Export Controls- Strategic Context

UK universities are operating in an increasingly international arena in their research and teaching collaborations. Whilst this is supported and encouraged by the British Government, it is vital to remember that some knowledge held and activities conducted by academics and researchers have the potential to be misused.

What is Export Control?

Export Control is an area of legislation embedded in a number of international treaties and regimes, including binding obligations on United Nations member states. The measures apply to all entities, including the academic community, and are designed to restrict the export and communication of sensitive technology or strategic items that can contribute towards the proliferation of Weapons of Mass Destruction (WMD), international threats such as terrorism and a breach of embargoes, sanctions and human rights.

Responsibility for implementing and managing Export Controls within the UK falls under the remit of The Export Control Organisation (ECO) who have issued a short introductory film to explain the significance of these controls.

Export Control at Royal Holloway University of London

Royal Holloway is committed to complying with UK Export Control law and as such has developed these web pages to provide researchers and academics with some guidance.

A breach of UK Export Controls is a criminal offence and can lead to reputational damage, financial penalties and, potentially, a prison sentence. A licencing process provides a mechanism to protect academia from inadvertent involvement with activities that pose a threat to international peace and security.

Who is most likely to be affected?

Export control legislation could potentially affect academics and researchers in a wide range of subject disciplines. In practice, export controls are most likely to apply in science and engineering disciplines, since the knowledge and research conducted in these disciplines can directly lead to the advancement of programmes of concern. However, all academics and researchers need to be aware that their research may be subject to export control legislation.

What do we mean by 'export'?

Moving an item from the UK to a location outside the UK, includes:

- the physical export of items;
- electronic transfers (email, fax, video-conferencing or uploading information to an overseas server);
- overseas hand carrying with controlled information on a laptop, paper or USB stick or similar;
- downloads from overseas and shared data environments;
• online learning, Massive Open Online Courses
• oral transmission (conversation, telephone) where the detail of a technology contained in a document is read out or communicated in a manner that is substantially the same as providing the recipient with the document.

Export Control also covers transfer within the UK where it is known the ultimate end use is related to a WMDs (Weapons of Mass Destruction) programme outside of the UK and includes the transit of controlled items through the UK.

What are Controlled Items?

Controlled items are specifically listed on the UK Strategic Export Control Lists. You can assess your goods, software and technology to determine if they are controlled via the online checker tool. Items include:

• Equipment
• Components
• Materials and chemicals
• Biological agents
• Software – source and object code
• Technology
• Any item specifically designed for military use (includes civil items modified for a military user, no matter how slightly)
• Dual-Use (civil items with potential for military/security use)

In addition to the above, it is possible future export controls will be extended to emerging technologies.

US Export Controls

Any items that have originated in the US remain subject to US controls even when they are outside of the US. Even UK manufactured item could be subject to US Export controls if it contains a ‘de minimis’ proportion of US-origin controlled components (in most cases 25% by value). In the case of military items, any US content, no matter how small, will render the item subject to US export controls. Export controls may also apply to certain direct products of US technology.

If an item is subject to US controls, those controls apply to transfer of those items to anyone inside the University who is a foreign or dual national and outside the University, whether in the UK or overseas, and will require US Government authorisation.

Sanctions/embargoes

Items that are not specifically listed on the Control Lists that are to be exported to a specific country which is subject to an embargo or sanctions. End use controls apply to sanctioned activities; i.e. an export cannot occur if the exporter knows that the items would be used in relation to a sanctioned activity.
Are there any Exemptions?

There are exemptions from some controls for basic scientific research and in the public domain.

Next Steps

If you suspect that export control may apply to your work please:

1. Read these pages for initial guidance on export control.
2. Consider the College’s export control flowchart
3. If you still suspect that export controls may apply to you work use the Export Control Organisation's Goods Checker Tool to establish if the items or technology you intend to export are on the control lists.

If you need any advice relating to export controls, please contact the Legal and Compliance team.