



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

Consultation on the updating of the Control of Exports Act 2008

31 May 2019

1. Overview

The Department of Business, Enterprise and Innovation is responsible for administering EU and national controls on the export, brokering and supply of technical assistance for dual-use items (i.e. items which have both a civil and a military use), military items, items that may be used for torture, and items destined for countries to which trade sanctions apply.

Export controls balance the pursuit of free trade and open markets with the need to prevent the proliferation of weapons of mass destruction, promote regional stability, and protect human rights.

The Control of Exports Act 2008 ('the Act') is the primary national legislation underpinning Irish export controls. The Department proposes to update the Act to ensure that Ireland continues to meet its international obligations and to ensure that our implementation of export controls is in line with international best practice. This is important in order to protect the Ireland's reputation and that of its exporters.

It is intended that the updated Act will strengthen the Department's enforcement capability to ensure that Ireland continues to operate a robust export control system with a high level of compliance. To this end, the Department intends to revise the offences and penalties in respect of breaches of export controls.

It is not envisaged that the updated Act will result in increased compliance burden on exporters.

2. Submissions

The Department of Business, Enterprise and Innovation welcomes submissions regarding the updating of the Act. Respondents are requested to address the specific questions set out in Section 4.

Respondents are requested to make their submissions in writing. Submissions should be sent by email to exportcontrol@dbei.gov.ie or posted to:

Trade Licensing and Control Unit
Department of Business, Enterprise and Innovation
Earlsfort Centre
Lower Hatch Street
Dublin 2
D02 PW01

The deadline for receipt of submissions is **5pm on Friday, 28th June 2019**. Any submissions received after this date will not be accepted.

3. Publication of Submissions

Respondents should be aware that all submissions will be placed in the public domain and published on the Department's website after the conclusion of the consultation process.

4. Consultation Questions

Stakeholders are invited to contribute to the review of the Control of Exports Act 2008 ('the Act') by making submissions in relation to the following issues:

1. The offences specified in the Act,
2. The penalties set out in the Act,
3. The role and powers of Authorised Officers,

4. Areas where greater legal clarity is required in the Act,

Views are also sought on any developments since 2008 that should be taken into consideration:

5. New business practices or models or changes in global trade patterns,
6. New and emerging products and technologies,
7. Geopolitical developments,

8. Views on any other pertinent issues.