

Export Control: Policy & Training Working Group

Introductory training session

19 April 2021

About Export Controls: UK

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



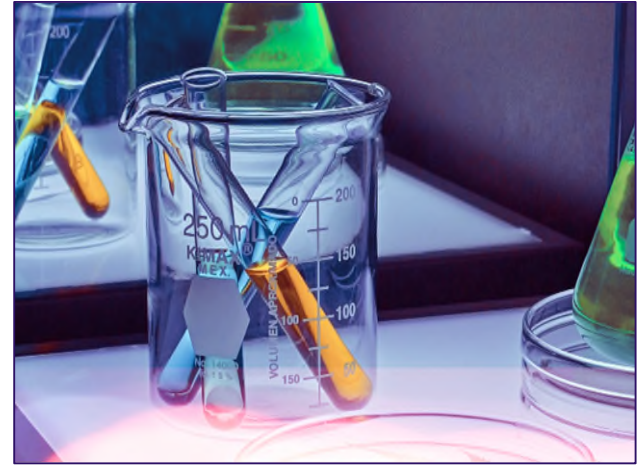
Academic activities that could be subject to Export Control

- Research on behalf of an **international partner**
- International **collaboration**
- Presentations at **conferences**
- Export of **materials**
- **Teaching**
- **Academic exchange** with a colleague at an overseas institution



Post Brexit research environment

- UK Government plans for **'Global Britain'** has science at its core
 - **'International Research & Innovation Strategy'** 2019
 - **'UK R&D Road Map'** 2020
 - **'Global Britain in a Competitive Age: Integrated Review of Security, Defence, Development & Foreign Policy, 2021'**
- Place **science at the centre** of international relations
- Build research partnerships with **emerging economies**
- **Co-produce research** with external partners to address real-world challenges



An increasingly regulated environment

- Driven by US Gov. c/cerns wrt economic power & influence of China
- Increased **emphasis on regulation**
- UK Export Control Joint Unit: moving **from support to audit** phase
- Think-tanks/media:
 - **Inadvertently Arming China?** Civitas, February 2021
 - **The China Question:** KCL & Harvard Kennedy School (Jo Johnson)
 - Intense US media coverage of **200 cases of IP theft**
 - **UK media** now following suit
- February 2020: Updated **'Trusted Research'** guidance issued by CPNI



Sanctions

- A breach of UK Export Controls can be a **criminal offence**
- Sanctions apply to **individual researchers & 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**
- **2021:** Princeton University settles with BIS for unlicensed exports of pathogens
- Potential **negative impact** on research partnerships & major funders – undermine confidence

UK National Security & Investment Bill

- Progressed to HoL in **January 2021**
- **Radical up-grade** of the UK foreign investment regime
- Introduces a **stand-alone national security regime**
- **Mandatory notification** of transactions in sensitive sectors
- Voluntary notification in other
- **'Call in' power**
- enable Gov to review non-notified transactions **5 years post completion**
- **Serious sanctions** for non-compliance
- Captures a wide range of transactions **including IP**



Work underway

- **Research**
 - **New Export Control questions** added to IDeATE & internal ethics forms in collaboration with academic departments
 - **Retrospective projects work** – Science departments
 - Comprehensive webpages and guidance notes: <https://warwick.ac.uk/services/ris/export-controls/>
- **Institution**
 - Export control **working group** – to develop an institutional **policy** and associated **training materials**
 - **Supplemented with working instructions** and **SOPs** at level of individual departments/specific areas
- **Specialist** Export Control consultant engaged: '**David Hayes Export Controls**'

Today's session

- To introduce working group members to the **core technical elements of Export Control**
- Provide a base of understanding from which **institutional approach** can be developed
- Provide specific advice & guidance **for your professional areas**
- Informal session – **please ask questions throughout!**
- **Next steps:** follow-up sessions in specific professional areas to inform policy/training dvlpmnt