

Export Controls policy	
Operational Owner:	Director, Research and Innovation Services
Executive Owner:	Pro-Vice-Chancellor, Research and Innovation (PVCRI)
Effective date:	15 March 2021
Review date:	March 2022 unless guided otherwise by legislation or good practice.
Related documents:	Academic Technology Approval Scheme (ATAS) Code on Good Research Practice Code of Practice on Handling Allegations of Research Misconduct Data Protection policy Ethical Conduct policy Security-Sensitive Research policy Using your own devices policy

Approval History

Version	Reviewed by	Brief reason for review	Approved by	Date
1	PVCRI	Update of policy and associated guidelines/ training information, following departure from EU in January 2021	PVCRI via URIC Chair's Action	15/3/2021
	URIC	Final sign off		24/3/2021

1 Introduction

1.1 Purpose

1.1.1 Background

Export controls are measures adopted by the UK and other governments to prevent the proliferation of Weapons of Mass Destruction (WMD) and the misuse of 'dual-use' civil items with potential military, security, WMD or other application. The regulations constitute legal obligations, with potentially heavy reputational, civil and criminal penalties for violations. The majority of the University's activities are not affected but, as the international character of its activities expands, its exposure to these regulations is growing.

Compliance is a legal obligation on the University, staff and students. Failure to comply is a criminal offence: penalties range from unlimited fines to 10 years imprisonment, compounded by serious reputational damage.

This policy is to ensure that the University, its staff and students remain in full compliance with all the export controls and sanction regulations that apply to their activities, through means which are both effective and proportionate to the generally low level of risk.

1.2 Scope

1.2.1 This policy applies to all those engaged in academic research and consultancy as defined by UK Research and Innovation (UKRI). This includes academic staff, researchers, research students, visiting staff, students and Emeritus professors, research support staff, research managers, support staff and administrators whose activities may involve the physical export, electronic transfer, or transfer by any means (including telephone) of goods, software or technology listed within the "control list" (Schedule 2 and 3 on the Export Control Order 2008) or where an "end-use control" (Council Regulation (EC) No.428/2009) applies. These controls apply to transports and exports to outside the UK and in some limited circumstances within the UK.

Export controls apply not only to military items but also to 'dual-use' civil items with potential military, security or WMD applications in a range of disciplines: nuclear physics and engineering; biological sciences involving viruses, pathogens, vaccines; chemicals with toxic properties; high strength materials; high specification electronics, computers, and telecommunications; automation and control systems; cryptography; lasers, optics and sonar; navigation and avionics; submersible equipment; aerospace and space; and any work related to a defence programme. This list is not exhaustive and the control lists are constantly reviewed, therefore, the [UK Strategic Export Control Lists](#) should be consulted to see if controls apply in each instance.

The controls do not aim to restrict scientific research but to prevent its misuse. Most universities' activities are outside export controls since they fall under one or both main exemptions to the regulations: 1) basic scientific research; and 2) information already in the public domain.

1.3 Definitions

1.3.1 **Dual-Use Item:** items (including software and technology) which can be used for both civil and military purposes.

Export Controls: the prohibition or regulation of the export or transfer of items out of the UK.

Export or transfer: any physical or intangible movement of items out of the UK. Includes carrying information overseas on a laptop, paper or drive; any electronic transfer - fax, email, text, uploading to a server outside the UK (unless the information is accessible from outside the UK); and by telephone, if information is communicated so as to achieve substantially the same result as if the recipient had read it.

Items: goods, equipment, components, samples, materials, software, data or technology.

Sanctions: legal measures for the interruption or reduction of economic and financial relations with third countries or entities.

Technology: information useful for the development, production or use of goods. Includes blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, or manuals and instructions, either written or recorded on other media.

2 Policy Principles

2.1 Principles

The University is firmly committed to ensuring, in a balanced and proportionate way, that all staff and students remain fully compliant with all export control and sanctions regulations that apply to their activities. To this end the University:

1. Will not engage in any activities prohibited by the UK Export Control framework;
2. Will ensure that all staff, postgraduate researchers, visiting staff and visiting students engaged in relevant disciplines are aware of export control considerations and how they apply to their activities. While it is the responsibility of each individual researcher to be familiar with the rules, the University will provide or, where provided elsewhere, signpost to, appropriate training to assist;
3. Will have robust procedures in place for assessing whether export control considerations apply, for all activities not just those arising through funded research;
4. Will consider applying for appropriate licences for any activities restricted by the UK Export Control framework and will not undertake such activities until such times as licences are in place;
5. Will, where a licence has been granted or the University is receiving export-controlled materials, have robust technical and procedural measures in place to ensure the security of those materials (be it data, technology, software, etc);
6. Will proactively manage the University's UK export control licences and applications; and
7. Will conduct annual audits to ensure that these principles are strictly observed. If any possible violations are detected, these shall be investigated promptly, urgent measures taken to prevent any recurrence, and disciplinary action considered, since non-compliance will be considered as research misconduct, in accordance with the [Code of Practice on Handling Allegations of Research Misconduct](#).

2.2 Procedures

Detailed procedures for researchers are set out in the supporting documentation and are available on the University webpages at <https://surreynet.surrey.ac.uk/academic-services/academic-resources/complying-new-regulations> .

The procedures include:

- Guidance to determine whether a research activity might have export control implications; and
- Guidance around the different export licences available, and how to make an internal enquiry to apply for a licence.

3 Governance Requirements

3.1 Responsibility

- 3.1.1 Overall responsibility for the University's compliance with export controls and sanctions lies with the Pro-Vice-Chancellor, Research and Innovation, who acts as the Senior Responsible Owner (SRO) on behalf of the University.

The Research Integrity and Governance Office (RIGO) are responsible for ensuring the University is made aware of its obligations regarding compliance with regulations. It primarily does this via provision of relevant and up-to-date information on the University's website, linked to the relevant Government bodies/ external sources of advice which provide detail around export control. RIGO will establish a process for ensuring the information has been appropriately accessed by all staff and students, particularly those in discipline areas likely to have greater export control implications. RIGO will also establish a central framework under which audit/ compliance requirements will be met regarding information management.

The Research Legal Contracts team are responsible for facilitating licence applications for export control on behalf of the University. They are the University's account holders for SPIRE, the online export licensing system for the Export Control Joint Unit (ECJU), as well as the Open General Export Licence (OGEL), for export of dual-use items to the EU. In addition to being the central point for licence applications and records, they, in combination with the Technology Transfer Office, will ensure that all research contracts, Material Transfer Agreements (MTAs) and Intellectual Property (IP) licencing have the appropriate checks on whether export controls may be applicable, and if so, plan for full compliance through application of appropriate provisions.

The Research & Innovation Pre Award, Innovation Strategy and Global Engagement teams are responsible for carrying out due diligence as part of establishing engagement with potential new partners. They use commercial screening software for credit checks and other due diligence on all potential new partners, to check them against the UK, EU and US sanctions lists. The checks are repeated as necessary for existing partners, to address the risk of any being added to a list after the partnership has been established.

Pro-Vice-Chancellors (Faculty Executive Deans), in association with Associate Deans and Heads of Department, are responsible for promoting awareness via the University's information provision, and ensuring they have an overall understanding of their high-risk research disciplines, in so much as identifying staff and students who will need particular attention regarding export control awareness/ training.

Principal Investigators (PIs) in the relevant disciplines are responsible for understanding export controls by utilising the guidance provided. The Principal Investigator must ensure members of their research team fully comply with export controls. It is the PI's responsibility to seek advice from the Research Legal Contracts team to apply for and be in receipt of appropriate licences, ahead of any research activity being undertaken.

3.2 Implementation / Communication Plan

- 3.2.1 The policy is published on the University's [policy webpages](#), and associated guidelines are published on the University's Research and Innovation [intranet webpages](#).

As a result of the departure of the UK from the EU in January 2021, and the associated Open General Export Licence (OGEL) requirements, a re-launch of the policy and signposting to the associated web guidelines took place via communication from the Dean International's Office. Additional communication was issued via Faculty and Doctoral College communications channels.

Associate Deans Research & Innovation (ADRI) will regularly present the updated policy and webpages at Faculty Research Committees, to raise awareness of responsibilities, as well as seek up-to-date understanding of current licence activity.

Awareness raising will be embedded as part of the on-going researcher development programme, with consideration to milestone events, such as induction and annual appraisal, to reinforce messages.

3.3 Exceptions to this Policy

- 3.3.1 Given the legal obligations around Export Control and Sanctions regulations, there are no exceptions to this policy.

3.4 Review and Update

- 3.4.1 Given the changing nature of the international research landscape, this policy will be reviewed annually, unless guided otherwise by legislation or good practice.

Minor changes will be made by the Director of Research and Innovation Services (RIS), with anything other than clarifications to be agreed by the Pro-Vice-Chancellor, Research and Innovation (PVCRI). Major changes will be submitted via the University Research and Innovation Committee (URIC). Associated processes (as documented within Section 2) are expected to evolve over time and will be subject to review as required.

3.5 Legislative context

- 3.5.1 The main relevant legal measures include the following:
- Export Control Act 2002;
 - Export of Radioactive Sources Control Order 2006;
 - Export Control Order 2008;
 - EU Council Regulation 428/2009
 - EU Council Regulation 1236/2005;

- UK Sanctions Orders and related EU Council Regulations US International Traffic in Arms Regulations (ITAR);
- US Export Administration Regulations (EAR); and
- US Sanctions Measures and Denied Parties Lists.

3.6 Stakeholder Statements

3.6.1 Stakeholder General: This policy has been reviewed by the respective areas of: Governance and Risk Assurance; Heads of Service from the Pro-Vice-Chancellor, Research and Innovation portfolio; IT Services, Associate Deans (Research & Innovation, Doctoral College, International); and Faculty Directors of Operations.

3.6.2 Equality: It is not anticipated that this policy will have any negative impact on any groups protected within the characteristics under the Equality Act 2010.

3.6.3 Health & Safety: There are no Health and Safety implications.