



# EXPORT CONTROLS

Research & Impact Services

2024

***“Export Control” refers to the regulations that control the sharing of sensitive items to individuals who are outside of the UK***

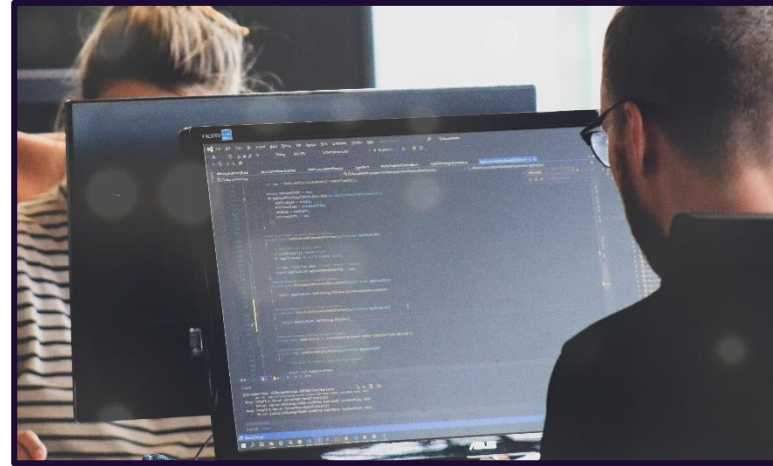
# What is an Export?

## The physical taking or sending of items outside of the UK:

- Shipping components/devices/samples to a collaborator, or for repair/maintenance
- Travelling overseas with an item (e.g., laptop, phone, memory stick, hard drive, camera)

## The electronic transmission of items outside of the UK:

- Emailing information to overseas collaborators
- Technical discussions during an international web conference
- Digital / Remote Presentation
- Accessing data whilst outside of the UK (e.g., via cloud storage)
- Teaching overseas



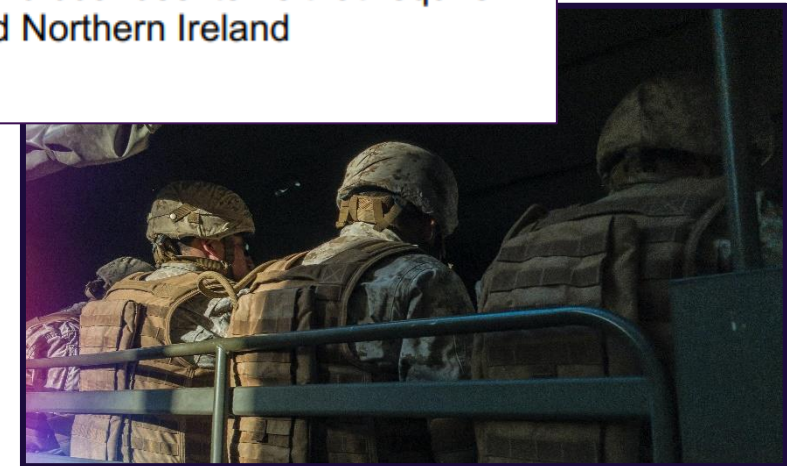
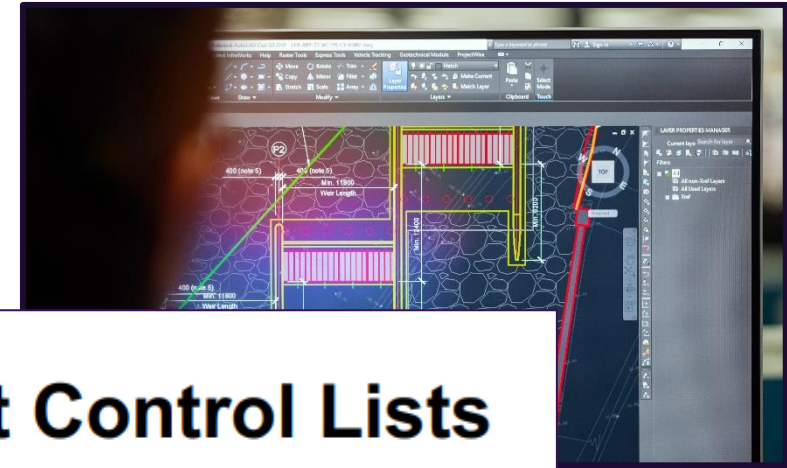
# What is a Controlled Item?

The item (goods, software or technology) being exported is:

- On a 'control list':
  - Military and/or dual-use items
  - Physical items and "technology"
- Not on a control list but an 'End-Use' control applies:
  - WMD / Military end-use

## UK Strategic Export Control Lists

The consolidated list of strategic military and dual-use items that require export authorisation from Great Britain and Northern Ireland



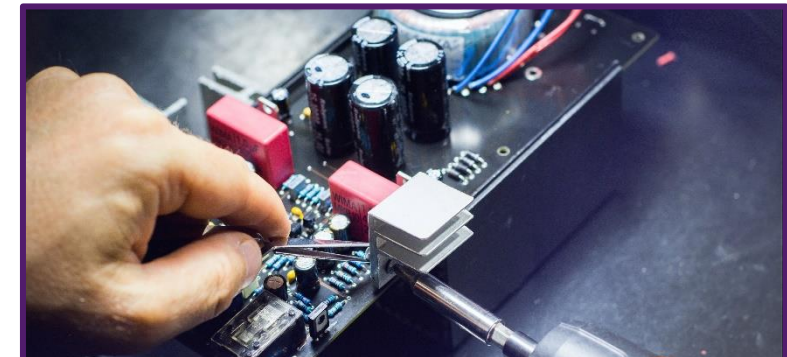
# Defining Military and Dual-Use

## Military

- **Specially designed** or modified for military use
- Design intent is key
- **NOT just weapons**

## Dual-use

- May have a **military application** though not designed for that use
- Applies to **many goods** – from electronic components to raw materials
- Complex to interpret – based on **performance parameters**



- **Dual-Use List** [Annex I to Regulation (EC)<sup>1</sup> No. 428/2009]:
  - Category 0 Nuclear materials, facilities and equipment
  - Category 1 Special materials and related equipment
  - Category 2 Materials processing
  - Category 3 Electronics
  - Category 4 Computers
  - Category 5 Telecommunications and "information security"
  - Category 6 Sensors and lasers
  - Category 7 Navigation and avionics
  - Category 8 Marine
  - Category 9 Aerospace and Propulsion

## **New 2024 Export Controls amendments**

**The export of the following equipment will now be subject to an export licence requirement for all destinations**

- Semiconductor technologies
- Quantum technologies
- Cryogenic technologies
- Additive manufacturing equipment
- Advanced materials

# Sanctions & Penalties

- A breach of UK Export Controls can be a **criminal offence**
- Sanctions apply to **individual researchers and institution**
- Accidental non-compliance followed by voluntary disclosure: **civil penalties**
- Knowingly exporting without a licence: **criminal offence**
- Unlimited fines
- Prison sentence up to a **maximum of 10 years**
- ❑ The Government produce an **Export Control Sanctions Report** which details the number of fines in criminal sanctions

## 7.2 Enforcement and Prosecution

HMRC continues to enforce a wide range of

- 202 seizures found to be
- 122 end-user brought w
- 12 compound

military goods, dual-use goods and related activity controlled by The Export Control Order

- 46 HMRC warning letters issued as a result of voluntary disclosures
- There were no strategic exports or sanctions prosecutions in 2021

## Compound settlements

The 4 settlements made by UK companies were:

- in November 2022, £745,620.00 was paid relating to the unlicensed exports of dual-use goods controlled by The Export Control Order 2008
- in December 2022, £994,074.74 was paid relating to the unlicensed exports of military goods controlled by The Export Control Order 2008
- in December 2022, £1,000.00 was paid relating to the unlicensed trade in military goods controlled by The Export Control Order 2008
- in December 2022, £1,883,442.00 was paid relating to the unlicensed exports of military goods controlled by The Export Control Order 2008

2020

- 19 compound penalties paid totalling £700,368.01. HMRC issued 19 compound settlement offers ranging from £1,000 to £211,250 for unlicensed exports of dual-use goods and related activity controlled by The Export Control Order 2008

# Defining WMD and Military End Use

Both apply to “non-listed” items

## WMD end use

- You know, have reason to suspect or have been informed...
- That the end-use is for “WMD purposes”
- Includes defensive work (e.g., detection)
- Note – **WMD end use controls transfers within the UK!**

## Military end use

- You know or have been informed...
- That the end use is “military in the recipient’s country”
- Only apply to destinations subject to subject to arms embargo



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# Two Exemptions for Academic Research

## Basic Scientific Research

- be solely to add to the sum of human knowledge
- not be aimed at a specific (short-term) practical aim
- not address a specific technical problem

Consider the Technology Readiness Level (TRL) - <3 would be BSR

Only applies to dual-use technologies

## In the public domain

Information that is already in the public domain can be shared freely without restriction.



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# Key resources: Goods and OGEL Checker

**Goods Checker:** The Goods Checker Tool helps to establish if your items are controlled and identify the appropriate control entry ('rating') from the [UK Strategic Export Control Lists](#).

**OGEL Checker:** The OGEL Checker helps to identify if an appropriate Open General Export Licence (OGEL) exists.

Goods Checker Search Last Updated: 10 Jun 2021

◀ OGEL and Goods Checker Tools

Goods Checker Browse

Guidance

📄 Quick Help (PDF)

📄 Example Searches (PDF)

Contact

ECO/DIT

Search the control list for key terms below

Click the 📄 icon to view an entry's details

Once inside an entry, you can navigate to its children by clicking the ↪ icon

Key Term  ⓘ

Advanced Search

Search

# Key University Compliance Processes

- **Research Grants and Contracts / Ethics and Sponsorship / Internal Funds**

- Export control questions embedded into Ideate, Application Forms and Nol processes
- Triggers a discussion with the Export Control Team

- **International Travel / Local Screening Processes**

- University guidance issued circulated and questions are embedded in travel authorisation forms
- Travel guidance added to the Institutional Policy

## Key questions:

- Working with non-UK military organisation?
- Does work fall within any categories in control list?
- Could the “technology” or materials support the design, development, production, stockpiling or use of nuclear, chemical, or biological weapons?
- Do you have concerns about the end user?

*Both of these processes embed the same set of triaging questions*

# What happens if the materials / equipment / “technology” I am working with is ‘controlled’

If you determine that your research is ‘controlled’, this is not necessarily a roadblock!

- R&IS will support you to ensure that **the appropriate export licence is in place.**
- Contact [researchcompliance@warwick.ac.uk](mailto:researchcompliance@warwick.ac.uk), who will support you:
  - Identify relevant control list entry, or confirm end-user concerns.
  - Collate information and documentation for licence application.
  - Submit and manage licence application.
  - Provide instructions on compliance with licence terms.
- **Items and / or technology must not be exported until a licence is obtained.**



# Contact Details and Further Information

- Export Control Queries: [researchcompliance@warwick.ac.uk](mailto:researchcompliance@warwick.ac.uk)
- Export Control Guidance Pages: <https://warwick.ac.uk/services/ris/export-controls/>
- International Travel Guidance: <https://warwick.ac.uk/services/ris/export-controls/international-travel-guidance/>
- Export Control Policy launched January 2022: <https://warwick.ac.uk/services/ris/export-controls/policy/>

**THANKS**