



**Buantoscaireacht na hÉireann
don Eagraíocht um Comhoibriú agus Slándáil san Eoraip**
**Permanent Mission of Ireland to the
Organisation for Security and Co-Operation in Europe**

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NOTE VERBALE

The Permanent Mission of Ireland to the Organisation for Security and Co-operation in Europe (OSCE) in Vienna presents its compliments to all Permanent Missions and Delegations of Participating States and has the honour, with reference to FSC.DEC 20/95, to enclose the reply to the Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology for the year 2020.

The Permanent Mission of Ireland avails itself of this opportunity to renew to all OSCE Missions and the Conflict Prevention Centre the assurances of its highest consideration.

Permanent Mission of Ireland
Vienna

30 June, 2021



To all Delegations/Permanent Missions to the OSCE
To the OSCE Conflict Prevention Centre (CPC)

Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology

OSCE participating States are requested to provide details of:

1	Their basic principles, policies and/or national practices on the export of conventional arms and related technology.
	It should be noted that Ireland does not have an indigenous arms industry.
	Exports of military goods from Ireland are subject to licensing requirements in accordance with national legislation.
2	Their national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or updates to the data provided in 1995, including any relevant subsidiary legislation.
	Ireland's export controls are implemented on the basis of a Ministerial Order pursuant to the Control of Exports Act, 2008. • Control of Exports (Brokering Activities, Goods and Technology) Regulations 2021 • Control of Exports (Brokering Activities, Goods and Technology) Order 2018
3	Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party.
	Ireland participates in the Wassenaar Arrangement, which controls the export of dual-use items and technologies, as well as military goods.
	Export applications in respect of conventional arms are assessed against Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.
	Ireland is also party to the set of principles governing conventional arms transfers, which was adopted by the OSCE in November 1993. Ireland ratified the Arms Trade Treaty in April 2014.
4	The procedures for processing an application to export conventional arms and related technology: - who is the issuing authority? - what other authorities are involved and what is their function? - who deals with compliance?
	The Department of Enterprise, Trade and Employment (DETE) is the issuing authority and also deals with compliance. Other Government Departments or State entities may be consulted for views but DETE is the competent authority.
5	Lists of conventional weaponry under national export controls and the basis for their control. If applicable, report changes and/or updates to the data provided in 1995.
	The Department of Enterprise, Trade and Employment is responsible for issuing military export licences for all military goods and technology listed in the Control of Exports (Brokering Activities, Goods and Technology) Regulations 2021 and the European

	Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2018 Exporters are obliged to submit a military export licence application and an End Use Certificate. In cases where the country of final destination is another EU Member State, an International Import Certificate is acceptable in place of an End Use Certificate. This documentation, together with any other relevant information available, is provided to the Department of Foreign Affairs for assessment of foreign policy, security, human rights and non-proliferation considerations. Other Departments or Agencies of the State may also be consulted if this is deemed appropriate by the Department of Enterprise, Trade and Employment. The Customs authorities have operational responsibility for enforcement.
6	Principles and national regulations on the destination or end-user of the equipment. Is there a complete <i>erga omnes</i> system or a published list of - destinations of concern? - embargoed countries? - differentiation between destinations (e.g., is there any preferential treatment of (groups of) countries)? Control of Exports (Brokering Activities, Goods and Technology) Regulations 2021 regulates exports of military items including conventional weaponry to third countries. The schedule of items listed in the Order is the EU Common Military List. European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2018 provides for simplified transfers of defence related material within the EU. All export licence applications for military items are assessed on a case-by-case basis in consultation with the Department of Foreign Affairs. All applications are assessed having regard to EU and international sanctions and Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.
7	Requirements for the provision of an end-user certificate in an export license application, or of non-re-exportation clauses, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of the end-user certificate and/or non-re-exportation clauses before and after delivery. EUC is integral part of the licence application and a licence will not be issued without one. There is no requirement for certification of delivery. Re-export may not take place without the permission of the licensing authorities in the receiving country.
8	National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures. <u>Transit:</u> There are three types of Transit: (1) Community Transit: allows for the movement of goods within the customs territory of the Community; (2) Common Transit: allows for the movement of goods: between the Community, the EFTA Countries (i.e. Iceland, Norway, Switzerland and Liechtenstein) and between the EFTA Countries themselves;

	The combined territories of the Community, and the EFTA Countries are known as the Common Transit Area, and (3) TIR: (Transport Internationaux Routiers) allows for the movement of goods internationally over one or more frontiers and where some portion of the journey between the start and end of the TIR operation is conducted by road. Legislation applying to Transit The principal legislation governing Community Transit and Status is contained in: (1) Council Regulation (EEC) No. 2913/92 (OJ L302 of 19/10/92) http://europa.eu.int/eur-lex/en/consleg/pdf/1992/en_1992R2913_do_001.pdf and (2) Commission Regulation (EEC) No. 2454/93 (OJ L 253 of 11/10/93) http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf. The legislation governing Common Transit is contained in the Convention between the European Economic Community and the EFTA Countries on a Common Transit Procedure (OJ No. L226 of 13/8/87) http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:21987A0813(01):EN:HTML The principal legislation governing TIR is the TIR Convention 1975. http://www.unece.org/trans/bcf/tir/handbook/english/newtirhand/TIR-6Rev1EN_Convention.pdf <u>Transshipment:</u> The customs procedure under which goods are transferred, under customs' control, from the importing means of transport to the exporting means of transport within the area of one customs office, which is the office of both importation and exportation.
9	The procedures governing companies wishing to export arms. Are companies obliged to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers? Exporters are not obliged to obtain prior permission from the competent authority to enter into contracts. They are obliged to obtain an EUC and if requested, an appropriate proof of import permission prior to export. It should be noted that Ireland has no indigenous arms industry.
10	Policy on the revocation of export licences once they have been approved; please list any published regulations. The Control of Exports Act 2008 (Section 6) provides for the revocation of licences
11	The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995. The Control of Exports Act 2008 (Section 8) provides for penalties for non-compliance. A person who commits an offence is liable: - On summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months, or to both, or - On conviction on indictment:

	(I) to a fine not exceeding the greater of €10,000,000 or, where relevant, 3 times the value of the goods or technology concerned in respect of which the offence was committed, or (II) to imprisonment for a term not exceeding 5 years, or to both such fine and such imprisonment.
12	Any circumstances in which the export of arms does not require an export licence. Under the Control of Exports (Brokering Activities, Goods and Technology) Regulations 2021 the following exemptions apply Section 7 Regulation 4 shall not apply to the temporary exportation to a third country or any place outside the customs territory of the union of any goods or technology specified in the Schedule in the following situations: by the Permanent Defence Force for any purpose connected with the despatch for service outside the State under the provisions of the Defence Acts 1954 to 2015 of a contingent or member of the Permanent Defence Force or for the purposes of: (a) such goods or technology being repaired, overhauled, refitted, modified, tested or maintained, and returned to the State, (b) such goods or technology being used at international competitions, or (c) the testing of munitions. (2) by the Garda Síochána for any purpose connected with the despatch for service outside the State under the provisions of the Garda Síochána Act 2005 of members of the Garda Síochána or for the purposes of: (a) such goods or technology being repaired, overhauled, refitted, modified, tested or maintained, and returned to the State, (b) such goods or technology being used at international competitions, or (c) the testing of munitions. Section 8 Regulation 5 shall not apply to the provision to a third country or any place outside the customs territory of the union of technical assistance in relation to any goods or technology specified in the Schedule in the following situations: (1) by the Permanent Defence Force for any purpose connected with the despatch for service outside the State under the provisions of the Defence Acts 1954 to 2015 of a contingent or member of the Permanent Defence Force or for the purposes of: (a) such goods or technology being repaired, overhauled, refitted, modified, tested or maintained, and returned to the State,

	(b) such goods or technology being used at international competitions, or (c) the testing of munitions. (2) by the Garda Síochána for any purpose connected with the despatch for service outside the State under the provisions of the Garda Síochána Act 2005 of members of the Garda Síochána or for the purposes of: (a) such goods or technology being repaired, overhauled, refitted, modified, tested or maintained, and returned to the State, (b) such goods or technology being used at international competitions, or (c) the testing of munitions.
13	Licences for temporary export (e.g., demonstrations or testing), the period allowed and any special conditions attached to the licence, including verification of return procedures. None
14	Licence documents and any standard conditions attached to it (copies to be provided). <u>Export 3 - Export of Firearms - Licence Application Form - DETE (enterprise.gov.ie)</u> – Application for firearms export licence <u>End Use Certificate (EUC) - Military Products - DETE (enterprise.gov.ie)</u> – undertaking to be completed by the end user https://oelas.djei.ie/? – application portal for military goods export form
15	Different types (e.g. individual, general, restricted, full, permanent, etc.) of licences and what they are used for. Individual military licences used for general exports of CMIL goods. Global transfer licences for exports of defence related material within the EU.
16	Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction. Advice is provided insofar as possible, however, no approval in principle can be given. All licence applications are assessed on a case by case basis.
17	The average number of export licences issued annually and the staff engaged in the export licensing procedure. Approx. 100 licences issued annually for exports of conventional arms, operations team of 5 (responsible for dual-use and military licensing) with policy and enforcement support of an additional 5 staff.
18	Any other relevant information pertaining to the export of conventional arms and related technology, e.g., additional laws, reports to Parliament, special procedures for certain goods.

	Ireland does not have an arms industry and therefore the number of military exports is low. Under the provisions of the Control of Exports Act 2008 a report on the operation in the preceding year of matters within the Act, must be laid before the Houses of the Oireachtas (Irish Parliament).
19	Are all guidelines governing conventional arms transfers nationally published?
	Yes on Department website www.enterprise.gov.ie

NB: Participating States that do not export conventional arms and related technology will so inform all other participating States.