

UK Export Controls

Overview

November 2021

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- A basic introduction to UK Export Controls
- A summary of the relevant areas for Universities
- An overview of how to comply
- Information about who to contact for further support

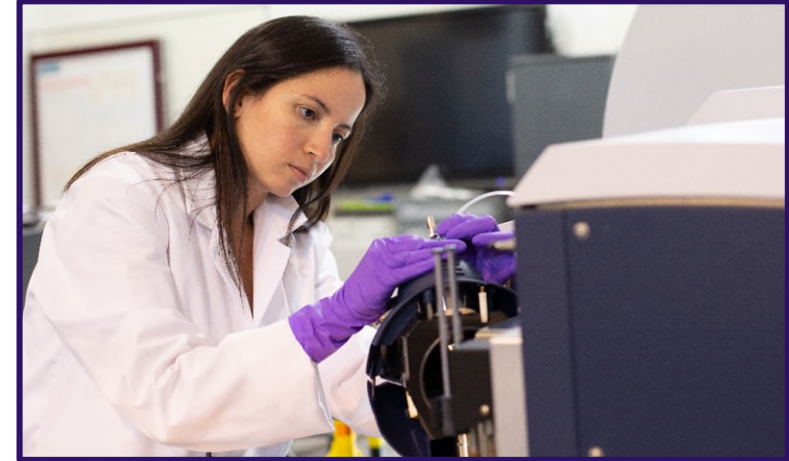
Broader context (1)

- International collaborations core to Warwick and to UK Government's strategy for **'Global Britain'**
 - **'UK R&D Road Map' 2020**
 - **Integrated Review 2021**
 - **Innovation Strategy 2021**
- Place **science at the centre** of international relations
- Build research partnerships with **emerging economies**
- Attracting **global talent**



Broader context (2)

- Increased **emphasis on regulation** including **export control**
- Support for universities:
 - CPNI **Trusted Research** Framework launched in 2020
 - BEIS establishing **RCAT** in 2021
 - Will support universities with regards to **security-related topics**
 - Export controls
 - Cyber security
 - Protection of intellectual property.
- R&IS on the **RCAT advisory group**



Sanctions

- 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**
- **2019/20**: HMRC issued **19 compound related penalties; several ongoing criminal investigations**
- **2021**: Princeton University settles with BIS for unlicensed exports of pathogens

University Support for Export Controls

- New cross-faculty R&IS Team
 - Industry contracts
 - Regulatory compliance
 - Due diligence
 - **Export Control: Research and non-research**
- Institutional Export Control Policy
- Institutional guidance on international travel issued Oct 2021
- **Moodle course**
- **External expert consultancy advice**
- ****Partnership approach with STEM depts critical****



WARWICK

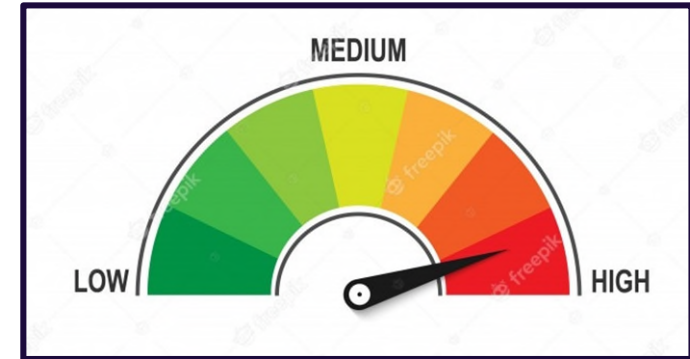
UK Export Controls

- Restrict the export & communication of sensitive technology and strategic goods
- Prevent WMD proliferation and counter international threats including terrorism
- Applies to export of:
 - **Physical goods: Samples, equipment, materials, parts, laptops etc**
 - **Technology and information: Data, knowledge, know-how**



Subject Areas Identified As High-risk

- Aeronautical and space technology
- Applied chemistry, biochemistry and chemical engineering
- Applied physics
- Biotechnology
- Electrical and mechanical engineering
- Instrumentation and sensors
- Materials technology
- Nuclear technologies
- Production and process technology
- Telecommunications and information technology



Consider the TRL (<3 =
low risk of control)

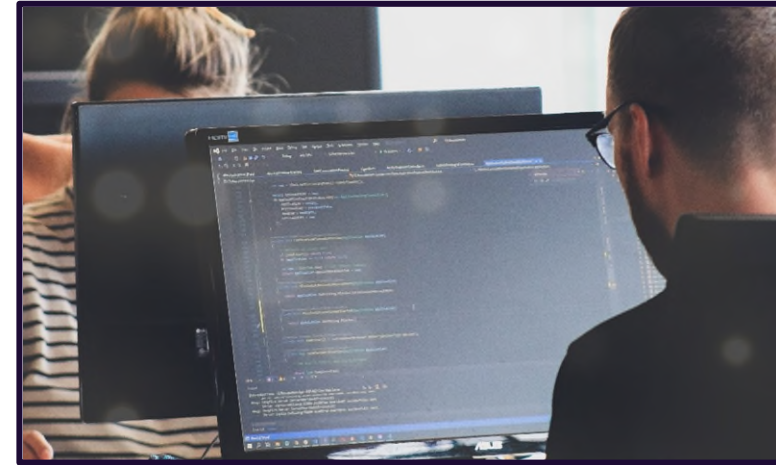
What is an Export?

The physical taking or sending of a controlled items outside of the UK:

- Shipping components/devices
- Travelling overseas and accessing controlled data (e.g. on laptop, phone or memory stick)

The electronic transmission of controlled items outside of the UK:

- Accessing electronically stored data whilst outside of the UK
- Technical discussions during an international web conference
- Emailing information to overseas collaborators
- Publishing on a website or social media accessible from outside of the UK
- Presenting overseas
- ATAS online courses



What is a Controlled Item?

- The item (goods, software or technology) being exported is on a control list:
 - Military and/or dual use items
- Not on a control list but, controlled by virtue of:
 - WMD / Military end-use



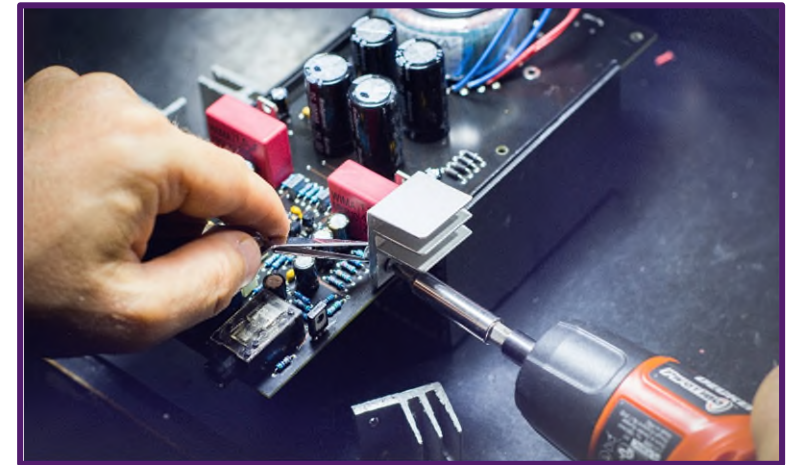
Defining Dual-use and Military List

- **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**

- **Military**

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



Defining WMD and Military End Use

- **WMD end use**
- **You know, have reason to suspect or have been informed...**
- That the end-use is for “WMD purposes”
- Includes detection

- **Military end use**
- You know or have been informed...
- That the end use is “military in the recipient’s country”



Current University position

- **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**
 - University guidance issued and circulated to all WMG staff
 - New questions embedded in SEM department's travel authorisation forms/processes
- **Non research activities**
 - Practitioner role being recruited
 - Risk assessment of teaching and other non research activities (visitors to campus, consultancy, procurement)
 - Collaborative approach with depts to understand and mitigate risk
- **Training**
 - Annual at dept level by new R&IS Team
 - Export Control Moodle course
 - Tailored discussions with WMG Research Groups

What do I do if export control regulations apply?

An Export License Must be Obtained Before you Export the Item

This is not a roadblock! Contact R&IS (export-control@warwick.ac.uk) who will guide you through the process.



R&IS will apply for the license on your behalf. Approval can take between 2-12 weeks depending on the type of license required.



Once approved, R&IS will provide guidance on compliance with the terms of the license (primarily, this will involve keeping records of transfers).

Complying with the Terms of an Export Control License

R&IS will provide detailed guidance on the procedures for complying with a license at the point of approval.

- Complying with the terms of an export license will involve recording all exports that take place under the license (**what, when, to whom**).
- The Export Control Joint Unit (ECJU) will audit our records to ensure compliance.

Why is this important?



Why Now?

- Broad news coverage and a raising of awareness across HE.
- The Centre for the Protection of National Infrastructure's (CPNI) guidance titled "Trusted Research Guidance for Academia" (published May 2020) places a strong emphasis on the importance of Export Controls.
- Civitas (Institute for the Study of Civil Society) released a report titled "Inadvertently Arming China? The Chinese military complex and its potential exploitation of scientific research at UK universities".

Although some news coverage may be sensational, there are real risks here. We must follow Export Control regulations both as an ends in themselves, and to protect against reputational damage that could impact on future research opportunities.

UK Penalties

Breaching export controls is a criminal offence. Penalties can vary depending on the nature of the offence.

They include:

- Revocation of licences
- Seizure of items
- Issuing of a compound penalty fine
- Imprisonment for up to 10 years

Next Steps

- Further training will be made available to PIs.
- In the meantime, should you have any queries please direct these towards export-control@warwick.ac.uk and the team in R&IS will advise.

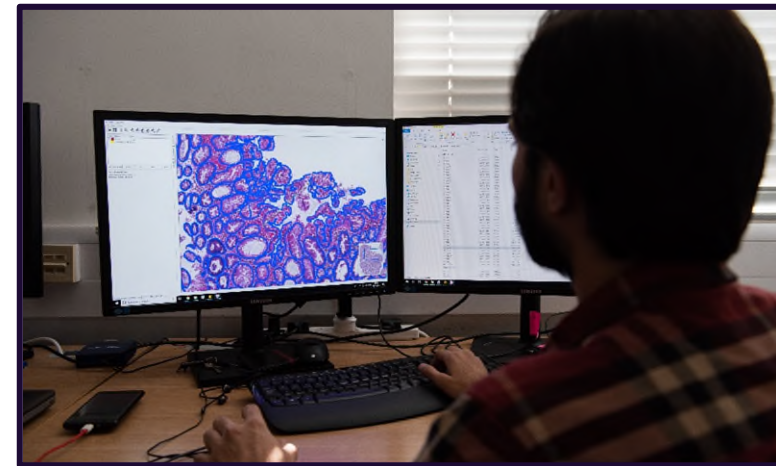


The need to adhere to export control sits alongside, but does not replace, the following:

- Commercial confidentiality/data security/cybersecurity
- Research Integrity
- Due diligence on collaborators

Support on these can be found on the below webpages:

- [Information Security Training](#)
- [Research Integrity Training](#)



UK Help

- **SPIRE:**

www.spire.trade.gov.uk

- **Checker tools:**

https://www.ecochecker.trade.gov.uk/spirefox5live/fox/spire/OGEL_GOODS_CHECKER_LANDING_PAGE/new

- **ECJU on gov.uk:**

<https://www.gov.uk/government/organisations/export-control-organisation>

