



STATUTORY INSTRUMENTS.

S.I. No. 623 of 2020



EUROPEAN UNION (NATIONAL GENERAL EXPORT
AUTHORISATION) REGULATIONS 2020

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I, LEO VARADKAR, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by Section 3 of the European Communities Act (No. 27 of 1972) and for the purpose of giving full effect to Council Regulation (EC) No. 428/2009 of 5 May 2009¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (National General Export Authorisation) Regulations 2020.

2. (1) In these Regulations –

- (a) “Annex” means an Annex to the Council Regulation;
- (b) “Council Regulation” means Council Regulation (EC) No. 428/2009 of 5 May 2009¹ setting up a Community regime for the control of exports, transfers, brokering and transit of dual-use items, as amended by the European Acts specified in the Schedule;
- (c) “Minister” means Minister for Enterprise, Trade and Employment.
- (d) “appeals officer” means an officer acting under the authority of the Minister to review a decision revoke an export authorisation.
- (e) “prescribed period” means the time period set out in Regulation 13.

2. A word or expression used in these Regulations and which is also used in the EU Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the EU Regulation.

3. These Regulations establish a national general export authorisation pursuant to Article 9(2) and Annex IIIc of the Council Regulation.

(1) This is a general export authorisation under the terms of Article 9(2) of Regulation (EC) No 428/2009. This authorisation, in accordance with Article 9(2) of that Regulation, is valid in all Member States of the European Union.

(2) This authorisation shall be known as National General Export Authorisation No. 1;

¹ OJ L 134, 29.5.2009, p. 1

- (3) The Minister shall be the issuing authority for this authorisation.
4. This export authorisation covers all dual-use items specified in any entry in Annex I, except those listed in Annex IIg.
5. This export authorisation is valid for exports to the United Kingdom of Great Britain and Northern Ireland (without prejudice to the application of the Council Regulation to and in the United Kingdom in respect of Northern Ireland in accordance with Annex 2, point 47, of the Protocol on Ireland/Northern Ireland, listing the provisions of Union law referred to in Article 5(4) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community²).
6. This export authorisation may not be used if Union General Export Authorisation No. EU001 (Annex IIa) is applicable.
7. Exporters that use this export authorisation shall notify the Minister of their first use of this authorisation no later than 30 days after the date when the first export took place.
8. Exporters that use this export authorisation shall submit to the Minister, a declaration of all exports made under this authorisation during the preceding calendar half-year. The declarations shall relate to the periods, 1 January to 30 June and 1 July to 31 December, respectively and shall be submitted within twenty-eight working days of the end of the corresponding period.
9. Exporters that use this export authorisation shall indicate the reference “X002 IE01” in box 44 of the Single Administrative Document, pursuant to Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No. 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code³.
10. The Minister may revoke the export authorisation if Union General Export Authorisation No. EU001 (Annex IIa) is applicable.
11. The Minister may revoke the export authorisation in respect of a natural or legal person where the Minister is satisfied that the person has not complied

² OJ C 66 I, 19.02.2019, p. 1

³ OJ L 343, 29.12.2015, p. 1

with the terms or conditions of the authorisation, in accordance with the Council Regulation and these Regulations.

12. Where the Minister decides to revoke the export authorisation in respect of a natural or legal person, the Minister shall notify in writing that person of the decision, the reasons for the decision, and of the appeal procedure under Regulation 13.

13. Where a person has been notified of a decision of the Minister to revoke the export authorisation, the person may, not later than 28 working days from the date of the decision, appeal to the Minister.

- (a) An appeal shall be in writing setting out the grounds of the appeal and furnishing such supporting documentation as the appellant may deem necessary. An appeal shall be sent to the Minister by way of prepaid registered post no later than 28 working days from the date of the decision.
- (b) An appeal of a decision to revoke the export authorisation shall be considered by an appeals officer acting under the authority of the Minister.

14. Where an appeal of a decision revoke the export authorisation is made within the prescribed period, the decision remains in effect until the date of determination of the appeal.

15. Upon the date of determination of the appeal under Regulation 13 in relation to a decision to revoke the export authorisation, the appeals officer appointed by the Minister shall either confirm the decision or allow the appeal.

16. If the appeal is allowed in relation to a decision to revoke the export authorisation, the Minister shall grant the export authorisation.

17. Where the Minister receives an appeal after the prescribed period, the Minister shall, by notice in writing, inform the appellant that his or her appeal has been received after the prescribed period has expired and that the appeal is rejected on that basis.

18. These Regulations shall come into operation on 1 January 2021, and shall cease to have effect on 31 December 2021.



GIVEN under my Official Seal,
11 December, 2020.

LEO VARADKAR,
Minister for Enterprise, Trade and Employment.

Schedule
European Acts

Regulation (EU) No 1232/2011 of the European Parliament and of the Council of 16 November 2011⁴

Regulation (EU) No 388/2012 of the European Parliament and of the Council of 19 April 2012⁵

Regulation (EU) No 599/2014 of the European Parliament and of the Council of 16 April 2014⁶

Commission Delegated Regulation (EU) No 1382/2014 of 22 October 2014⁷

Commission Delegated Regulation (EU) 2015/2420 of 12 October 2015⁸

Commission Delegated Regulation (EU) 2016/1969 of 12 September 2016⁹

Commission Delegated Regulation (EU) 2017/2268 of 26 September 2017¹⁰

Commission Delegated Regulation (EU) 2018/1922 of 10 October 2018¹¹

Commission Delegated Regulation (EU) 2019/2199 of 17 October 2019¹²

⁴ OJ L 326, 8.12.2011, p. 26

⁵ OJ L 129, 16.5.2012, p. 12

⁶ OJ L 173, 12.6.2014, p. 79

⁷ OJ L 371, 30.12.2014, p. 1

⁸ OJ L 340, 24.12.2015, p. 1

⁹ OJ L 307, 15.11.2016, p. 1

¹⁰ OJ L 334, 15.12.2017, p. 1

¹¹ OJ L 319, 14.12.2018, p. 1

¹² OJ L 338, 30.12.2019, p. 1

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