

# The Export of Dual-Use Goods

## A GUIDE FOR TRADERS

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## 1. INTRODUCTION

This Guide outlines Customs procedures for dealing with the export of dual use goods and should be read in conjunction with the related information which is available on the [Department of Jobs, Enterprise and Innovation](#) (DJEI) website.

EU law requires Member States to put in place licensing procedures for the control of exports of dual-use goods. The term ‘Dual-Use Goods’ refers to goods, including software and technology that have both civil and military applications.

The Department of Jobs, Enterprise & Innovation (DJEI) is the competent Dual Use licensing authority in Ireland and has put in place procedures to deal with control of:

- the export of dual use goods, either permanently or temporarily to third countries from the customs territory of the Community and
- the movement of sensitive dual use goods to destinations within the EU.

Dual-use goods which are being exported from Customs Procedures (Inward Processing, Customs Warehousing, Processing under Customs Control, etc.) may also be subject to licensing control. Dual-use items, which only pass through the territory of the Community, are generally not subject to licensing control provided that they have been entered to an approved transit procedure. In some cases, however, the transit of certain dual use items may be prohibited or restricted.

## 2. LEGISLATION

### EU level

[Council Regulation \(EC\) No 428/2009](#) sets up a Community regime for the control of exports of dual-use items and provides the updated list of items classified as “Dual-Use” items.

### National level

[Control Of Exports Act 2008](#)

[Control Of Exports \(Goods and technology\) Order 2009 S.I. No. 305 of 2009](#)

[Control Of Exports \(Dual use Items\) Order 2009 SI No. 443 of 2009](#)

## 3. CATEGORIES OF DUAL-USE ITEMS

Dual-use items are divided into ten broad categories as follows:

**Cat 0** Nuclear Materials, Facilities and Equipment

**Cat 1** Special Materials, and Related Equipment

**Cat 2** Materials Processing

**Cat 3** Electronics

**Cat 4** Computers

**Cat 5** Telecommunications and Information Security

**Cat 6** Sensors and Lasers

**Cat 7** Navigation and Avionics

**Cat 8** Marine

**Cat 9** Aerospace and Propulsion

Within these categories, dual-use items are further classified either as being Highly Sensitive or Normal dual use goods.

**Highly Sensitive** dual-use items are subject to an export licence irrespective of their country of destination. Accordingly, such items are also subject to an export licence in respect of intra-Community movement (see paragraph 6).

**Normal** dual-use items may be moved to another Member State or exported to an Exempted Third Country without the need to apply to DJEI for an export licence. In the case of movements to another Member State, no formalities apply. In the case of exports to an Exempted Third Country traders are required to notify DJEI, within 30 days of the first shipment, that they are availing of the Union General Export Authorisation (UGEA) scheme. No actual licence is issued in this instance.

**The current Exempted Third Countries are :**

Australia

Canada

Japan

New Zealand

Norway

Switzerland

USA

An export licence is required where Normal dual-use items are being exported to a third country other than these exempted countries.

Detailed information of the goods covered by each Category is available on the DJEI website:

<http://www.djei.ie/trade/export/dualuse.htm>

**4. LICENCES**

The following table summarises the types of licence/authorisation issued by DJEI and the main features associated with them:

<b>Licence Type</b>	<b>Types of items and destination(s) covered</b>	<b>Features of Licence</b>
<b>Union General Export Authorisation (UGEA) (formerly CGEA)</b>	Normal items to an Exempted Third Country	A letter of approval issued by DJEI Indefinite period of validity Code X002 and the reference number required in Box 44 of the SAD
<b>Individual Export Licence</b> Used for export of items to a single country.	Highly sensitive dual use goods irrespective of destination Normal dual use goods to non - exempted countries	Licence issued by DJEI Usually valid for 12 months May cover more than one commodity code Must specify consignee Should provide details of end user, if known Code X002 and licence number required in Box 44 of the SAD

<b>Licence Type</b>	<b>Types of items and destination(s) covered</b>	<b>Features of Licence</b>
<b>Global Licence</b> Used for export of items to more than one country.	Normal items to non-exempted countries	Paper document issued by DJEI Valid for 1 - 12 months May cover several commodity codes Reporting requirements to DJEI on licence usage (mandatory) Code X002 and licence number required in Box 44 of the SAD

## 5. PROCEDURE FOR TRADERS AT EXPORT

Where an exporter holds a valid Dual Use Licence / authorisation, code X002 followed by the licence / authorisation reference number must be entered in Box 44 of the SAD. The licence / authorisation must be available for inspection as required.

Exporters of dual-use goods that are classified at general dual-use CN Codes but which do not require an export licence / authorisation should insert Code Y901 in Box 44 of the SAD to indicate that those items are exempt from the licence requirement.

In all cases, the failure to include a relevant code in Box 44 of the SAD will result in rejection of the declaration

## **6. RECORDS TO BE KEPT BY EXPORTERS**

Exporters are obliged to maintain records of exports and supporting documents for audit purposes for a minimum period of three years. Normal commercial records will generally suffice for this purpose. These records will need to show:

- details of exports, including copies of commercial documents, invoices, manifests, transport and dispatch documents, a copy of the export SAD and the export licence;
- a description and the CN code of the exported goods;
- the quantity of goods exported;
- the name and address of the exporter and the consignee; and
- if possible, the end-use and end user of the goods.

## **7. PENALTIES**

A fine of up to three times the value of the goods may be imposed under the Customs Act, 1956 if dual-use goods are exported without a licence / authorisation. This fine is in addition to any fine that may be imposed by DJEI.

## **8. FURTHER INFORMATION**

Any queries regarding this guide should be directed to:

Risk, Prohibitions & Restrictions Unit  
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