union (Restrictive Measures concerning Libya) Regulations 2016**
- 2. S.I. No. 342/2016 - European Union (Restrictive Measures concerning Libya) (No. 2) Regulations 2016**
- 3. S.I. No. 493/2016 - European Union (Restrictive Measures concerning Libya) (No. 3) Regulations 2016**
- 4. S.I. No. 545/2016 - European Union (Restrictive Measures concerning Libya) (No. 4) Regulations 2016**

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 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.

### **Republic of Guinea**

#### **1. S.I. No. 73/2016 - European Union (Restrictive Measures concerning the Republic of Guinea) Regulations 2016**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 1284/2009, as amended, regarding restrictive measures concerning the Republic of Guinea. The effects of these measures include:

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

### **Republic of Guinea-Bissau**

#### **1. S.I. No. 72/2016 - European Union (Restrictive Measures concerning the Republic of Guinea-Bissau) Regulations 2016**

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 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 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.

## **Somalia**

### **1. S.I. No. 321/2016 - European Union (Restrictive Measures concerning Somalia) Regulations 2016**

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 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.

## **Sudan**

### **1. S.I. No. 71/2016 - European Union (Restrictive Measures concerning Sudan) Regulations 2016**

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 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. 476/2016 - European Union (Restrictive Measures concerning Syria) Regulations 2016**

This Regulation provides 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 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. 76/2016 - European Union (Restrictive Measures concerning Tunisia) Regulations 2016**
- 2. S.I. No. 541/2016 - European Union (Restrictive Measures concerning Tunisia) (No. 2) Regulations 2016**

These Regulations provide 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 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 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.

### **Russian Federation**

- 1. S.I. No. 322/2016 - European Union (Restrictive Measures concerning Ukraine) Regulations 2016**
- 2. S.I. No. 542/2016 - European Union (Restrictive Measures concerning Ukraine) (No. 2) Regulations 2016**
- 3. S.I. No. 618/2015 - European Union (Restrictive Measures concerning Ukraine) (No. 3) Regulations 2016**

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 Ukraine. 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 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.

## **Yemen**

### **1. S.I. No. 323/2016 - European Union (Restrictive Measures concerning Yemen) Regulations 2016**

### **2. S.I. No. 617/2016 - European Union (Restrictive Measures concerning Yemen) (No. 2) Regulations 2016**

These Regulations provide 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 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 Yemen.

## **Zimbabwe**

- 1. S.I. No. 78/2016 - European Union (Restrictive Measures concerning Zimbabwe) Regulations 2016**
  
- 2. S.I. No. 475/2016 - European Union (Restrictive Measures concerning Zimbabwe) (No. 2) Regulations 2016**

These Regulations provide 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 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 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 Zimbabwe.

## Annex II – 2016 Export Licence Statistics

### Overview Table

<i>Type of Licence</i>	<b>2016</b>		<b>2015</b>		<b>2014</b>	
	<b>No.</b>	<b>Licence Value €000</b>	<b>No.</b>	<b>Licence Value €000</b>	<b>No.</b>	<b>Licence Value €000</b>
<b>Individual Dual-Use</b>	409	394,631	546	377,811	680	446,084
<b>Global Dual-Use</b>	22	2,825,575	23	1,030,299	18	638,013
<b>Military</b>	128	62,779	81	42,626	95	86,218
<b>Military Global Transfer</b>	*	1,673	0	0	0	0
<b>Total</b>	<b>560</b>	<b>3,284,658</b>	<b>650</b>	<b>1,450,736</b>	<b>793</b>	<b>1,170,315</b>

### Individual Dual-Use Licences by Category Table

<b>Category<sup>19</sup></b>	<b>2016</b>		<b>2015</b>		<b>2014</b>	
	<b>No.</b>	<b>Licence Value €000</b>	<b>No.</b>	<b>Licence Value €000</b>	<b>No.</b>	<b>Licence Value €000</b>
<b>2</b>	13	25,316	24	1,026	32	7,927
<b>3</b>	52	169,264	57	64,347	56	89,253
<b>5</b>	308	194,854	430	306,227	524	340,662
<b>Catch-all</b>	0	0	*	4	30	1,736
<b>1,4,6, 7 &amp; 8</b>	36	5,197	34	6,207	38	6,506
<b>Totals</b>	<b>409</b>	<b>394,631</b>	<b>546</b>	<b>377,811</b>	<b>680</b>	<b>446,084</b>

<sup>19</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

\* Suppression of commercially sensitive information due to low numbers.

## Global Licences by Category Table

	2016		2015		2014	
Category <sup>20</sup>	No.	Licence Value €000	No.	Licence Value €000	No.	Licence Value €000
1	2	0	2	0	1	0
2	2	5	2	24	1	45
3	5	107	5	196	2	1,436
4	2	0	2	0	1	0
5	22	2,825,463	22	1,030,079	17	636,469
6	2	0	2	0	1	63
<b>Totals<sup>21</sup></b>	<b>22</b>	<b>2,825,575</b>	<b>23</b>	<b>1,030,299</b>	<b>18</b>	<b>638,013</b>

The above table shows the total number of global licences in operation during 2014, 2015 and 2016. 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 2014, 2015 and 2016. 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>22</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.

<sup>20</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>21</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 global license covering products in categories 3 and 4 will be included in the number of global licenses category 3 and category 4.

<sup>22</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. 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 2016 (made under individual licences)**

Category	Destination	No. Issued	Value <100,000	Value 100,000 - 500,000	Value > 500,000
1	Brazil	1	1		
	China	2	1	1	
	Colombia	1		1	
	India	1	1		
	Indonesia	4	2		2
	Kenya	1			1
	Macau	1	1		
	Mali	1			1
	Taiwan	1	1		
	Thailand	2	1	1	
	Uzbekistan	1	1		
2					
	Bahrain	1	1		
	China	1	1		
	Israel	1	1		
	Pakistan	1	1		
	Saudi Arabia	7		1	6
	Thailand	1	1		
	United Arab Emirates	1	1		
3					
	China	18	7	7	4
	India	5	1	1	3
	Israel	4	1	3	
	Macau	1		1	
	Malaysia	3	1	1	1
	Philippines	3			3
	Russia	2	2		
	Singapore	3		2	1
	South Korea/Republic of Korea	7	3	1	3
	Taiwan	4			4
	Turkey	2	2		
4					
	Philippines	1	1		
5					
	Afghanistan	1			1
	Algeria	3	2	1	
	Armenia	1			1

	Azerbaijan	1		1	
	Bahrain	3	1		2
	Belarus	4		1	3
	Bolivia	2			2
	Bosnia and Herzegovina	1			1
	Brazil	4	2		2
	Brunei Darussalem	1			1
	Burundi	1			1
	China	54	6	6	42
	Costa Rica	1			1
	Ecuador	2			2
	Egypt	5	3	1	1
	El Salvador	1			1
	Eritrea	1		1	
	Ethiopia	2	2		
	French Polynesia	4	4		
	Georgia	2	2		
	Ghana	1	1		
	Hong Kong	10	9	1	
	Iceland	1	1		
	India	26	8	4	14
	Israel	13	8	1	4
	Jordan	2	2		
	Kazakhstan	2	1		1
	Kenya	4	3	1	
	Kuwait	3	2		1
	Lebanon	6	3		3
	Malaysia	3	2		1
	Mexico	1		1	
	Morocco	10	7		3
	Oman	7	5		2
	Pakistan	1			1
	Palestinian Territories	1	1		
	Paraguay	1			1
	Philippines	1		1	
	Qatar	11	5	1	5
	Russia	6	4	2	
	Saudi Arabia	18	10	3	5
	Singapore	8	8		
	South Africa	8	7		1
	South Korea/Republic of Korea	5	3	1	1
	Sri Lanka	1			1
	Taiwan	7	3		4
	Thailand	2		2	
	Turkey	14	3	3	8

	Ukraine	2	2		
	United Arab Emirates	35	17	9	9
	Uruguay	1			1
	Vanuatu	1	1		
	Vietnam	1			1
	Zimbabwe	1	1		
6					
	China	1	1		
	India	1	1		
	Malaysia	1		1	
	Mali	1		1	
	Philippines	2	1	1	
	Singapore	1	1		
7					
	India	1		1	
	Israel	3	1	2	
	South Korea/Republic of Korea	6	6		
	Turkey	1	1		
8					
	China	1	1		
	Total	409	187	65	157

**Military Exports by Category<sup>23</sup>, Destination, Number and Licenced Value<sup>24</sup> 2016**

<b>Code</b>	<b>Destination</b>	<b>2016 Number of Licences Issued</b>	<b>2016 Value of Licences €</b>
ML1	Australia	4	204,324
	Canada	5	13,042
	Indonesia	1	1,200
	New Zealand	6	329,750
	Oman	1	2,671
	South Africa	1	8,550
	Thailand	1	1,519
	Turkey	1	64,875
	United States of America	7	72,156
	United Kingdom	5	19,921
ML3	Mali	1	4,383
ML4	France	1	3,600
	Mali	1	4,685
	Russia	1	3,657
	United Kingdom	9	490,300
ML5	Australia	10	1,094,681
	Canada	13	1,134,047
	Germany	6	8,704,112
	Norway	1	722,332
	South Korea	4	122,432
	Sweden	3	680,947
	Turkey	1	1,814,597
	United States of America	16	7,959,077
	ML6	Canada	1
	Singapore	2	7,738,250
	Switzerland	1	48,000
ML10	United Kingdom	1	400,000
	United States of America	8	29,463,991
ML11	Seychelles	1	11,625
	United Kingdom	1	2,793
	United States of America	2	52,277
ML13	United Kingdom	2	13,763

<sup>23</sup> Military List Categories are provided at Annex III.

<sup>24</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.

ML15	Mali	1	36,000
	United Kingdom	1	981,234
ML21	Australia	1	100,000
	United States of America	2	200,000
ML22	Australia	1	50,000
	United States of America	4	201,000
	TOTAL	128	62,779,390

## Aggregated Military Licences by Destination 2016

Destination	Number of Licences	Licence Value <sup>25</sup> €
Australia	16	1,449,005
Canada	19	1,170,689
France	1	3,600
Germany	6	8,704,112
Indonesia	1	1,200
Mali	3	45,068
New Zealand	6	329,750
Norway	1	722,332
Oman	1	2,671
Russia	1	3,657
Seychelles	1	11,625
Singapore	2	7,738,250
South Africa	1	8,550
South Korea/Republic of Korea	4	122,432
Switzerland	1	48,000
Sweden	3	680,947
Thailand	1	1,519
Turkey	2	1,879,472
United Kingdom (incl. Northern Ireland)	19	1,908,011
United States	39	37,948,501
<b>Total</b>	<b>128</b>	<b>62,779,390</b>

### 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.

Category <sup>26</sup>	Destination of ultimate end-use	Number of incidences	Total licensed value € <sup>27</sup>
ML5	Saudi Arabia	6	742,429
ML5	New Zealand	2	227,659
ML5	United Arab Emirates	1	202,000
ML5	USA	2	16,265

<sup>25</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.

<sup>26</sup> Military List categories are provided at Annex III.

<sup>27</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.

### Annex III - Summary of Military List (“ML”) Codes

<b>ML1</b>	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.
<b>ML2</b>	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.
<b>ML3</b>	Ammunition and fuse setting devices, and specially designed components therefor.
<b>ML4</b>	Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, and specially designed components therefor.
<b>ML5</b>	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.
<b>ML6</b>	Ground vehicles and components.
<b>ML7</b>	Chemical or biological toxic agents, "riot control agents", radioactive materials, related equipment, components and materials.
<b>ML8</b>	"Energetic materials" and related substances.
<b>ML9</b>	Vessels of war (surface or underwater), special naval equipment, accessories, components and other surface vessels.
<b>ML10</b>	"Aircraft", "lighter-than-air vehicles", unmanned aerial vehicles, aero-engines and "aircraft" equipment, related equipment and components, specially designed or modified for military use.
<b>ML11</b>	Electronic equipment, not specified elsewhere on the EU Common Military List, and specially designed components therefor.
<b>ML12</b>	High velocity kinetic energy weapon systems and related equipment, and specially designed components therefor.
<b>ML13</b>	Armoured or protective equipment, constructions and components.
<b>ML14</b>	'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.
<b>ML15</b>	Imaging or countermeasure equipment, specially designed for military use, and specially designed components and accessories therefor.
<b>ML16</b>	Forgings, castings and other unfinished products specially designed for items specified by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.
<b>ML17</b>	Miscellaneous equipment, materials and 'libraries', and specially designed components therefor.
<b>ML18</b>	Production equipment and components.
<b>ML19</b>	Directed energy weapon systems (DEW), related or countermeasure equipment and test models, and specially designed components therefor.
<b>ML20</b>	Cryogenic and "superconductive" equipment, and specially designed components and accessories therefor.
<b>ML21</b>	"Software."
<b>ML22</b>	"Technology."

## **Annex IV – Summary of Dual-Use Categories**

The Dual-Use categories provided 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 – International Agreements and Arrangements**

### **Introduction**

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

- Australia Group.
- Missile Technology Control Group.
- Nuclear Suppliers Group.
- Wassenaar Arrangement.
- Zangger Committee.

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>28</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.

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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 has 42 members:

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland,

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<sup>28</sup> See <<http://www.australiagroup.net/en>>.

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 (MCTR),<sup>29</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 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, Ukraine, United Kingdom, United States of America.

### **Nuclear Suppliers Group**

The Nuclear Suppliers Group (NSG),<sup>30</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.

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.

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<sup>29</sup> See <<http://mctr.info>>.

<sup>30</sup> See <<http://www.nuclearsuppliersgroup.org/en>>.

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>31</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 41 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.

The Wassenaar Agreement provides member counties with guidelines on best practices for the control of listed items). Member countries operate national export controls on listed items. Member counties 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.

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<sup>31</sup> See <<http://www.wassenaar.org>>.

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 41 members.

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, 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>32</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's Control List specifies the equipment and material in question.

The Zangger Committee normally meets annually, with meetings hosted by the Austrian Foreign Ministry.

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.

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<sup>32</sup> See <<http://zanggercommittee.org>>.