



**Maynooth
University**
National University
of Ireland Maynooth

Office of the Vice President
Research and Innovation
Oifig an Leas-Uachtaráin Taighde agus
Nuálaíochta

Maynooth University

Internal Compliance Policy (ICP)

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1. Introduction

1.1. Purpose of the ICP

Maynooth University is committed to complying with all relevant Export Control and Trade Sanctions laws and regulations in the countries in which we operate. The purpose of this Policy is to establish minimum standards and responsibilities for the compliance of Export Control and Trade Sanctions by and on behalf of Maynooth University.

This Policy sets out the controls that Maynooth University must have in place to identify controlled research and research outputs. It also sets out the controls that we must have in place whenever we receive funding or create a partnership with new industries outside of Ireland. Finally, it covers the checks that Maynooth University must undertake on export shipments or sharing of controlled research including on the end user and end use of products we send outside the EU.

This manual contains information and resources for use by all Maynooth University employees and researchers to determine the appropriate export compliance obligations associated with exporting from the EU. This is to ensure that Maynooth University complies with all applicable export control laws worldwide.

It is a requirement that this manual will be reviewed and updated periodically for any legislative changes. The Vice President Research and Innovation will be responsible for ensuring that this manual is developed and revised to reflect both EU and Ireland legislative changes relating to export controls and any operational or compliance-related changes within the university. Any questions in relation to export controls can also be addressed to the Vice President Research and Innovation or their nominee.

1.2. Definitions

The following list contains legal definitions in accordance with EU and Irish legislation as well as explanations of various export controls terminology:

Definitions	
Export	Regulation (EU) 2021/821 of 20 May 2021 defines “export” as: • an export procedure within the meaning of Article 269 of the Union Customs Code; • a re-export within the meaning of Article 270 of the Union Customs Code; a re-export also occurs if, during a transit through the customs territory of the Union according to point (11) of this Article, an exit summary declaration has to be lodged because the final destination of the items has been changed; • an outward processing procedure within the meaning of Article 259 of the Union Customs Code; or • transmission of software or technology by electronic media, including by fax, telephone, electronic mail or any other electronic means to a destination outside the customs territory of the Union; it includes making available in an electronic form such software and technology to natural or legal persons or to partnerships outside the customs territory of the Union; it also includes the oral transmission of technology when the technology is described over a voice transmission medium;
Dual-Use Goods	Items, including software and technology, which can be used for both civil and military purposes, and includes items which can be used for the design, development, production or use of nuclear, chemical or biological weapons or their means of delivery, including all items which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices;

Definitions

Exporter	Regulation (EU) 821/2021 defines 'exporter' as: - any natural or legal person or any partnership that, at the time when the export declaration or the re-export declaration or an exit summary declaration is accepted, holds the contract with the consignee in the third country and has the power to determine the sending of the items out of the customs territory of the Union; where no export contract has been concluded or if the holder of the contract does not act on its own behalf, exporter means the person who has the power to determine the sending of the items out of the customs territory of the Union; or - any natural or legal person or any partnership that decides to transmit software or technology by electronic media, including by fax, telephone, electronic mail or by any other electronic means to a destination outside the customs territory of the Union or to make available in an electronic form such software and technology to natural or legal persons or to partnerships outside the customs territory of the Union. - Where the benefit of a right to dispose of the dual-use item belongs to a person resident or established outside the customs territory of the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting party resident or established in the customs territory of the Union; - where point (a) or (b) is not applicable, any natural person carrying the dual-use items to be exported where these dual-use items are contained in the person's personal baggage within the meaning of point (a) of Article 1(19) of Commission Delegated Regulation (EU) 2015/2446
Intangible transfers	Transfers by electronic means, including fax, email or telephone, from within the EU to a person or a place outside of the EU. The transfer of intangible items within the European Union could trigger export control requirements under certain conditions.
Technology	"Technology" means specific information necessary for the "development", "production" or "use" of goods. This information takes the form of 'technical data' or 'technical assistance'.
Technical Data	Technical data may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.
Technical Assistance	'Technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including by electronic means as well as by telephone or any other verbal forms of assistance;
Intra-Community transfer	Intra-Community transfer refers to the movement of items, including software and technology, between EU member states. An export licence may be required when transferring certain dual-use items listed in Annex IV to Regulation (EU) 2021/821, as amended, between two EU Member States.
Third Country	Any country outside the European Union.
Union General Export Authorisation (UGEA)	For exports from the EU, a UGEA is defined as an export authorisation for exports to certain countries of destination that is available to all exporters who respect the conditions and requirements listed in Sections A to H of Annex II of Regulation (EU) 2021/821;

Definitions	
Individual Export Authorisation	Regulation (EU) 2021/821 defines an individual export authorisation means an authorisation granted to one specific exporter for one end-user or consignee in a third country and covering one or more dual-use items
Global Export Authorisation	Regulation (EU) 2021/821 defines a global export authorisation as an authorisation granted to one specific exporter, in respect of a type or category of dual-use items which may be valid for exports to one or more specified end-users and/or in one or more specified third countries
ECCN	Export Control Classification Number

1.3. Export Control Legislation

1.3.1. EU Export Controls

Primary Legislation

Council Regulation (EC) No 428/2009 is the primary piece of EU legislation which governs the Community regime for export controls, transfer, broking and transit of dual-use items. This was “recast” by Regulation (EU) No. 2021/821 in September 2021. Regulation (EU) 2021/821, hereon referred to as the “Dual-Use Regulation” provides a baseline under which all other EU Member States must adopt under their own national legislation. EU Member States also have the competencies to further legislate once the primary EU principles are included and there is no conflict between EU & national legislation.

National Legislation

The Control of Exports Act 2008 is Ireland’s primary legislation for export controls. The Act provides for the control of the exportation of goods and technology as well as the control of the provision of brokering activities and technical assistance. It also provides for the control of technical assistance related to certain military end-users (as provided for by the Council of the European Union in the Council Joint action of 22 June 2000, and for the control of arms brokering as provided for by the Council of the European Union in the Council Common Position 2003/468/CFSP of 23 June 2003).

Dual-use goods and technology

Dual-use items include goods, software, technical assistance or other technology (such as documents, plans, blueprints, sketches, diagrams, etc.) that can be used for both civil and military applications. Dual-use items are listed within the EU Dual-Use Control List which is in Annex I to Council Regulation (EU) 2021/821.

In addition, Annex IV of Regulation (EU) 2021/821, as amended, includes dual-use products which are controlled upon movement between EU member states.

End-Use / “Catch All”

If the goods are not listed on the above-mentioned control lists, a licence may still be required under end-use controls. This is known as the “catch-all provision”. This may be imposed in circumstances as determined in Article 4 of the Dual-Use Regulation and specified below.

The catch-all provisions can be imposed by the **Department of Enterprise, Trade and Employment (DETE)**, who are the national licensing authorities in Ireland. The DETE can impose the catch-all provisions on goods which are not mentioned in the control lists in the following situations:

- The items in question are or may be intended for use in connection with weapons of mass destruction or missiles capable of delivering such weapons;
- The items in questions are or may be intended for a military end use if the purchasing country or country of destination is subject to an arms embargo decided by the European Community, the UN or the OSCE (Organisation for Security and Co-operation in Europe) and the items in question are or may be intended, in their entirety or in part, for a military end-use (see Article 4, paragraph 1 of the Dual-Use Regulation);
- The items in question are or may be intended for use as parts or components of military goods that have been exported to the country of end-use without the proper licence required (see Article 4, paragraph 1(c), of the Dual-Use Regulation).
- The export of cyber-surveillance items not listed in Annex I if the exporter has been informed the goods are or may be intended for use in connection with internal repression and/or the commission of serious violations of human rights and international humanitarian law (see Article 5 of the Dual-Use Regulation).

If an exporter is aware that dual-use items which they propose to export, not listed in the dual-use list, are intended for any of the uses referred to above, they must notify the authorities. If this situation arises, then the DETE will notify the exporter that an export licence is required.

1.3.2. US Export Controls

The Export Administration Regulations (EAR) regulates dual-use goods and technology in the US, US origin items wherever they are located, certain foreign-made items incorporating controlled US content, activities of US persons and certain foreign made direct products.

International Traffic in Arms Regulations (ITAR) regulates military goods and technology, marketing and “defence services”. It dictates that information and material pertaining to military goods and technology may only be shared with US persons unless you receive a licence or claim a special exemption.

Extraterritorial Controls

“Extraterritorial controls” apply when countries require an authorisation for export transactions that do not take place from their own territory. For instance, if an item was produced in the United States but was exported from Ireland to China, such export may be subject to U.S. export requirements. This is in addition to EU and Irish export requirements. These extraterritorial controls follow the items wherever they go, regardless of how many times they change hands.

It is important that Maynooth University is aware of these controls as the United States is one of the countries that maintain significant extraterritorial controls. The illustrative example provided above is known as a “re-export” under U.S. regulations. U.S. re-export requirements apply to items that are made in the United States, and to foreign produced items that have more than a certain percentage of controlled U.S. content or are the product of U.S. technology.

All Maynooth University’s export compliance processes and procedures, including re-exports, should take into account all government requirements that apply to the export. All users of this policy manual should ensure that applicable extraterritorial controls are adhered to when exporting any items of US origin between non-US jurisdictions. In addition, before you can determine the correct export authorisation, you must first ensure that all items involved in the transaction have been classified for export control purposes.

Deemed Re-Exports

Under U.S. export control regulations, the transfer of controlled technical data or software source code to a non-U.S. national in the United States is deemed to be a re-export to the country of which the individual is a citizen. This is the so-called “Deemed Re-Export Rule.”

An export authorisation works in the same way for deemed exports as it does for exports of products. The technology to be transferred to the non-U.S. national must be classified, and the individual must be screened. An export authorisation determination should then be made, based on classification, screening, and the individual’s country of citizenship.

1.4. Sanctions and Embargoes

Sanctions are often described as compelling, non-military, political instruments of the foreign and security policy of the United Nations and the European Union which are employed in response to violations of international law or to regimes disrespecting constitutional and democratic principles. Such measures are used in an attempt to bring about change.

The most common sanctions are arms embargoes, trade restrictions, financial sanctions (freezing of deposits), and travel and visa restrictions. Sanction and Embargo measures take priority over licensing requirements.

In addition, there are government-maintained lists of “restricted parties” with whom companies, organisations or persons are generally forbidden from doing business. All sanctions are subject to frequent change.

If members of Maynooth propose conducting research or scholarly activities with sanctioned destinations, permission must be sought from the Vice President Research and Innovation.

1.4.1. EU Sanctions

EU sanctions are laid down in Decisions and/or Regulations. A full list of EU sanctions can be found at the following link: <https://www.sanctionsmap.eu/#/main>

1.4.2. UK Sanctions

UK sanctions are laid down in regimes under the Sanctions and Anti-Money Laundering Act 2018 (the Sanctions Act) and under other UK legislation such as the Export Control Order 2008 and the Anti-Terrorism, Crime and Security Act 2001.

Information on UK sanctions regime can be found at the following link:

<https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act>

1.4.3. Russia Sanctions

In light of the multiple sanctions packages made by the EU as a result of the invasion of Ukraine in February 2022, particular care has been taken by Maynooth University to ensure full compliance with the evolving regulations and Council Regulation (EU) No 833/2014, as amended.

2. Top-level management commitment to compliance

2.1. Company Management Support Statement

The commitment to export compliance of Maynooth University's management is the most important aspect of an effective export compliance control program.

A "best practices" standard for management commitment shall address the following four areas:

- Communicating the commitment;
- Being actively involved in export compliance;
- Providing resources to develop and implement the ICP; and
- Evaluating and ensuring effectiveness of the ICP.

In accordance with the EU and Irish export control regulations and laws, the implementation of an ICP is a prerequisite to obtain a global licence.

Management will effectively communicate its strong commitment to export compliance in this written policy statement to all researchers and research staff and then use every reasonable opportunity to reaffirm the importance of export compliance.

Management should also communicate that export compliance is a company-wide system and that every employee contributes to ensuring their integrity.

3. Roles, responsibilities and resources

3.1. Roles and Responsibilities

Certain roles within Maynooth University fill specific responsibilities to meet the relevant export compliance obligations worldwide. Those roles and responsibilities are defined below.

Role	Responsibility
Researcher or staff member	The researcher is responsible for accessing training materials and documents provided about Export Controls; maintaining their awareness of how export control affects their work and seeking advice as necessary. The researcher is responsible for informing the Vice President Research and Innovation or their nominee about any situations relevant to export controls and under-taking initial classification
Vice President Research and Innovation (VPRI)	The VPRI has overall responsibility for leadership and management of export controls. The VPRI will ensure that they or their nominee responds promptly to queries about export controls and classifications, will apply for licenses, and refer any contested decisions to the Compliance and Risk Committee. The VPRI will also be responsible for escalating situations of significant risk to the Executive Committee or notifications of suspected violation to the Director of Governance.
Compliance and Risk Committee	The Committee has responsibility for overseeing the EC process, will monitor compliance with the policy and will report into the Executive Committee on a regular basis. The Committee will be responsible for making decisions about classifications and licensing requirements where these have been contested. The committee is responsible for maintaining records of ECs at Maynooth University
Director of Governance	The Director of Governance has responsibility for examining suspected violations of export control obligations, determining the corrective actions that need to be taken, and reporting these back to the Compliance and Risk Committee.
Executive Committee	The University Executive Committee will consider reports from the Compliance and Risk Committee.
GA Audit and Risk Committee	The GA Audit and Risk Committee will monitor reports from the Compliance and Risk Committee, as well as any relevant audits and corrective actions taken following audit or violation. ECs may be considered in as part of internal audits from time to time.

Each researcher, student, employee, and vendor of Maynooth University must ensure that they fully comply with this ICP. Failure to comply with any trade-related rules may result in fines, criminal prosecution, product recalls, suspension, or revocation of Maynooth University import

or export privileges and a serious disruption of its research activity. Any Maynooth University employee violating this policy, or the relevant trade regulations will be subject to disciplinary action up to, and including, reduction in pay, demotion, suspension, and termination of contract. Employees may also be exposed to substantial penalties by the competent authorities. Any Maynooth University employee having knowledge of any suspected or known violation of this policy has the responsibility to report the matter to the Vice President Research and Innovation. The details and the process description of the responsibilities are part of this ICP and can be found there in the following chapters.

3.2. Training and awareness raising

Maynooth University is currently looking to implement a new export control training program for all relevant Maynooth University personnel by January 2024. Meanwhile, training videos will be available on the Maynooth University website.

3.3. General awareness for all researchers and research staff

The purpose of training is to educate Maynooth University researchers and research staff on the importance and requirements of export control regulations. Maynooth University endeavours to ensure all researchers and staff involved in export-related compliance activities receive on-going training and education to help them follow applicable regulations and watch for violations or issues.

3.4. Corrective actions

Corrective actions are monitored by the Governing Authority Audit and Risk Committee, which has responsibility for overseeing the internal audit programme of MU, and the area of export controls would form part of this.

4. Transaction screening process and procedures

As part of the process to determine whether an export is controlled, it is important to consider the essential elements of export controls. There are seven essential elements to export controls, and the sequence in which they are assessed is fundamental in considering export controlled movements:

1. Product - What is it (tangible or intangible), what is it designed for, does it have defence applications, is it export controlled;
2. Destination - where is the ultimate destination, do sanctions or embargoes apply, is the destination a diversion risk, is the destination outside the EU;
3. Exporter - who holds the contract with the receiver, who has the power to send the goods out of the country or the EU;
4. Receiver/End-User - who will receive the product, are there restrictions on the end-user, do you know the end user;
5. End-Use - what will the receiver do with the goods;
6. Other uses - what else could the end user do with the goods;
7. Finance - who will pay for the product, what fees and commissions are paid, what middlemen are involved, what statements are required in contract documentation.

If the product is controlled but not being exported out of the EU and is not an Annex IV item of the Dual-Use List, then no further consideration is needed. Who the exporter is an important consideration for universities and will ultimately fall to who has the power to export the goods outside of the EU.

4.1. Product

The product for which the guidance in this section applies to includes both tangible and intangible products.

Export for the purposes of tangible products, in most instances involves the movement of those goods across an international border. The tangible products would most likely be subject to customs and trade, as well as export control checks.

Export, for the purposes of intangible products is not as clear. The following items include scenarios under which the export of intangible items may occur:

- Transmission of software and technology by email or fax;
- Support, engineering and other services that relate to the use, production and or/development of controlled items;
- Oral transmission by telephone where the content of the conversation is equivalent to reading a document. This can also include help-desk support;
- Items made available on websites (e.g. software downloads and uploads);

- Technical assistance including training, data used in research and development projects, technical specifications etc;
- Conference presentations, online lectures, presentations for researchers outside Ireland, secondments outside Ireland; and
- Publishing online research methods.

Intangible goods will typically be in the form of “technology” or “software”. As defined, “technology” is specific information for the development, production or use of goods, and takes the form of technical data or technical assistance. Under EU legislation, controls on technology transfer or associated technical assistance do not apply to information “in the public domain”, to “basic scientific research”, or the minimum necessary information for patent applications:

- “In the public domain”, means “technology” or “software” which has been made available without restrictions upon its further dissemination (copyright restrictions do not remove “technology” or “software” from being in the public domain);
- “Basic scientific research” means experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

Controls do not apply to technology which is the minimum information necessary for the installation, operation, maintenance (checking) or repair of those goods which are not controlled or whose export has been authorised, with the exception of technology classified under 1E002a, 1E002f, 8E002a, and 8E002b.

“Software” means a collection of one or more “programs” or “microprograms” fixed in any tangible medium of expression. There are general notes within the dual-use list which define when software is not a controlled good and is as follows:

- Generally available to the public by being:
 - Sold from stock at retail selling points, without restriction by means of:
 - Over-the-counter transactions;
 - Mail order;
 - Electronic transactions; or
 - Telephone call transactions; and
 - Designed for installation by the user without further substantial support by the supplier; and
 - The cryptographic functionality cannot easily be changed by the user.
- “In the public domain” or
- The minimum necessary “object code” for the installation, operation, maintenance (checking) or repair of those items whose export has been authorised.
 - “Object code” means an equipment executable form of a convenient expression of one or more processes (“source code”/source language) which has been compiled by programming system.

The above information demonstrates that export controls legislation is not limited to actual sales or hardware exports to customers and includes knowledge sharing. As such, it is important that

employees of Maynooth University consider the export control implications involved in all parts of their research process. For instance, access in a third country to a server located in the EU can trigger an export control issue as this is seen as an export of intangible goods.

4.2. Export Classification

Classification for export control purposes is a process of assigning an export classification number which is based on the export control regulations of the country of export or other countries whose requirements apply to the export or re-export of items. This is an alpha-numeric number and is often referred to as an ECCN or Control Number. An ECCN is the US terminology used for the control number but is commonly referred to globally. An item can only be assigned one classification number for export control purposes.

An export control classification number must be assigned to both exports of tangible and intangible items.

It is important that Maynooth University maintains processes and procedures to ensure that the correct Control Number is assigned to its products as this is an essential component in complying with applicable export controls legislation. In order to determine the classification number of an item for export control purposes, an examination of the nature and characteristics of the item must be undertaken.

[Insert team/role name] are responsible for the export control classification of both tangible and intangible goods. [If multiple teams involved, explain exactly what their roles are]

4.2.1. Export Control Classification Process & Principles

Maynooth University is committed to ensuring that the correct classification is assigned to all controlled products exported outside the customs territory of the EU, when exported from Maynooth University sites. The Office of the Vice President Research and Innovation is responsible for processing classification requests.

The classification of dual-use, military and sanctioned goods is carried out by the researcher with the advice of the Vice President for Research and Innovation or their nominee. Where there is dispute about a classification, the Research and Innovation Compliance and Risk Committee will make a judgement on the classification.

[For the classification of goods exported from Ireland, Regulation (EU) 2021/821 is referred to for the applicable classification number.

Maynooth University notes the existence of extraterritorial controls which may require classification under the requirements of more than one country, as previously mentioned in Section 1.3.2.

A record of all classification checks undertaken internally should be kept. This should include product information, determination of correct classification and relevant legislative provisions to support this, where relevant. Please see Section 6 for further information on record keeping.

4.3. Transaction risk assessment and procedures

4.3.1. Destination Controls

Researchers and research staff must be aware of any sanctions that may apply to certain countries, individuals or entities. Sanctions are political instruments of the foreign and security policy of the United Nations, the European Union, and the UK. They are compelling, non-military instruments that are employed in response to violations of international law or to regimes disrespecting constitutional and democratic principles, in an attempt to bring about change. The most common sanctions are arms embargoes, trade restrictions, financial sanctions (freezing of deposits), and travel and visa restrictions. It sometimes happens that a licence is required in accordance with the Dual-Use Regulation whereas restrictive measures call for a prohibition. In such cases the prohibition takes priority over dual-use controls. Further information on Trade and Economic Sanctions processes can be found on the [EU website](#).

All due diligence is performed by the Office of the Vice President Research and Innovation at Maynooth University and all sanctions or embargoes queries should be escalated to them.

Maynooth University does not conduct unauthorised business with a Denied Party or Sanctioned Country or Region, consistent with the EU sanction list

4.3.2. End-User and End-Use Controls

Maynooth University must ensure that any item exported to a customer will not be used for any purpose other than its intended use. It is important that Maynooth University is fully aware of the identity of the end-users of our research and research outputs, as many countries have designated certain entities, individuals and regimes as prohibited or restricted parties. This can apply to any business or industry partner involved in a transaction chain (such as a reseller or intermediary). Countries and organisations maintain lists of these prohibited and restricted parties so that export privileges are restricted or require governmental approval.

4.4. Licence Determination and Application Procedures

4.4.1. Introduction to Export Licencing Process

Exports of research or research outputs may require government authorisation due to the nature of the items being exported, the destination country, or the specific end user. Maynooth University must determine whether a licence or authorisation is required for every export or re-export to ensure compliance with export laws and regulations.

The responsibility in Maynooth University for determining when an export licence is required lies with the Vice President Research and Innovation or their nominee, who is also responsible for managing the conditions of the licence.

4.4.2. Export Licencing Authorities

An export licence should be applied to from the appropriate authorities for the export or re-export of controlled goods, software and technology. Outlined below is the relevant authority to apply to for export licencing:

Country	Authority Name	System used and link
Ireland	Export Licensing Unit, Department of Enterprise, Trade and Employment (DETE)	Online Export Licence System (OELAS) https://oelas.djei.ie/

4.4.3. Exporter of Record

Maynooth University is the exporter of record for business and licensing purposes.

4.4.4. Export Licensing Requirements

Export authorisations apply to all items being exported, including hardware, software, technical data and services. Therefore, it is important to identify all of these items in an export transaction, and to make an export authorisation determination for each one.

More than one country's laws may apply to an export transaction. For example, the export laws of the United States and Ireland will apply to an export from the EU by Maynooth University, if the item being exported was developed in the United States (see section 1.3.2 on US Extraterritorial Controls). In all cases, the laws of the country of export will apply, but it is important to determine if another country's laws also apply, based on the exported item or other circumstances of the transaction.

In general, an export authorisation is based on a number of factors, namely: product, destination, end-use and end-user. Once all items in the export transaction are identified, they must be classified for export before an export authorisation determination can be made. In addition, all parties to the transaction must be screened in order to make a proper export authorisation determination. If any item is not classified, or if any transaction party has not undergone the appropriate screening, these must be done according to the existing processes and procedures.

Although government export control programs have many similarities, the laws and regulations of each country are different, and one country's rules cannot be used to make export authorisation determinations for shipments from another country. Some countries, such as Ireland, follow the rules of the European Union exclusively, while others follow EU rules plus their own additional rules. Therefore, it is important to identify the specific export regulations that apply to a shipment and follow the process within those regulations to make export authorisation determinations. Particular attention must be paid to the differences in export control legislation that now exist between the UK and the EU.

The export regulations of the United States are perhaps the most complex in regard to determining export authorisation. Due to the U.S. extraterritorial controls, the instructions in this section will describe EU and U.S. requirements. By understanding these methods of making an export authorisation determination, you will have greater awareness of the export authorisation methods in other countries.

4.4.5. Responsibilities for Maynooth University Personnel

As part of the export licensing process, Maynooth University personnel must ensure that all necessary licences are obtained where necessary. The Vice President Research and Innovation or their nominee is responsible for identifying and obtaining the necessary export licences in the relevant jurisdictions, compliance with the conditions and reporting obligations attached to that licence.

4.4.6. Authorisations for Export of Dual-Use Items

When considering whether an export licence is required, Maynooth University researchers and staff must take into account the nature of the product, the end destination and the purpose for which the licence is requested.

Due to the varying types of licences available depending on the country of export, the table below gives a brief description of the different types of licences available in the EU.

Export Licences available in the EU

Type of Licence	Licence Description	Licence Requirements
Individual Licence	An individual licence can be requested from the relative authorities for dual-use or military items. The validity period for an individual licence is normally one year, but for dual-use goods a three-year licence may also be issued. This licence is intended for: • one specific exporter; • one dual-use item; • export of Community goods and re-export of non-Community goods to specific destinations; and • a specific transaction (though part-consignments per licence are permitted)	• A licence application form, duly completed and signed, with a brief but detailed description of the technical specifications of the goods. • A declaration concerning the end-use of the goods signed and stamped by the end-user (End-User Certificate). If the goods are or will be present in another country at the moment of departure, the exporter is required to state this on the licence application.
Global Licence	Such licences are valid for a period of between three months and one year. However, global licences will not be issued for certain sensitive goods and / or destinations. If this situation arises, then an individual licence must be applied for. A global licence is intended for: • one specific exporter • one type or a category/categories of goods • for export to one or more destinations. • multiple transactions	A licence application form, duly completed and signed, must be submitted to the relevant authorities. The application form must contain a brief but detailed description of the technical specifications of the goods. In the box marked "additional information", enter a substantiated request to receive a global licence. If this form has insufficient space for Maynooth University's application, an annex containing all details may be added. In addition: • The name and address of the exporter, along with the country of origin and country/countries of consignment and final destination will also need to be listed in the global licence application form; • In the box marked "value" the total value of envisaged exports under the global licence should be entered; • The total quantity of the envisaged exports under the global licence should also be included in the application form; and • A copy of the exporters ICP. The reporting requirements that must be followed in relation to the use of global licences will be set out by the authorities. If Maynooth University obtains a global licence, at a minimum they will need to include the following in their periodic reporting: • Description of products exported under the global licence; • Quantity and value of products exported under the global licence; • Name and address of consignee/end-user for each transaction; • Licence number; and • Date of export.
Licence for Annex IV Goods	If a controlled item is listed in Annex IV of Regulation (EU) 2021/821 for EU Member States, they are controlled on movement from one EU Member State	A licence application form, duly completed and signed, with a brief but detailed description of the technical specifications of the goods.

Export Licences available in the EU

Type of Licence	Licence Description	Licence Requirements
	to another EU Member State (as well as upon export from the EU). Therefore, an application will need to be made to the relevant authorities for such transfers. In contrast to a regular licence application for dual-use goods, this application is made not in the country where the exporter is established but in the country where the goods are present.	A declaration concerning the end-use of the goods. The declaration must be legalised by the authorities or by a duly authorised agent. In many countries this will be the Chamber of Commerce. If the customer is a government agency and the end-use is immediately apparent from the contract to which such agency is party, in many cases a separate end-user declaration may be omitted. Note: None of Maynooth University's products currently falls within the scope of Annex IV (this generally relates to military goods); however, due regard should be had for Annex IV when classifying products.
End User Certificate	An end-user certificate is a document which states that the exported items will be imported into the final destination country for the customer's own use or for use by buyer(s) established there. It is important that the end-use certificate indicates the use for which the goods are intended.	This end-user certificate must be certified by the competent authorities or by a duly authorised agency (in many countries this will be the Chamber of Commerce) in the country of final destination which enables the competent authority to indicate that the end-user is known to them as a business and that the transaction is compatible with the customary activities of the business.
Union General Export Authorisations (UGEAs)	The Union General Authorisations (UGEA's) are available for exportation of dual-use items without a formal application to the competent authority. The requirements for each of the eight authorisations are specified in Annex II of Regulation (EU) 2021/821.	<i>Notification requirement</i> Use of UGEA's is conditional on the exporter notifying the authorities of their use of the UGEA in question. The authorities must be notified of the export within 30 days after the export has taken place. To use these licenses the exporter is required to comply with recordkeeping and notification requirements. The UGEAs are valid for an indefinite period (subject to interim changes). When using UGEA's, on the customs export declaration, the exporter should indicate (in box 44 of the Single Administrative Document (SAD)) that for the purpose of this transaction he is making use of the UGEA, stating the reference X002 followed by the registration number of the authorisation (e.g. EU001). <i>Information and reporting requirements</i> Exporters using UGEAs are obliged to keep detailed records with respect to the concerned exports: • Products description, • Quantity, • Value, • Consignee details, • Corresponding documents etc.

4.5. Post-Licencing controls

4.5.1. Shipment Control

The Vice President Research and Innovation has the authority to stop any export transaction thought to be in violation of any trade control law, legislation, or regulation.

4.5.2. Compliance with Licence Conditions

It is the responsibility of the researcher to ensure the proper use of each export licence and take into consideration any requirements for each licence. All authorisations and licences are uploaded to SharePoint once obtained.

5. Performance Review, Audits, Reporting and Corrective Actions

5.1. Internal Export Compliance Audits

The Maynooth Research Compliance and Risk Committee is responsible for monitoring compliance at Maynooth University. This further ensures a consistent and periodic review of the compliance framework in place.

Maynooth University is committed to ensuring that it meets all of its export control obligations at all times. It is of utmost importance that Maynooth University is appraised of any potential violations. All Maynooth University employees have a responsibility to report any suspected non-compliance occurrences. Researchers and university staff are to notify the Vice President Research and Innovation of any suspected non-compliance occurrences.

See Section 5.2 on Raising a Concern below should you suspect a violation may have occurred.

Any suspected mistakes or violations with respect to the ICP and procedures set forth within Maynooth University for complying with applicable export control regulations, and suspected mistakes or violations about export licences or other export control approvals shall immediately be reported to the Vice President Research and Innovation.

The Director of Governance will have the authority to investigate, report and take corrective action with respect to any suspected mistake or violation. If a violation occurred, or a severe violation is suspected, the Vice President Research and Innovation will immediately inform the Director of Governance.

Prior to voluntarily disclosing any suspected export control mistakes or violations to a governmental authority or official, the Vice President Research and Innovation will present the facts surrounding the suspected export control mistake or violation to the Director of Governance. The Director of Governance will, with the advice from and consultation with the Vice President Research and Innovation, determine whether or not a mistake or violation took place, and whether or not a voluntary disclosure should be made to the relevant governmental authority or official.

5.2. Raising a concern

Any Maynooth University employee who suspects a potential instance of non-compliance must immediately notify one of the following:

- Head of Department / Unit
- Dean of the Faculty / Director of Function
- Vice President Research and Innovation

- President

Normally, the first person to be informed would be the relevant line manager (typically, this would be the Head of Unit). If the violation concerns the head, then the notification should be escalated to the next management level, as per above.

Remember, you will always be supported if you raise a concern about a breach of this Policy. Retaliation against any person who raises a concern is strictly prohibited. Further information can be found in the Maynooth University [Whistleblowing Policy](#). You are also encouraged to discuss any questions and concerns concerning business practices and policies with the Vice President Research and Innovation or their nominee.

Upon notification of a potential non-compliance event, the Vice President Research and Innovation should do the following:

- Record the information in the Compliance Log;
- Gather information on the event; and
- Determine whether the event needs to be escalated to the Director of Governance.

5.3. Penalties

Any breach of export legislation can have significant consequences for Maynooth University and may result in criminal and civil penalties, the seizure of assets, the denial of export privileges, as well as damage to the University's public image and its ability to fulfil its commercial and research goals. Fines and penalties for violations of these laws may be imposed and will differ from country to country.

5.4. Breaches of This Policy

Any suspected breaches of this policy and export controls regulations and legislation will be documented and recorded in writing, along with the associated corrective actions and any correspondence with the relevant authorities in accordance with guidance provided. Examples of records that typically should be maintained include, but are not limited to, the following:

- Notification(s) of the issue;
- Research into the issue and supporting documentation;
- Investigations into the issue;
- Voluntary self-disclosure determinations;
- Remedial and corrective action information; and
- Communication with the individual who flagged the issue, teams involved, Maynooth University senior management; external counsel; and regulatory authorities.

6. Recordkeeping and Documentation

As part of its operations, Maynooth University is required to maintain and produce records related to the exportation of items, including software and technology. The Vice President Research and Innovation is responsible for ensuring the requirements for all export authorisations are maintained within their specific region.

6.1. Documenting Export Authorisation Determinations

All export compliance activities must be documented, including export authorisation determinations and all tasks and documents associated with development, review and submission of export licence applications. Whenever an export authorisation determination is made, the individual making the determination should ensure that a record is created and maintained according to legislative requirements, some of which are outlined below.

6.2. Recordkeeping Requirements

Record keeping requirements are outlined in Article 27 of Regulation (EU) 2021/821 for requirements in Ireland. It states that all exporters of dual-use items are responsible for keeping detailed records or registers of their exports and must be capable of providing the following information:

- Description of the exported goods and CN code assigned to products
- Quantity of goods exported;
- Name and address of the exporter;
- Name and address of consignee;
- Information on the end-user and the intended end-use of the exported goods.

From an export control perspective, the retention period of the relevant documentation is a minimum of five years from the end of the calendar year in which the export took place for EU exports.

6.3. Requirements for Export Transactions

Maynooth University's policy is to retain documents related to export controls and trade sanctions for a minimum of five years for EU exports. Maynooth University maintains the following documents and records:

Export Classification:

- All documentation required to support classification determinations, including any correspondence with any government agency concerning classification.
 - Supporting information concerning the classification for export and licensing determination of the commodity.
 - List of classifications for exported products.

- Export classification number and licence number and/or type.

Licences:

- Licence applications and supporting documentation, including copies of any licences issued by national government agencies;
- Records of all licences that apply to each export transaction of each commodity;
- Copies of reports made to government agencies and information in support of any required reporting, including:
 - Licence exception report (for U.S. extraterritorial controls);
 - Reports of exports made under Licence Exception ENC (for U.S. extraterritorial controls);
 - Reports of exports under EU UGEA where applicable;
 - Reports of exports under both individual or global licences and
 - Reports of requests to comply with restrictive trade practices and boycotts that are not sanctioned by the United States or the local country regulation.

Global Licence Reporting:

Certain reporting requirements must be met when using a global licence. If Maynooth University obtains a global licence, at a minimum, it will need to include the following in their periodic reporting:

- Export control list number
- Description of products exported under the global licence;
- Quantity and value of products exported under the global licence;
- Name and address of consignee/end-user for each transaction;
- Licence number; and
- Date of export.

Screening:

All evidence that export compliance screening has been carried out for all parties in the transaction chain including the ultimate end-user.

Export Documentation:

- Commercial invoices including an accurate description of the commodities;
- Copies of any documents required by other government agencies for specific export transactions;
- Correspondence with government agencies including copies of all records pertaining to requests for information, investigations, disclosures or administrative actions made by any agency with respect to export transactions;
- Records of compliance with government agency requirements including:
 - Copies of any correspondence with government agencies relative to exported merchandise.
- Destination Control Statements as required by U.S. law, as and where appropriate.

Processes and Procedures:

- Records of export control processes and procedures, record keeping programs, conduct of export training and results of local audit of compliance processes.
- Specific record keeping plans for the records to be retained.
- Records of all reviews of company export management plans, training activities and administration, internal audits and system reviews.

6.4. Location of Records

All relevant documentation is stored on a the Maynooth University Sharepoint site which stores the records of the Research Risk and Compliance Committee.

All corrective actions following discovery of errors or discrepancies post-entry clearance are documented in the same location.

6.5. Responsibilities for Maynooth University Personnel

Maynooth University personnel are responsible for maintaining records relating to the export of Maynooth University research and research outputs. It is of utmost importance that all relevant personnel are knowledgeable about the record keeping requirements and should ensure that a person has been designated to be accountable for ensuring that record keeping requirements are adhered to and for putting specific processes in place to make certain that requirements to keep export records are met.

Requests by governmental officials concerning export transactions shall be addressed to the Vice President Research and Innovation before any information is provided to the inquiring party.

7. Security Measures

Maynooth University is committed to ensuring that no unauthorised access to or removal of dual-use items by employees, researchers, contractors, suppliers or visitors is permitted.

Security measures for access to Maynooth University Data include use of authentication software and swipe card access to sensitive sites.

8. Useful Resources

Source	Link
Department of Enterprise, Trade and Employment Export Controls Page	https://enterprise.gov.ie/en/what-we-do/trade-investment/export-licences/information-on-export-controls/
EU Commission Exporting Dual-Use items webpage	https://policy.trade.ec.europa.eu/help-exporters-and-importers/exporting-dual-use-items_en#:~:text=The%20EU%20controls%20the%20export,of%20Mass%20Destruction%20(WMD).
Regulation (EU) 2021/821	https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:206:FULL&from=EN
EU Guidance page on Export Controls	https://circabc.europa.eu/ui/group/654251c7-f897-4098-afc3-6eb39477797e/library/e7dc5aae-bce0-4f45-b1e5-bb15b272b66b?p=1&n=10&sort=modified_DESC
Wassenaar Arrangement	https://www.wassenaar.org/