

Preamble: The UK government regulates the trade or transit of certain sensitive goods, software and technology through export controls. The system is administered by the Export Control Joint Unit (ECJU). These controls are based on legislation and are part of the government's commitments relating to non-proliferation and arms control. The regulatory framework ensures that UK science and technology is not intentionally or unwittingly used for purposes of WMD by other states or non-state groups (terrorists). Legislation making up the framework for export controls comprises:

Customs and Excise Management Act 1979
Export Control Act 2002
Export Control Order (as amended) 2008
Export of Radioactive Sources (Control) Order 2006

Other legislation of relevance includes:

Anti-Terrorism, Crime and Security Act 2001
Biological Weapons Act 1974
Chemical Weapons Act 1996
UN sanctions and arms embargoes are implemented by Orders in Council under the United Nations Act 1946.

Policy detail: Compliance with government legislation is ensured by University of Staffordshire through the following:

1. University of Staffordshire engages in international collaboration through mechanisms including trans-national education, international research and knowledge exchange activities and the international movement of our staff, students and collaborators.
2. Whilst encouraging and supporting these activities, the University recognises some of the knowledge it holds, the goods it uses, and some activities of its staff may have the potential to be misused in ways which may be harmful to national security.
3. Therefore, some of the work conducted by its staff and research students may be subject to export control, for which there is an extensive legislative framework ⁽ⁱⁱⁱ⁾.
4. Controls over the export of strategic goods and/or technology have been enacted in the UK, US, EU and elsewhere for decades via a consolidated list of controlled military and dual use items i.e., civil technology that may be used for military purposes. Furthermore, all UN members have been required since 2004 to maintain export controls to prevent the proliferation of weapons of mass destruction (WMDs). Sanctions from the UN, EU, US and UK may also apply to certain states, institutions and individuals ^(v).
5. Therefore, in some cases it may be necessary to obtain an export license from the UK Export Control Joint Unit (EJCU) ⁽ⁱⁱⁱ⁾ to carry out an activity. **Failure to do so is a criminal offence.**
6. Controls can cover the export of tangible goods, as well as software, data, technology and knowledge. Where health data is involved, it will be necessary to ensure data transfer agreements are in place.
7. The increasing internationalisation of the University highlights the need for all staff to be aware when an export licence may be required **before** undertaking a collaboration.

8. Export controls most likely (but not always) apply to scientific and technological research with potential military, nuclear, chemical, biological, missile and aerospace applications. It is important to note that although such applications may not be the primary aim of the research or activity, if the research or activity could have such an application then it is likely to be covered by export controls.
9. Operation of this policy lies with Research, Innovation and Impact Services (RIIS) and the International Office, with overall responsibility for the policy and ensuring compliance with export controls being with the Deputy Vice-Chancellor ⁽ⁱ⁾.
10. It is the responsibility of the lead academic of the activity to understand whether export controls apply to the activity, taking advice from Legal Services and/or RIIS if necessary.
11. The flow chart overleaf provides a visual guide on when export controls may be relevant (if you don't know the answer to any of the questions on the flow chart, please seek guidance from your Associate Dean of Research and Innovation).

BEFORE any action is taken:

Are you planning to undertake a transfer of knowledge, goods, software, data, or technology, either physically, electronically or verbally to a person/organisation outside the UK?

No

No further action required

Yes

Is the item/activity intended or designed for military use?

Yes

Seek advice; you may need an export control licence before undertaking the transfer (i)

No

Could the item/activity have a 'dual use'? (i.e., it was not intended for military use but could be appropriated for it)

Yes

Seek advice; you may need an export control licence before undertaking the transfer (i)

No

Is there reason to believe that the item/activity could be used for WMDs?

Yes

Seek advice; you may need an export control licence before undertaking the transfer (i, iv)

No

Is the country with which you intend to make the transfer subject to sanctions? (Refer to the sanctions list at Note (v))

Yes

Seek advice; you may need an export control licence before undertaking the transfer (i, v)

No

No further action required

12. There are exemptions for the controls on software and technology (but not goods). These exemptions apply where a large amount of the work is done at the University, and apply to:
 - a. information that is already in the public domain;
 - b. the dissemination of basic scientific research;
 - c. the minimum information necessary for a patent application.
13. The government provides up-to-date lists of current arms embargoes and other restrictions: <https://www.gov.uk/guidance/current-arms-embargoes-and-other-restrictions>.
14. To be in the public domain, information must already be available without restriction upon further dissemination (with the exception of copyright restrictions); for example, material included in undergraduate and master's programmes. Information that needs to be purchased from a supplier who controls the supply, requires registration, has restrictions on access, or is subject to Government or Military of Defence security classifications is not considered to be in the public domain.
15. Basic scientific research is defined in article 18(3) of the Export Control Order 2008 as "experimental or theoretical work undertaken principally to acquire knowledge of the fundamental principles or phenomena or observable facts and not primarily directed towards a specific practical aim or objective" (viii).
16. It is important to note that these exemptions do not apply to WMD end use or sanctions controls. If there is any doubt about compliance, it is recommended that the University's lead person for the policy should be consulted before any action is undertaken.
17. If the lead academic identifies from the flow chart or otherwise that an export licence might be required, they should email exportcontrols@staffs.ac.uk and describe what is being proposed to be exported, to what organisation and in what country. They will then receive a reply from the Export Controls team indicating whether a licence is required. Please note that requests for an export control licence should be logged through Ironclad.
18. If an export license is required, the lead academic will be informed that this is the case.
19. The application for the license will be made by Legal Services, and the lead academic will be informed once this has happened and subsequently once the license has been obtained, or otherwise.
20. Legal Services will be responsible for ensuring appropriate records are kept of export licenses applied for and obtained.
21. It is the responsibility of the lead academic to ensure that the activity does not commence before they have received confirmation from Legal Services that a license has been obtained. Failure to do so may lead to disciplinary action and potentially legal action. However, the University will ensure that it takes appropriate measures to ensure that staff are supported to achieve compliance with the law, and that the University itself is compliant with the law. In particular, the University will:
 - a. Make available guidance, training and sources of information and advice for staff seeking further information.
 - b. Provide focused support to those working in disciplines most likely to be affected by export controls, e.g., STEM.
 - c. Register with the UK Export Control Joint Unit web service so that export control questions and license applications can be submitted.
 - d. Provide support and advice to support licence applications.
22. Before commencing with any application that may require an Export licence, the following due diligence should be considered and addressed:
 - a. *Staff and students*. The risk of a transfer of sensitive technology that might be used in a WMD programme occurring in the course of teaching or research in the UK is

primarily managed by the government's Academic Technology Approval Scheme (ATAS). Students and researchers from certain countries applying to study or work in the UK at postgraduate level in certain sensitive subjects require an ATAS certificate before they can be granted a visa. A new ATAS certificate may be required if a student changes course while they are in the UK. Compliance with ATAS is managed by Student Visa Services for students, supported by the Employee Services Hub for employed staff, and supported by the local Faculty or School for honorary or visiting staff.

- b. *Partners:* All prospective institutional and commercial partners—including those in the UK—shall be screened against the UK, EU and US sanctions lists, and against the UK trade sanctions list ^(v). It is also recommended that current overseas partners are screened routinely on a monthly basis (or more or less frequently, depending on the level of risk) in line with the ongoing risk of sanctions. Work with some sanctioned organisations may not be prohibited but may require enhanced compliance measures, for example to prevent the supply of any US-origin or controlled items. In the event of any concerns, an enquiry should be submitted to the Department for International Trade's 'End-User Advice' service. All proposals for collaboration with any individual or organisation based in Cuba, Iran, the Crimean Region of Ukraine, Syria or North Korea must be referred for consultation to the relevant internal advisors of the institution. No contacts with such prospective partners, including initial contacts, can proceed without prior written approval. Any MoU, research contract or other engagement with an overseas partner should only be concluded with confirmation that no sanctions apply or, if sanctions apply but do not prohibit the engagement, without an approved plan in place to ensure compliance with the applicable restrictions. The lead academic should confirm compliance by recording this in the project file.
- c. No activities of any sort related to items or technologies restricted by US laws may proceed without the written prior consent. The procedures set out above should identify any prospective partner subject to US sanctions and any items or technology liable to come into the possession of the University that are subject to US controls. If any US sanctions or controls are or may be applicable, the lead research and the key contact will discuss and, if appropriate, seek external expert advice and prepare a compliance plan for approval.

Notes:

- i) The key contacts at University of Staffordshire concerning the implementation of this policy are:
 - a. for matters related to teaching: International Office
 - b. for matters related to research: RIIS
 - c. applications for and record-keeping of licences: Legal Services
- ii) Information about strategic export licensing and related legislation can be found at:
Export Control Joint Unit
Department for Business and Trade
Old Admiralty Building
Admiralty Place
London
SW1A 2DY
Email exportcontrol.help@businessandtrade.gov.uk
Telephone 020 7215 4594

- iii) The China Defence Universities Tracker is a database of Chinese institutions engaged in military or security-related science and technology research. It was created by the Australian Strategic Policy Institute (ASPI)'s International Cyber Policy Centre. This can be accessed here: <https://www.aspi.org.au/report/china-defence-universities-tracker>
- iv) <https://www.gov.uk/government/publications/the-uk-sanctions-list>
- v) The national body supporting HE institutions in exporting within the law: [Welcome to the Higher Education Export Controls Association - HEECA \(cranfield.ac.uk\)](http://www.heeca.ac.uk)
- vi) HE sector guidance concerning security-related issues in international research and innovation: [Managing risks in international research and innovation \(cranfield.ac.uk\)](http://www.cranfield.ac.uk)
- vii) <https://www.legislation.gov.uk/ukxi/2008/3231/contents/made>

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