

Export Controls Policy

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Section / Dept:	Research and Enterprise Support (RES)
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Related policies:	Biosafety and Biosecurity Policy Code on Good Research Practice Data Protection Policy Email Policy Using Your Own Devices Policy Records Management Strategy Ethical Conduct Policy
Policy history:	New

Version History

Version	Author	Revisions Made	Date
1	Jennifer McCafferty	Draft circulated to Research Integrity Committee members for comment	15 th May 2015 – 29 th May 2015
2	Jennifer McCafferty	Final revisions made as per comments from UREC	6 th October 2015

Approval History

Equality Analysis

Version	Reviewed by	Comments	Date
1	Jo McCarthy-Holland	No negative equality impact identified	15 th June 2015

Committee Sign Off

Version	Committee Name	Date of Sign Off
1	University Research and Enterprise Committee (UREC)	6 th October 2015

1	Introduction
	Export controls are measures adopted by the EU, UK, US and other governments to prevent the proliferation of Weapons of Mass Destruction and the misuse of conventional weapons. The regulations constitute legal obligations, with potentially heavy reputational, civil and criminal penalties for violations. The great majority of the University's activities are not affected but, as the international character of its activities expands, its exposure to these regulations is growing.
1.1	Purpose
1.1.1	This policy is to ensure that the University, its staff and students remain in full compliance with all the export controls and sanction regulations that apply to their activities, through means which are both effective and proportionate to the generally low level of risk.
1.2	Scope
1.2.1	This policy applies to all those engaged in academic research and consultancy as defined by HEFCE. This includes academic staff, researchers, research students, research support staff, research managers and administrators whose activities may involve the physical export, electronic transfer, or transfer by any means (including telephone); goods, software or technology listed within the "control list" (Schedule 2 and 3 on the Export Control Order 2008) or where an "end-use control" (Council Regulation (EC) No.428/2009) applies. These controls apply to transports and exports to outside the UK and in some limited circumstances within the UK.
1.2.2	Disciplines which are likely to be affected are: nuclear physics and engineering; biological sciences involving viruses, pathogens, vaccines; chemicals with toxic properties; high strength materials; high specification electronics, computers, and telecommunications; automation and control systems; cryptography; lasers, optics and sonar; navigation and avionics; submersible equipment; aerospace and space. This list is not exhaustive and the control lists are constantly reviewed, therefore the UK Strategic Export Control Lists should be consulted to see if controls apply in each instance.
1.3	Equality Analysis
1.3.1	It is not anticipated that this policy will have any negative impact on any groups protected within the characteristics under the Equality Act 2010.
1.4	Definitions
1.4.1	<ul style="list-style-type: none"> • Export controls: the prohibition or regulation of the export or transfer of items out of the UK; • Items: goods, equipment, components, samples, materials, software, data or technology; • Technology: information useful for the development, production or use of goods. Includes blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, or manuals and instructions, either written or recorded on other media; • Export or transfer: any physical or intangible movement of items out of the UK. Includes carrying information overseas on a laptop, paper or drive; any electronic transfer - fax, email, text, uploading to a server outside the UK (unless the information is not accessible from outside the UK); and by telephone, if information is communicated so as to achieve substantially the same result as if the recipient had read it; • Sanctions: legal measures for the interruption or reduction of economic and financial relations with third countries or entities.
1.5	Legislative context
1.5.1	The main relevant legal measures include the following:

	<p>Export Control Act 2002 Export of Radioactive Sources Control Order 2006 Export Control Order 2008 EU Council Regulation 428/2009 EU Council Regulation 1236/2005 UK Sanctions Orders and related EU Council Regulations US International Traffic in Arms Regulations (ITAR) US Export Administration Regulations (EAR) US Sanctions measures and Denied Parties Lists</p>
1.6	Health & Safety Implications
1.6.1	There are no health or safety implications.
2	Policy
2.1	Principles
2.1.1	<p>The University is firmly committed to ensuring, in a balanced and proportionate way, that all staff and students remain fully compliant with all export control and sanctions regulations that apply to their activities. To this end:</p> <ol style="list-style-type: none"> 1. all staff and postgraduate research students engaged in relevant disciplines shall be made aware of how the regulations may apply to their activities, through the provision of information, guidance, support, advice and training; 2. due diligence procedures shall be followed in respect of all relevant proposed activities, to establish whether they are subject to export controls or sanctions; 3. any proposed activity that is prohibited by sanctions shall not proceed; 4. any proposed activity that is subject to export controls shall not proceed unless an appropriate license is first obtained and all necessary steps are taken to ensure that its conditions are fully implemented; 5. any item subject to US export controls shall not be acquired unless the Dean of the Faculty has first agreed on a Technology Control Plan to ensure that all conditions applicable to the item are fully implemented; 6. regular checks and annual audits shall be conducted to ensure that these principles are strictly observed. If any possible violations are detected, these shall be investigated promptly, urgent measures taken to prevent any recurrence, disciplinary action considered, and the relevant authorities notified.
2.2	Procedures
2.2.1	Detailed procedures are set out in the supporting documentation and are available at https://www.surrey.ac.uk/surreynet/keyinfo/research_resources/export-controls/
3	Governance Requirements
3.1	Responsibility
3.1.1	Overall responsibility for the University's compliance with export controls and sanctions lies with the Vice-President, Deputy Vice Chancellor (Research and Innovation).

3.1.2	Research Development and Governance are responsible for ensuring the University has a training package accessible by all staff and postgraduate students, applicable to the level of knowledge expected from them by the University.
3.1.3	All Faculty Deans, in association with the Associate Deans of Research, will be required to promote awareness and ensure they have a suitable method of disseminating the export control information to their faculty, ensuring all staff and students are made aware of the training especially in the high risk areas of research. The Deans will be responsible for determining their own faculty process and contact point who can receive a higher level of training to ensure they have the necessary expertise. This faculty contact point will assist with specific export queries from staff and postgraduate students and submit licence applications on behalf of the PI and University. It will be at the discretion of the Deans if they wish to distribute this faculty support among the high risk research areas of the faculty.
3.1.4	All principal investigators are responsible for having a basic understanding of the export controls and sanctions by utilising the training provided. It is the responsibility of the individual to ensure they comply with export controls and have the necessary licences. The principal investigator must ensure members of their research team fully comply with the conditions of export licences as the ECO will hold the individuals themselves accountable.
3.2	Implementation / Communication Plan
3.2.1	The draft of the policy will be circulated to the Research Integrity Committee for comment before final approval by the University Research and Enterprise Committee (UREC).
3.2.2	It is the responsibility of each Faculty Dean to ensure all staff and postgraduate students have a basic awareness of export controls and where appropriate are engaging with training.
3.2.3	Research Development and Governance will provide support to the faculties in setting up their procedures as well as ensuring an online resource is available. The webpages will provide the contact details for a contact point within each faculty.
3.3	Exceptions to this Policy
3.3.1	Export control and sanctions regulations impose legal obligations on all persons. Therefore, there can be no exceptions to this policy.