

UCD Export Control Policy & Procedures



Policy owner UCD Research & Innovation

Approval date and body UMT, 26th September 2023

1. Introduction

Export controls are legal requirements that restrict the export of certain goods, technologies, and services to prevent their unauthorised use or proliferation. This Policy/Internal Compliance Programme (ICP) sets out a programme of mitigating measures to ensure that UCD and the UCD community comply with EU and national dual use export control laws and regulations, further to EU Commission Recommendation (EU) 2021/1700. This Policy will be reviewed and updated periodically.

2. Top-level management commitment to compliance

A commitment statement on export control was issued by the President in late 2023. This statement is available on the UCD export control website and was circulated to all staff.

3. Export screening process and procedures

The assessment of whether an export licence is required is principally the responsibility of the researcher, as they are closest to the research activity and most informed as to its technical specifications and application. The University has put in place the following procedure to enable researchers and other members of the UCD Community to make their assessment.

4. Procedure

1. Researchers are required to **undertake the training** on export control provided by UCD on Brightspace (Export Controls Training module) to ensure that they are fully informed on what constitutes a product or activity that is subject to export control.
2. Researchers must **assess their research activity at the earliest possible stage**, to ascertain if it falls under the export control legislation. An online decision support tool is available to help you do this. A wide range of research activities could trigger dual-use export controls and some illustrative examples can be found in Appendix I.
3. The EU has produced military and dual-use lists of restricted products and activities, and researchers should **check [these lists](#)** to assess whether their research falls under this legislation. The [Research Policy Officer](#) can assist with this assessment. Appendix II lists the research areas that are most likely to be impacted by dual-use export controls.
4. The Research Policy Officer will review and assess the information provided by the researcher in the online decision support tool. This helps them to support the researcher's assessment and is also necessary for record keeping purposes.
5. The Research Policy Officer, in collaboration with the researcher, **makes a decision on whether an export control licence application is required or not**. Note that the process of

obtaining an export licence may take a number of weeks, and any assessment of the need for a licence and an application for same needs to be done as early as possible.

6. The actions below follow this decision:
 - a. If no export control licence is required, the Research Policy Officer records their assessment of the information provided and no further action is required.
 - b. If the Research Policy Officer has any queries, they will liaise with colleagues in relevant support units who will provide additional guidance.
 - c. If an export control licence is required, the Research Policy Officer, in liaison with SIRC, will assist the researcher in accessing the online portal and completing the export control licence application to the Department of Enterprise, Trade and Employment (DETE).
7. Once a licence has been issued by DETE, the Research Project Officer will **discuss any terms of the licence** with the researcher as well as their record keeping and audit responsibilities.
8. An export cannot take place until the licence has been issued by DETE and the export must comply with all terms of the licence.
9. When exporting physical items using a freight forwarding service or similar, it is important to ensure that they satisfy professional standards. It is also essential to provide clear written instructions to the freight forwarding agent which will include the full licence details, an explanation of the implications of licence for the export (e.g., for routing) and their responsibility for documentation (e.g., returning completed customs declaration for UCD records).

5. Training and awareness raising

UCD has a comprehensive training programme on export controls, including both an introductory presentation and comprehensive training module, developed for common use across the sector. Links to this training are available from the [UCD export control website](#) and this will also be included in the new staff orientation pack, provided by UCD HR. For certain Schools/Colleges/Institutes where export controls are deemed to be more relevant, UCD will target communication and engagement to raise awareness of export controls and to encourage the relevant personnel to view the introductory presentation. UCD Research will hold in-house introductory training in the relevant Schools/Institutes to further raise awareness of export controls.

Introductory Presentation:

UCD has developed a short presentation on export control, designed to raise awareness of this topic across the University, which can be accessed [here](#). It is 9 slides long and is for researchers that are new to export control.

Comprehensive Training:

In 2022, the IUA and THEA engaged PwC to prepare a comprehensive training programme on export controls, to ensure that all HEIs nationally would have access to common core training material. The training programme outlines the essential elements of export controls, including worked examples of the use of the various classification systems. It is accessible on [Brightspace](#) and comprises four short videos with a total duration of 37 minutes. A certificate of completion will be automatically awarded to researchers who undertake this training.

Export Control Website:

UCD has prepared a [website on export control](#). This website contains links to the relevant EU legislation governing export control and is continuously updated to reflect any changes to the guidelines or lists of dual-use items.

6. Organisation structure, responsibility and resources

All members of the UCD community, which includes staff and students, must comply with EU and national dual-use export control laws and regulations. Irish law is clear on the obligations of the person and the organisation. Both can be prosecuted under the law and penalties include fines and custodial sentences. As the person closest to the research, the individual researcher who intends to export goods, technology, software, or knowledge as part of their research activities is primarily responsible for export control.

The University has put in place this Policy/ICP and organisational structure to enable members of the UCD community to ensure compliance. This section sets out everyone's roles and responsibilities within the procedure (as outlined in section 4 above).

UCD President and UMT:

The UCD President and the UMT are committed to ensuring that the University complies with all relevant Irish and EU export control and Trade Sanctions laws and regulations.

Vice-President for Research, Innovation and Impact and UCD Research:

Overall responsibility for implementing UCD's Policy/ICP rests with the Vice-President for Research, Innovation and Impact (VPRII), with the administrative and policy support of UCD Research. The VPRII reports to the UCD President on a regular basis.

Audit and Risk Management Committee (ARMC):

The Audit and Risk Management Committee (ARMC) will receive a periodic report on export control, as part of its function to advise the Governing Authority on risk management issues, through the University's Risk Management Process.

Research Policy Officer:

The Research Policy Officer is **the first line of contact for researchers in relation to export control**. If a researcher considers that an export licence may be required, they should first consult with the Research Policy Officer, who will assist in identifying items that might require a licence, liaising with the Technology Transfer Officers and UCD Legal as needed. In addition, this role is responsible for training the UCD community on export control and keeping records of training undertaken. The Research Policy Officer is also responsible for communicating and building awareness of export control requirements throughout the University. The Research Policy Officer is responsible for keeping the records of assessments made and export licence applications and outcomes, as well as follow-up monitoring of adherence to granted licence conditions.

UCD Community

Individual researchers must be able to identify and report export control issues while conducting their teaching and research. Accordingly, researchers are responsible for carrying out the training that has been made available by the University so that they can see how export control may be relevant to their research activities. If a researcher considers that an export licence may be required in relation to a particular research activity, they must take ownership of the matter and follow this procedure.

Technology Transfer Officers:

The Technology Transfer Officers (TTOs) should direct researchers and members of the UCD Community to the Research Policy Officer, if they suspect that an activity falls under export controls. In addition, the TTO's, in liaison with the Research Policy Officer, will assist the researchers to make

an assessment on whether an export licence is required, with guidance from UCD Legal as necessary.

UCD Legal

UCD Legal provides legal guidance on making assessment as to whether an export control licence is necessary.

UCD SIRC

UCD SIRC is the DETE contact point and facilitates access to the online portal for submission of an export control license application to the Department of Enterprise, Trade and Employment (DETE).

UCD CVPRII/College Principals/Institute Directors/Heads of School

The UCD CVPRII/College Principals/Institute Directors/Heads of School are responsible for supporting a culture of compliance with the export control regulations and raising awareness of this within their units. They actively encourage researchers to undertake the training provided and ensure that this is a standing item on regular unit meetings.

7. Performance review, audits, reporting and corrective actions

Export licences may be subject to inspection by the Trade Licensing & Control Unit of the Department of Enterprise, Trade and Employment (DETE) to ensure that the terms of the licence have been complied with. The Research Policy Officer, UCD Legal and the researcher involved in the export will participate in the inspection as necessary.

The Research Policy Officer will also undertake an annual internal audit of a small number of existing licences (the number will be proportionate to the number of active licences). The results of the audit will be reviewed and any necessary changes to this procedure will be made.

Violations of Export Control regulations

UCD is committed to ensuring that it meets all of its export control obligations at all times. It is of utmost importance that UCD is apprised of any potential violations. The UCD community has a responsibility to report any suspected non-compliance occurrences, and this may be done by contacting the Research Policy Officer. Any suspected mistakes or violations with respect to the export control laws and regulations, and suspected mistakes or violations about export licences or other export control approvals may be dealt with under the UCD Disciplinary Procedures or the Student Discipline Procedures as appropriate. The University also reserves the right to report the matter to the DETE and to An Garda Síochána.

8. Recordkeeping and documentation

The Research Policy Officer will be responsible for setting up a file storage and retrieval system for all records relating to export control assessments and licences on a shared Google Drive. The Research Policy Officer is responsible for ensuring that the records are, as far as possible, complete and accurate.

The following records will be maintained by the Research Policy Officer:

- Records of who has undertaken the export control training will be automatically recorded on Brightspace
- Records of outreach communications will be maintained
- Records of all assessments made to consider whether export controls apply, will be kept via the use of the online decision support tool
- Separate files will be created for each individual assessment

- All ancillary documentation, including contacts, item description and other relevant records will be filed
- Records of all export licences applied for, along with ancillary documentation
- Decisions on all export licences applied for
- Any further records required by the assessment, the licence, UCD Legal or judged by the Research Policy Officer

These records will be kept for a minimum of 6 years or longer if required by the licence.

Location of Records

All relevant documentation will be stored on a dedicated shared Google Drive and the associated procedures (this Policy/ICP) is accessible from the UCD Governance Library. In addition, completion of the initial training programme on the UCD VLE is recorded on Brightspace and attendance at in-house training sessions is recorded. All individuals who request assistance in the completion of an export control licence, must confirm that they have undertaken the comprehensive training course.

9. Physical and information security

UCD is committed to ensuring that no unauthorised access to or removal of dual-use items by employees, researchers, contractors, suppliers or visitors is permitted. UCD has an [IT Security Policy Framework](#), which covers IT Security policies, procedures, and guidelines relating to the University's IT resources and electronic information assets.

UCD uses various technical measures to safeguard the stability and performance of the University's IT resources, to help protect the University's information and IT resources from cyber threats, and to enforce University policies. Technical measures include malware protection measures, IT Account protection measures, network intrusion detection and prevention controls, network stability services, application security controls, etc. These measures may be enhanced, or new controls or procedures introduced as necessary to help ensure the stability and performance of the University's network and to protect the University's IT resources and information against new or emerging cyber security threats.

10. Appendix I: A non-exhaustive list of scenarios where export controls may apply¹

A wide range of research activities could trigger dual-use export control, as indicated in the illustrative list:

- changing the host spectrum of lumpy skin disease virus to include human reservoirs;
- multispectral imaging camera sensors for data collection of crops;
- laser-based next-generation uranium enrichment technology as a potential alternative for the industrial enrichment that involves gaseous uranium in centrifuges;
- 3D printing of energetic materials;
- prototype drone with spraying system for combatting Eastern equine encephalitis virus;
- autonomous scientific underwater vessel that collects data automatically in deep sea regions;
- Sending a camera outside of the EU for repair; and
- Publication of the design concept for a UAV/drone.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:338:FULL&from=EN>

The following are scenarios where dual-use export controls may come into place. The list is non-exhaustive.

Scenario	What does the EU dual-use Regulation say?	To be considered as well
<p>Teaching, consulting, collaborating or working on research involving dual-use items inside customs territory of the Union with visiting third country researchers</p>	<p>— The EU dual-use Regulation does not foresee controls for non-EU persons accessing dual-use items inside the customs territory of the Union. Hence, no licence is needed as long as the controlled dual-use items remain inside the customs territory of the Union. When the visiting third country researcher returns home with access to (or in possession of) the controlled dual-use item, then a licence is needed.</p>	<p>— In some cases, based on national provisions, a technical assistance licence is required or the supply of technical assistance is prohibited. — A licence may be required in case a sanctioned entity or a natural/legal person of a sanctioned country seeks cooperation inside the EU. In some cases such cooperation is prohibited according to EU sanctions.</p>
<p>Teaching, consulting, collaborating or working on research involving dual-use items outside customs territory of the Union</p>	<p>— The EU dual-use Regulation does not foresee controls for EU persons engaged outside the customs territory of the Union in research involving dual-use items. Hence, no licence is needed in principle <i>if there is no access to controlled dual-use items from within the customs territory of the Union.</i></p>	<p>— In some cases, based on national provisions, a technical assistance licence is required or the supply of technical assistance is prohibited. — A licence may be required in case a sanctioned entity or natural/legal person of a sanctioned country seeks cooperation inside the EU. In some cases such cooperation is prohibited according to EU sanctions.</p>
<p>Organising inside customs territory of the Union a (virtual) conference/meeting/seminar/... or presenting at a (virtual) conference/meeting/seminar/... on research involving dual-use items</p>	<p>— The EU dual-use Regulation does not foresee controls for non-EU persons accessing dual-use items inside the customs territory of the Union. Hence, no licence is needed <i>if the controlled dual-use items remain inside the customs territory of the Union.</i> When the visiting third country researcher returns home with access to (or in possession of) the controlled dual-use item, then a licence is needed. — If the conference/meeting/seminar is virtual and transmitted to a destination outside of the EU, then a license is needed for that part of the research that involves controlled dual-use items.</p>	<p>— In some national cases, a technical assistance licence is required — It is a good compliance practice to warn participants of licence requirements when exiting the customs territory of the Union with the controlled item(s). — A licence may be required in case a sanctioned entity or natural/legal person of a sanctioned destination seeks cooperation inside the customs territory of the Union. In some cases such cooperation is prohibited according to EU sanctions.</p>
<p>Organising outside customs territory of the Union a (virtual) conference/meeting/seminar/... or presenting at a (virtual) conference/meeting/seminar/... on research involving dual-use items</p>	<p>— The EU dual-use regulation does not foresee controls for EU persons engaged outside the customs territory of the Union in research involving dual-use items. Hence, no licence is needed in principle — <i>if orally presented, even when recorded on the spot, as long as there is no access to controlled dual-use items from within the customs territory of the Union.</i></p>	<p>— In some cases, based on national provisions, a technical assistance licence is required or the supply of technical assistance is prohibited. — A licence may be required in case a sanctioned entity or a natural/legal person of a sanctioned country seeks cooperation inside the EU. In some cases such cooperation is prohibited according to EU sanctions</p>

All policies and policy related documents and forms are subject to amendment. Please refer to the UCD Governance Document Library website for the official, most recent version.

	<ul style="list-style-type: none"> — if accompanied by presentation or other conference material where the information is not meeting the controlled technology threshold(s). — The EU dual-use regulation requires a licence, <ul style="list-style-type: none"> — if there is access to controlled dual-use items from within the customs territory of the Union. — if accompanied by presentation or other conference material (carried in paper, on laptop or other physical carrier such as USB stick) that contains controlled dual-use technology. 	
Publishing listed dual-use technology	<ul style="list-style-type: none"> — A publication including technology that meets the thresholds for dual-use control needs an export authorisation. The intention to publish (and thus the act of publishing) is not enough to be considered to be in the public domain and is therefore not exempted from control. The export control authorities rely on the due diligence of research organisation to screen prepublications in sensitive research areas. — In case a (draft) publication (or raw data) meets the thresholds for containing export controlled dual-use technology it is subject to export controls. This applies to both the pre-publication phase and to the actual publication phase. In principle, this can also apply to Master or PhD thesis that meet the controlled technology threshold(s). 	The researcher or research organisation could consider to amend or omit the specific parts that contain the controlled technology or restrict the access to these specific parts. If mitigation is not feasible the researcher or research organisation should contact the competent authority how to fulfil the licence requirement (e.g. individual licence application).
Patented information and information for patent application	<ul style="list-style-type: none"> — No licence is needed in principle, as the export of patented information that is fully disclosed on the public record is considered to be “in the public domain” and hence exempted from export controls. — No licence is needed for the export of the minimum necessary information for patent applications. 	
Export of tangible dual-use items (goods), including prototype design and second-hand lab equipment	<ul style="list-style-type: none"> — Research organisations may (re)sell, donate or lend dual-use items or temporarily export them for their own research projects. Regardless whether the items are new, a prototype or second-hand, they require a licence for export if listed in Annex I and for intra-EU transfers if listed in Annex IV of the EU dual-use Regulation. 	

11. Appendix II: Research areas that are more likely to be impacted by dual-use export control²

The following research areas are more likely to be impacted by dual-use export control than other research disciplines. Please note that this list is non-exhaustive and may serve as (non-binding) tool to more easily identify relevant research. In this Appendix, the dual-use descriptors (right column) are rather general in nature. Specific export control comprising sharp technical parameters are summarized in the Annex I to the EU dual-use Regulation, which should be consulted primarily.

Research areas	Dual-use descriptors
Biology and (nano)biotechnology	Human, plant and animal pathogens Toxins Biological protection, containment and handling equipment
Chemistry Advanced material science	Chemicals, polymers, lubricants and fuel additives Chemical manufacturing facilities, equipment and components such as pumps, heat exchangers, valves and distillation columns Chemical protection, containment and handling equipment
Nuclear physics and engineering	Nuclear reactors and specially designed or prepared equipment and components Nuclear material
Energy and environmental technology	Optical and acoustic sensors Cameras
Computer science and engineering Information and communications technology	Source code for some listed acoustic data processing Digital ruggedized computers Intrusion software related items Telecommunications systems, equipment, components and accessories (including interception and jamming) Information security hardware, software and technology (including encryption and cryptanalysis)
Avionics and aerospace engineering and design	Accelerometers Gyroscopes Navigation (receiving) systems Drones Launch platforms Satellites Aero gas turbine engines Ramjet, scramjet or combined cycle engines
Semiconductor	Integrated circuits Semiconductor manufacturing, testing or inspection equipment Wafer substrates (Computer-aided-design) software for semiconductors
Optical engineering	Lasers Optical sensors Imaging cameras

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:338:FULL&from=EN>

Robotics and process automation	Machine tools Robots, end-effectors and remotely controlled articulated manipulators Dimensional inspection systems
Additive manufacturing (3D printing)	Feedstock materials Manufacturing equipment
Quantum technologies	Quantum cryptography
Artificial intelligence and machine learning	Neural network integrated circuits Neural computers Electronic components
Naval technologies	Surface vessels Underwater vessels Underwater vision systems Power transmission and generation systems
Cyber-surveillance items	Mobile telecommunications interception equipment Internet surveillance systems Tools for the generation, command and control, or delivery of intrusion software Law enforcement monitoring software Digital forensic/investigative tools

12. Version history

Version	Date	Approving body	Author
1,0	23 rd June 2023	Research Innovation and Impact Group (RIIG)	UCD Research & Innovation
1.0	26 th September 2023	University Management Team (UMT)	UCD Research & Innovation