



AN BILLE CHUN ONNMHAIRÍ A RIALÚ 2007
CONTROL OF EXPORTS BILL 2007

EXPLANATORY AND FINANCIAL MEMORANDUM

Section 1 — *Definitions*

Outlines certain definitions used in the Bill.

Section 2 — *Regulations and orders*

Sets out the general procedures for the making of regulations and orders and enables regulations and orders to be made for the purpose of giving effect to EU legislation. This latter provision may be deleted if the European Communities Bill 2006 is enacted prior to enactment of this Bill.

Section 3 — *Controls on brokering activities*

Enables the Minister to make orders or regulations to control brokering activities in accordance with EU Common Position 2003/468/CFSP of 23 June 2003. Provides for controls to be imposed on brokering activities undertaken in the State and outside the State if undertaken by an Irish citizen or company.

Section 4 — *Controls on the export of goods and technology*

Enables the Minister to make orders or regulations to prohibit or to control the export of specified goods and technology.

Section 5 — *Controls on technical assistance*

Enables the Minister to make orders or regulations to control technical assistance, such as repairs, maintenance, development, manufacture, assembly, testing, training and instruction and consultancy services in accordance with EU Joint Action 401/2000 CFSP of 22 June 2000.

Section 6 — *Licences*

Makes general provisions with regard to the issue or refusal of licences and enables the Minister to make regulations for licence application procedures. This may include but is not confined to the form and manner of a licence application, provision for on-line applications, supporting documentation required, processing times, duration of a licence, revocation of a licence, record keeping requirements and provision for an appeals procedure. The imposition of licence fees is also provided for, however this is not envisaged at the present time.

Section 7 — *Authorised officers*

Provides for the appointment on warrant by the Minister of officers authorised to enforce the Act and grants them necessary powers such as the right to enter premises, including vehicles, to inspect goods and technology and to require the production of

documents and records. This Section also provides that Customs and Excise Officers are authorised officers and that authorised officers may be assisted by members of the Garda Síochána and other persons when carrying out inspections.

Section 8 — Offences

Creates summary and indictable offences with a maximum penalty of €10m and/or 5 years imprisonment for breaches of the Act.

Section 9 — Annual Report

Provides for the laying before the Dáil and Seanad of an Annual Report on the operation of the Act.

Section 10 — Expenses

Standard provision for expenses.

Section 11 — Repeal and saver

Provides for the repeal of the Control of Exports Act 1983 but confirms the validity of the Control of Exports Order 2005 (S.I. No. 884 of 2005).

Sections 12 — Short title and commencement

Provides for the citation of the Bill when enacted as the Control of Exports Act 2007 and for its entry into force, in all or in part, to be made by ministerial order.

Financial Implications

There are no financial implications for the proposed legislation.

*An Roinn Fiontar, Trádála agus Fostaíochta,
Feabhra, 2007.*