



An Roinn Fiontar,
Turasóireachta agus Fostaíochta
Department of Enterprise,
Tourism and Employment

Compliance & enforcement basics

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Matters discussed in this presentation



Purpose of compliance checks.

Compliance best practice: ICP, OSINT and transaction screening

Records and requirements.

Enforcement actions

Purpose of compliance checks



1. Ensure exporter is complying with obligations.
2. Assess procedures and staff knowledge of controls.
3. Check exporter is complying with licence conditions.
4. Review exporter KYC process.
5. For the Department to understand the products and services offered by the exporters.
6. To make suggestions and recommendations for improvement.
7. To detect possible breaches of export control law.



Exporter obligations

- ☐ Where necessary, apply for an authorisation.
- ☐ Ensure that transaction has been screened regarding end use and end user.
- ☐ Take all necessary and feasible actions to prevent their non-EU subsidiaries or affiliates from undermining EU sanctions.
- ☐ Complete all documents correctly.
- ☐ Assess whether items (even if not listed in Annex I) could be used for harmful purposes.
- ☐ Maintain records.



Key elements of an effective ICP

- ❑ Top-level management commitment to compliance
- ❑ Organisation structure, responsibilities and resources
- ❑ Training and awareness raising
- ❑ Transaction screening process and procedures
- ❑ Performance review, audits, reporting and corrective actions
- ❑ Recordkeeping and documentation
- ❑ Physical and information security

OSINT investigations



- ☐ Google Search with Operators
- ☐ Social Media Scanning
- ☐ WHOIS Lookup
- ☐ Reverse Image Search
- ☐ Domain & IP Investigation
- ☐ Geolocation & Mapping

Simple geolocation example



An example of where a street address may be misleading could be: **Magazine Road, Athlone, Co. Westmeath, Ireland**



Records



What is a record?

- ☐ Export authorisations (individual, global, or general).
- ☐ Commercial documents (invoices, contracts, shipping documents).
- ☐ End-use statements.
- ☐ Due diligence findings.
- ☐ Internal Compliance Programme (ICP) documentation, where applicable.
- ☐ Technical specifications of exported items.
- ☐ Correspondence with competent authorities.



Record retention period

- ☐ Dual Use: 5 years.
- ☐ Military: 5 years.
- ☐ Anti Torture: 5 years.
- ☐ Sanctions: 5 years.
- ☐ Firearms: 20 years.
- ☐ Records should be destroyed, unless directed otherwise by authorised officers, after the retention period.

Offences



The headline offences in the Control of Exports Act are:

- ☐ Exporting Without Authorisation
- ☐ Ignoring a Minister's Direction.
- ☐ Providing Brokering Services Without Permission
- ☐ Transiting Controlled Items Without Permission
- ☐ Failing to Notify the Minister
- ☐ Non-Compliance with Licence Conditions
- ☐ Obstructing an Authorised Officer
- ☐ Providing False or Misleading Information

Penalties and enforcement



- ❑ Revocation or termination of licence
- ❑ Compliance notice
- ❑ Prosecution on summary or indictment basis
- ❑ On indictment: fine not exceeding the greater of €10,000,000 or 3 times the value of the relevant items in respect of which the offence is committed or imprisonment for a term not exceeding 5 years or both.
- ❑ On Summary prosecution: Class A fine or imprisonment for a term not exceeding 6 months or both
- ❑ N.B. these are the maximums set out in the Act.

Key Points to Remember



- ☐ Exports are ultimately responsible for their own compliance with legislation.
- ☐ Exporters are to use their best efforts to ensure they comply with legislation
- ☐ Exporters need to know who they sell to, why the customer is buying the product, that it matches with their business profile and that they are to keep records for the requisite periods.
- ☐ If you think something is off, don't proceed with the transaction: either cancel or contact trade.compliance@enterprise.gov.ie

Thank you and please put questions in the chat