



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 2015 – 31<sup>st</sup> December 2015**

## **Minister's Introduction**

I am pleased to present the fourth report on the operation of the Control of Exports Act 2008, covering the period 1 January to 31 December 2015. Export controls are of particular importance to my Department in ensuring compliance with the highest international standards in accordance with international law. Our policy of free trade and open markets must conform with the core principles of security, regional stability and human rights which underpin export controls.

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.

Previous reports provide background information on the operation of Ireland's export control regime. This report focuses on key legislative developments and licensing activity during 2015. 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 2015.

To ensure that Ireland continues to maintain the highest standards in export control I would like to encourage companies to maintain up-to-date internal compliance procedures and to continue the good cooperation with the Export Licensing Unit in my Department.

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Mary Mitchell O'Connor, T.D.

Minister for Jobs, Enterprise & Innovation

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## **Key Developments During 2015**

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 2015.

Background information on the context of the Irish export control regime and its administration is available in earlier reports published on the operation of Ireland's export control regime. These reports 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 October 2015 Commission Delegated Regulation (EU) 2015/2420<sup>3</sup> amending the Dual-Use Regulation<sup>4</sup> came into force. Commission Delegated Regulation (EU) 2015/2420 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 2014.

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<sup>1</sup>See <https://www.djei.ie/en/What-We-Do/Trade-Investment/Export-Licences/Publications-and-Forms>.

<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> Directive 2009/43/EC of the European Parliament and of the Council Commission Delegated Regulation (EU) 2015/2420 of 12 October 2015 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items.

<sup>4</sup> Commission Delegated Regulation (EU) 2015/2420 amending 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.

## **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>5</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. Directive 2014/108/EU<sup>6</sup> of 12 December 2014 amended Directive 2009/43/EEC to reflect the amendments made in the 2014 EU Common Military List. The amendments comprised editorial changes and updates to the definitions and the parameters of control of certain entries. S.I. No. 88 of 2015 implemented and gave effect to Commission Directive 2014/108/EU.

### **Commission Delegated Regulation (EU) 2015/1113 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment –**

Regulation (EC) No 1236/2005<sup>7</sup> (“the Torture Regulation”) provides for a ban, or alternatively, an authorisation requirement on trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

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<sup>5</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>6</sup> Directive 2014/108/EU of 12 December 2014 amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products.

<sup>7</sup> 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, as amended.

The Torture Regulation also establishes reporting arrangements between Member States and the European Commission. No licence applications were received by the Department, and hence none reported to the European Commission, under the Torture Regulation in the period under review, or at any time since the entry into force of the Torture Regulation.

During 2015 the Torture Regulation was updated by the introduction of Commission Delegated Regulation (EU) 2015/1113<sup>8</sup> to provide amended information on the relevant national competent authorities.

Discussions continued during 2015 on proposed amendments to the Torture Regulation, such as restrictions on the transit, promotion and provision of technical assistance in relation to certain goods. By the end of 2015 it was expected that there would be a European legislative proposal incorporating some or all of these proposed amendments during 2016.<sup>9</sup>

### **3. Trade Sanctions introduced in 2015**

As set out in previous reports, 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 political instruments, to promote EU values and objectives.

The European Union introduced a number of new sanctions during 2015, in response to issues of international concern, for example concerns about regional conflict and human rights. The Department of Jobs, Enterprise and Innovation is 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 share responsibility for drafting Regulations to provide for penalties in national law for breaches of EU sanctions. Twenty

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<sup>8</sup> Commission Delegated Regulation (EU) 2015/1113 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

<sup>9</sup> No proposal was forthcoming during 2016.

new Regulations were made during 2015 the details of which are set out in Annex I to this report.

The Department also issued 79 licences during 2015 under Article 3 of Council Regulation (EU) No. 833/2014<sup>10</sup> which imposes a licensing requirement for the sale, supply, transfer or export to Russia of certain energy-related equipment and technology. These licences issued were predominantly in respect of mining products for use in hard mineral (coal and metal ore) mines. The equipment and technology subject to control is listed in Annex II of Council Regulation (EU) No. 833/2014.

#### **4. Export Control Policy Review**

In June 2011 the European Commission published a Green Paper entitled “The dual-use export control system of the European Union: ensuring security and competitiveness in a changing world” and also launched a consultation process. A subsequent analysis of the consultation was published in 2013 which identified the main issues raised by over 100 stakeholders. A report to the European Parliament and Council on the implementation of the Regulation was adopted on 16 October 2013, marking a second step in the review process.

In April 2014 the European Commission issued a Communication mapping the direction for EU export controls and identifying policy options for modernisation. In October 2014 an Export Control Industry Forum was held which discussed the various review options in the Communication.<sup>11</sup>

In July 2015, the European Commission launched a further open online public consultation with a view to collecting stakeholders' input on the EU Export Control Policy Review. Stakeholders were invited to respond to 38 questions covering the range of themes and options including the modernisation of controls, the optimisation of licensing architecture, harmonisation of controls at EU and global level, controls of technology transfers and the development of a "human security" approach taking into consideration the links between security and human rights.<sup>12</sup>

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

<sup>11</sup> See [http://trade.ec.europa.eu/doclib/docs/2014/october/tradoc\\_152858.pdf](http://trade.ec.europa.eu/doclib/docs/2014/october/tradoc_152858.pdf).

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

In November 2015 the European Commission completed its report based on the results of this public consultation. By the end of 2015 it was expected that the European Commission would, in 2016, prepare an impact assessment and possibly also a legislative proposal to amend the current Dual-Use Regulation.<sup>13</sup>

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

### **Individual Dual-Use Licenses**

There were 546 individual dual-use licences issued in 2015, a decrease of 20% on licence numbers issued in 2014 principally in relation to Dual-Use Regulation Category 5 (Telecommunications and information security equipment and components) and so-called “catch-all” licences.<sup>14</sup> Two companies which up to 2014 had submitted individual dual-use licences transferred to a global dual-use licence regime thus reducing the number of the individual licences issued to these companies during 2015.

Values of exports on individual licences issued in 2015 decreased by 15.3% compared with 2014, i.e., from €446.1 million to €377.8 million.<sup>15</sup> This decrease occurred principally in respect Dual-Use Regulation Categories 3 (Electronics) and 5 (Telecommunications and information security equipment and components).<sup>16</sup> The reduction in the value of Category 5 products arose almost entirely from the two companies moving from an individual licence regime to a global licence regime.

### **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.

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[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>13</sup> On 28 September 2016 the Commission released a legislative proposal to reform the Dual Use Regulation.

<sup>14</sup> Non-controlled dual-use items, (i.e., not included in Annex 1 of the Dual-Use Regulation) may, nevertheless, be subject to export controls, as provided for in Article 4 of the Dual-Use Regulation.

<sup>15</sup> See Annex II of this report.

<sup>16</sup> See Annex IV of this report for a list of dual-use control categories in the Dual-Use Regulation.

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

Twenty three global dual-use licences were in use in 2015 compared to 18 in 2014. The value of actual exports reported under dual-use global licences in 2015 was €1,030.3 million compared to €638.0 million in 2014, an increase of 61.5%.<sup>17</sup> Most of this increase related to intra-company sales by one global licence holder.

### **Military Licences**

Licensing controls for military items cover military goods, military technology and also components for such items. Licences issued for military goods in 2015 involved components rather than finished goods. Also, a significant 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 decreased from 95 in 2014 to 81 in 2015. The value of the exports on licences issued decreased by 50% from €86m in 2014 to €43m in 2015.

### **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.

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

One licence was issued in respect of the brokering of military items during 2015. The licence was issued in respect of the brokering of category ML 11<sup>18</sup> items to Morocco.

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 2015.

### **Currency fluctuations**

Licence holders are required to submit global licence reports with values provided in Euro. However, as many licence holders are operating globally and processing transactions in different currencies, it should be noted that changes in the value of the Euro over a given period can alter the values reported to the Department.

### **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. However, in view of commercial sensitivities and the relatively small number of licence holders, it has been necessary to aggregate data when reporting on exports under certain headings.

The table below sets out summary information regarding the number and value of licences granted by the Department during 2014 and 2015. More detailed statistical information is set out in Annex II to this report.

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<sup>18</sup> Electronic equipment. See Annex III of this report for summary of ML (Military List) Codes.

## Summary Data

Type of Licence	Number by Year		Licenced Value by Year €000	
	2015	2014	2015	2014
Individual Dual-Use	546	680	377,811	446,084
Global Dual-Use	23	18	1,030,299	638,013
Military	81	95	42,626	86,218
<b>TOTAL</b>	<b>650</b>	<b>793</b>	<b>1,450,736</b>	<b>1,170,315</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.

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>19</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.

## 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

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<sup>19</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.

illicit purpose, e.g. for use in connection with WMD. 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.

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

The considerations to be taken into account when deciding whether or not to grant an individual or global dual-use licence are set out in Article 12 of the Dual-Use Regulation which 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 at 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.

In 2015 five export licence applications were denied. Four denials were made on the grounds of considerations about the intended end-use and the risk of diversion and one denial was sanctions related.

## **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 2015 Revenue Customs referred 267 proposed exports to the Department for review.

In addition, reviews of individual companies are undertaken by the Department when it receives information about possible breaches of export control legislation.

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

### **Afghanistan**

- 1. S.I. No. 71/2015 - European Union (Restrictive Measures concerning Afghanistan) Regulations 2015**
  
- 2. S.I. No. 381/2015 - European Union (Restrictive Measures concerning Afghanistan) (No. 2) Regulations 2015**

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. 72/2015 - European Union (Restrictive Measures concerning Belarus) Regulations 2015**
  
- 2. S.I. No. 380/2015 - European Union (Restrictive Measures concerning Belarus) (No. 2) Regulations 2015**

These Regulations provide 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.

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 Belarus.

## **Côte d’Ivoire**

- 1. S.I. No. 73/2015 - European Union (Restrictive Measures concerning Côte d’Ivoire) Regulations 2015**
  
- 2. S.I. No. 313/2015 - European Union (Restrictive Measures concerning Côte d’Ivoire) (No. 2) Regulations 2015**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EC) No 174/2005, as amended, and Council Regulation (EC) No 560/2005, as amended, regarding restrictive measures concerning Côte d’Ivoire. 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.

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 Côte d’Ivoire.

## **Libya**

- 1. S.I. No. 74/2015 - European Union (Restrictive Measures concerning Libya) Regulations 2015**
- 2. S.I. No. 321/2015 - European Union (Restrictive Measures concerning Libya) (No. 2) Regulations 2015**
- 3. S.I. No. 379/2015 - European Union (Restrictive Measures concerning Libya) (No. 3) Regulations 2015**

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) No 204/2011, 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.

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.

## **Iraq**

### **1. S.I. No. 75/2015 - European Union (Restrictive Measures concerning Iraq) Regulations 2015**

This Regulation provides 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 Regulation provides 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.

## **Somalia**

### **1. S.I. No. 77/2015 - European Union (Restrictive Measures concerning Somalia) Regulations 2015**

### **2. S.I. No. 314/2015 - European Union (Restrictive Measures concerning Somalia) (No. 2) Regulations 2015**

These Regulations provide 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 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 Somalia.

### **Ukraine**

- 1. S.I. No. 78/2015 - European Union (Restrictive Measures concerning Ukraine) Regulations 2015**
- 2. S.I. No. 315/2015 - European Union (Restrictive Measures concerning Ukraine) (No. 2) Regulations 2015**
- 3. S.I. No. 481/2015 - European Union (Restrictive Measures concerning Ukraine) (No. 3) Regulations 2015**

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.
- Restrictions on the provision of certain items and technology 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. 312/2015 - European Union (Restrictive Measures concerning Yemen) Regulations 2015**

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

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

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

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

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

## **Iran**

### **1. S.I. No. 571/2015 - European Union (Restrictive Measures concerning Iran) Regulations 2015**

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 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 Iran.

## **Central African Republic**

### **1. S.I. No. 574/2015 - European Union (Restrictive Measures concerning Central African Republic) Regulations 2015**

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

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

## **Syria**

### **1. S.I. No. 575/2015 - European Union (Restrictive Measures concerning Syria) Regulations 2015**

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 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 Syria.

## **South Sudan**

### **1. S.I. No. 576/2015 - European Union (Restrictive Measures concerning South Sudan) Regulations 2015**

This Regulation provides for the enforcement of restrictive measures contained in Council Regulation (EU) No 2015/735, as amended, regarding restrictive measures concerning South Sudan. The effects of these measures include:

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

- Prohibitions on the provision 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 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 South Sudan.

## Annex II – 2015 Export Licence Statistics

### Overview Table

<i>Type of Licence</i>	<b>2015</b>		<b>2014</b>		<b>2013</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>	546	377,811	680	446,084	753	324,192
<b>Global Dual-Use</b>	23	1,030,299	18	638,013	15	1,006,436
<b>Military</b>	81	42,626	95	86,218	108	61,825
<b>Total</b>	<b>650</b>	<b>1,450,736</b>	<b>793</b>	<b>1,170,315</b>	<b>876</b>	<b>1,392,453</b>

### Individual Dual-Use Licences by Category Table

<b>Category<sup>20</sup></b>	<b>2015</b>		<b>2014</b>		<b>2013</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>	24	1,026	32	7,927	39	2,404
<b>3</b>	57	64,347	56	89,253	48	89,156
<b>5</b>	430	306,227	524	340,662	577	205,135
<b>Catch-all</b>	1	4	30	1,736	58	26,654
<b>1,4,6, 7 &amp; 8</b>	34	6,207	38	6,506	31	843
<b>Totals</b>	<b>546</b>	<b>377,811</b>	<b>680</b>	<b>446,084</b>	<b>753</b>	<b>324,192</b>

<sup>20</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

## Global Licences by Category Table

	2015		2014		2013	
Category <sup>21</sup>	No.	Licence Value €000	No.	Licence Value €000	No.	Licence Value €000
1	2	0	1	0	0	0
2	2	24	1	45	2	13
3	5	196	2	1,436	2	1,232
4	2	0	1	0	1	0
5	22	1,030,079	17	636,469	14	1,005,191
6	2	0	1	63	1	0
<b>Totals<sup>22</sup></b>	<b>23</b>	<b>1,030,299</b>	<b>18</b>	<b>638,013</b>	<b>15</b>	<b>1,006,436</b>

The above table shows the total number of global licences in operation during 2013, 2014 and 2015. 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 2013, 2014 and 2015. These figures cannot be compared with values provided in previous reports which reflected the estimated values provided on global licence applications<sup>23</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>21</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>22</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>23</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 2015 (made under individual licences)**

<b>Category</b>	<b>Destination</b>	<b>2015 Number of Licences Issued</b>	<b>Number of Licences where Individual Licence Value= €0 - €100,000</b>	<b>Number of Licences where Individual Licence Value= €100,000 - €500,000</b>	<b>Number of Licences where Individual Licence Value is above €500,000</b>	
<b>1</b>	Azerbaijan	<b>1</b>	1			
	Brazil	<b>1</b>		1		
	China	<b>1</b>	1			
	Indonesia	<b>1</b>	1			
	Kuwait	<b>1</b>	1			
	Mali	<b>2</b>		2		
	Mexico	<b>1</b>		1		
	Seychelles	<b>1</b>	1			
	Somalia	<b>2</b>	1		1	
	South Africa	<b>2</b>	1	1		
	Taiwan	<b>1</b>	1			
	Ukraine	<b>1</b>	1			
<b>2</b>	Belarus	<b>1</b>	1			
	Chile	<b>1</b>	1			
	China	<b>3</b>	1	2		
	India	<b>3</b>	1	2		
	Indonesia	<b>2</b>	1	1		
	Russia	<b>1</b>	1			
	South Africa	<b>1</b>	1			
	Taiwan	<b>1</b>	1			
	Thailand	<b>3</b>	3			
	Tunisia	<b>2</b>	2			
	Turkey	<b>1</b>	1			
	Ukraine	<b>1</b>	1			
	United Arab Emirates	<b>4</b>	4			
<b>3</b>	Brazil	<b>1</b>	1			
	China	<b>27</b>	13	9	5	
	India	<b>3</b>	2	1		

	Israel	<b>2</b>		2	
	Macau	<b>1</b>		1	
	Malaysia	<b>3</b>	1	1	1
	Philippines	<b>3</b>			3
	Russia	<b>3</b>	3		
	Serbia	<b>1</b>		1	
	Singapore	<b>2</b>		2	
	South Korea/ Republic of Korea	<b>5</b>	2		3
	Taiwan	<b>4</b>	1	2	1
	Thailand	<b>1</b>	1		
	Ukraine	<b>1</b>	1		
<b>4</b>	Philippines	<b>1</b>	1		
<b>5</b>	Afghanistan	<b>2</b>	1	1	
	Albania	<b>1</b>			1
	Algeria	<b>5</b>	1	2	2
	Argentina	<b>2</b>		1	1
	Armenia	<b>1</b>	1		
	Azerbaijan	<b>1</b>			1
	Bahrain	<b>4</b>	3	1	
	Bangladesh	<b>2</b>	1		1
	Belarus	<b>6</b>		1	5
	Bosnia and Herzegovina	<b>1</b>	1		
	Brazil	<b>6</b>	2		4
	Brunei Darussalem	<b>1</b>	1		
	Burundi	<b>1</b>			1
	Cayman Islands	<b>1</b>	1		
	China	<b>50</b>	5	3	42
	Columbia	<b>5</b>	3	1	1
	Costa Rica	<b>3</b>		1	2
	Ecuador	<b>2</b>			2
	Egypt	<b>11</b>	5	1	5
	French Southern Territories	<b>1</b>	1		
	Georgia	<b>1</b>	1		
	Gibraltar	<b>1</b>	1		
	Guatemala	<b>1</b>			1
	Guinea	<b>2</b>	2		

	Hong Kong	<b>20</b>	16	3	1
	Iceland	<b>3</b>	2	1	
	India	<b>17</b>	10	1	6
	Indonesia	<b>1</b>			1
	Iraq	<b>2</b>		1	1
	Israel	<b>19</b>	14	3	2
	Japan	<b>2</b>	2		
	Jordan	<b>8</b>	7		1
	Kazakhstan	<b>1</b>	1		
	Kenya	<b>1</b>			1
	Kosovo	<b>1</b>	1		
	Kuwait	<b>7</b>	4	1	2
	Lebanon	<b>6</b>	5		1
	Malawi	<b>2</b>	1		1
	Malaysia	<b>3</b>	2		1
	Mauritania	<b>1</b>	1		
	Mauritius	<b>1</b>	1		
	Mayotte	<b>2</b>	2		
	Mexico	<b>1</b>	1		
	Monaco	<b>1</b>	1		
	Morocco	<b>7</b>	6		1
	Myanmar	<b>1</b>			1
	Nigeria	<b>1</b>			1
	Oman	<b>5</b>	2	1	2
	Pakistan	<b>3</b>	2	1	
	Palestinian Territories	<b>1</b>			1
	Paraguay	<b>1</b>		1	
	Qatar	<b>14</b>	6	2	6
	Russia	<b>18</b>	6	7	5
	Saudi Arabia	<b>57</b>	26	8	23
	Singapore	<b>11</b>	7	1	3
	South Africa	<b>9</b>	4	4	1
	South Korea/ Republic of Korea	<b>10</b>	4	0	6
	South Sudan	<b>1</b>	1		
	Sri Lanka	<b>1</b>			1
	Taiwan	<b>4</b>	2	1	1
	Tanzania	<b>2</b>			2
	Thailand	<b>2</b>			2
	Tunisia	<b>1</b>	1		

	Turkey	<b>25</b>	10	2	13
	Turkmenistan	<b>1</b>			1
	Ukraine	<b>3</b>	2		1
	United Arab Emirates	<b>40</b>	21	10	9
	Uzbekistan	<b>1</b>	1		
	Vietnam	<b>1</b>			1
<b>6</b>	Bahrain	<b>1</b>		1	
	China	<b>1</b>			1
	India	<b>4</b>	3	1	
	Malaysia	<b>1</b>		1	
	Philippines	<b>2</b>	1	1	
	Singapore	<b>1</b>	1		
<b>7</b>	Hong Kong	<b>1</b>	1		
	Russia	<b>1</b>	1		
	South Korea/ Republic of Korea	<b>1</b>	1		
	Turkey	<b>3</b>	3		
<b>8</b>	China	<b>2</b>	1		1
<b>Catch-All</b>	China	<b>1</b>	1		
	<b>TOTAL</b>	<b>546</b>	<b>269</b>	<b>93</b>	<b>184</b>

**Military Exports by Category<sup>24</sup>, Destination, Number and Licenced Value<sup>25</sup> 2015**

<b>Code</b>	<b>Destination</b>	<b>2015 Number of Licences Issued</b>	<b>2015 Value of Licences €</b>	
ML1	Canada	6	10,020	
	Kosovo	1	1,000	
	New Caledonia	1	1,220	
	New Zealand	1	500	
	United States of America	8	32,815	
ML4	United Kingdom	8	370,180	
ML5	Australia	10	5,044,680	
	Canada	2	2,610,488	
	Finland	1	338,350	
	France	1	40,000	
	Germany	6	3,029,207	
	New Zealand	1	152,658	
	Norway	1	1,103,682	
	South Korea	4	474,133	
	Sweden	1	384,942	
	United States of America	6	2,685,187	
	ML6	France	1	90,000
		United Kingdom	1	22,000
ML9	Malta	1	30,000	
ML10	United States of America	3	20,388,862	
ML11	United Kingdom	1	14,100	
ML15	United Kingdom	6	1,748,217	
ML21	Australia	1	100,000	
	Croatia	2	38,404	
	Germany	1	100,000	
	United States of America	2	115,826	
ML22	Australia	1	50,000	
	Germany	1	150,000	
	United Arab Emirates	1	3,400,000	
	United States of America	1	100,000	
	<b>TOTAL</b>	<b>81</b>	<b>42,626,471</b>	

<sup>24</sup> Military List Categories are provided at Annex III.

<sup>25</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.

## Aggregated Military Licences by Destination 2015

Destination	Number of Licences	Licence Value <sup>26</sup> €
Australia	12	5,194,680
Canada	8	2,620,508
Croatia	2	38,404
Finland	1	338,350
France	2	130,000
Germany	8	3,279,207
Kosovo	1	1,000
Malta	1	30,000
New Caledonia	1	1,220
New Zealand	2	153,158
Norway	1	1,103,682
South Korea/Republic of Korea	4	474,133
Sweden	1	384,942
United Arab Emirates	1	3,400,000
United Kingdom (incl. Northern Ireland)	16	2,154,497
United States	20	23,322,690
<b>Total</b>	<b>81</b>	<b>42,626,471</b>

### Destination of Military Exports

In a small number of cases, the licenced destination for military exports may not be the destination of final end-use. This can arise, for example, where the Department is aware that a component is being exported to one destination for manufacture into an item for subsequent re-export to another destination. While the Department receives information on the ultimate end-use and end-user of the re-exported product, the licence is issued with reference to the names of the exporter and recipient of the component being exported from Ireland. In such cases, the recipient of an export from Ireland provides a declaration that any subsequent re-

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<sup>26</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.

exporting, as part of another product, will be done so in accordance with the regulations of the recipient's national licensing authority. To provide full transparency on the destination of controlled products being exported from Ireland, the following table provides details of the final destination, value and control category of such exports during 2015.

<b>Category<sup>27</sup></b>	<b>Destination of ultimate end-use</b>	<b>Number of incidences</b>	<b>Total licensed value €<sup>28</sup></b>
<b>ML5</b>	<b>Indonesia</b>	<b>2</b>	<b>269,487</b>
<b>ML5</b>	<b>New Zealand</b>	<b>1</b>	<b>485,749</b>
<b>ML5</b>	<b>Norway</b>	<b>1</b>	<b>384,942</b>
<b>ML5</b>	<b>Qatar</b>	<b>2</b>	<b>702,920</b>
<b>ML5</b>	<b>Saudi Arabia</b>	<b>1</b>	<b>2,124,739</b>

<sup>27</sup> Military List categories are provided at Annex III.

<sup>28</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 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