1. Statement from the Pro-Vice-Chancellor for Research

1.1 The mission of the University of Cambridge is to contribute to society through the pursuit of education, learning, and research at the highest international levels of excellence. In pursuit of this mission the University engages widely in international research collaboration, global movement of researchers and exchange of new ideas. However some of the knowledge held, goods used, and activities conducted by academics and researchers have the potential to be misused. Some of the work conducted at the University is subject, therefore, to export control law.

1.2 Controls over the export of strategic goods or technology have been enacted in the UK and the EU for decades via a consolidated list of controlled military and dual use items (civil technology which may be used for military purposes). In addition all UN members have been required since 2004 to maintain export controls to prevent the proliferation of weapons of mass destruction. Specific UN or EU sanctions may also apply, for example the 2014 EU sanctions on Russia. As a result individual academics may need an export licence from the UK Export Control Organisation to carry out an activity - failure to obtain one being a criminal offence. Controls cover not only tangible goods, but also software, data, technology and knowhow.

1.3 In the academic context, export controls are most likely to apply in relation to scientific and technical research with military, nuclear, chemical, biological, missile and aerospace applications. However all researchers, particularly those in the scientific and engineering disciplines, need to understand export control regulations and ensure that they comply with them.

1.4 The trend towards increased international research collaboration requires researchers and universities to become increasingly vigilant as to when export control law applies. Compliance with export control should also be seen as part of the broader responsibility for research integrity.

1.5 The University is committed to complying with export controls. As such, the University has published this policy and guidance to raise awareness within the institution of export control regulations and set out a procedure for ensuring compliance. It is the responsibility of each individual researcher to ensure that they do not export controlled items without an appropriate licence. Researchers are expected to familiarise themselves with this policy and guidance.

2. What does ‘export’ mean?

2.1 ‘Export’ applies to the transfer of controlled goods, technology, software or knowledge from the UK to a destination outside the UK. This includes the physical export of items and also electronic transfer (e.g. fax, email or download). The rules focus on transfer across borders, so include taking a laptop overseas when it has controlled items stored on it: disclosure to a third person is not necessary. Oral transmission (e.g. conversation, telephone or video conferencing) could be covered 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. The trafficking or brokering of goods between two overseas countries is also covered by the legislation.

2.2 Under exceptional circumstances, transfers within the UK will also be within scope, but only where it is known that the ultimate end use of the item or information is related to WMDs (Weapons of Mass Destruction) outside the UK. These exceptional circumstances will include

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1 ‘Technology’ is defined as information necessary for the development, production or use of goods.
teaching where the tutor is informed, aware or has reason to suspect that a student intends to use the knowledge provided for WMD purposes.

3. Which items or technologies are controlled?

3.1 Items or technologies are controlled in any of the following circumstances:

   a) They are military or dual-use items (i.e. civil items and technologies that could be used for WMD or military purposes) or technology that appear on the UK Strategic Export Control Lists. Technology is only controlled where it is “required” and “necessary” for the development, production, or use of the controlled items.

   b) Items that are not specifically listed on the control lists, but are intended, either in their entirety or in part, for WMD purposes (WMD end use controls). WMD end use controls only apply if you have been informed of, are aware or suspect WMD end use. If WMD end use controls apply, no items, knowledge or assistance of any kind may be given.

   c) Items to be exported to a specific country which is subject to an embargo or sanctions (note that sanctions may include items that are not included on the Export Control Lists). 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.

   d) Items that are not specifically listed on the control lists, but you are aware or are informed that the items are (or may be) intended for the incorporation into or for the development, production, use or maintenance of military equipment in a location subject to an arms embargo, or where you are aware that items will be used as parts or components of military goods illegally obtained from the UK. (These circumstances are unlikely to apply to academic research).

4. Exemptions

4.1 There are exemptions to the controls for software and technology (but not goods). These exemptions will apply to a large amount of the work done at the University. They 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.

4.2 To be in the public domain, information must already be available without restriction upon further dissemination (with the exception of copyright restrictions). Information that has 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.

4.3 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”.

4.4 It is important to note that these exemptions do not apply to WMD end use or sanctions controls.

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2 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](https://www.gov.uk/guidance/current-arms-embargoes-and-other-restrictions)
5. Export Control Compliance Procedure

5.1 The responsibility for compliance with export control regulations ultimately rests with the individual Principal Investigator (PI) who intends to export goods, technology, software or knowledge outside the UK. To assist PIs in meeting their obligations, the University has developed the following compliance procedure that all PIs are expected to follow. In addition, an export control guide and toolkit is available on the University Export Control Website.

5.2 To assist this process an Export Control Manager (ECM) and Export Control Advisor (ECA) will be appointed. The role of Export Control Advisor may be split between more than one person. Contracts Managers in the Research Operations Office and Departmental Administrators in certain departments/faculties will also be provided with training to enable them to support the process and offer advice. The University’s Export Control Director (ECD) has overall responsibility for this policy. Contact details for the ECD, ECM and ECA(s) will be provided on the University's Export Control website.

5.3 PIs, particularly in science and engineering disciplines, should ensure that they:

   a) are aware whether their research may be subject to export control legislation;
   b) have read and understood this policy;
   c) consider the export control guide and University Export Control website, whenever embarking on an activity that could:
      
      o lead to the physical, electronic or verbal export outside the UK of goods, software or technology:
        - with the potential for military use, dual use or WMD use;
        - that are covered by sanctions or embargo when exported to their intended destination;
        - that they have been informed by the Export Control Organisation are covered by export control.
      
      o involve the transfer of knowledge within the UK for use in a WMD programme outside the UK (including through teaching);
      
      o involve the transit of goods, software or technology through the UK.

   d) Seek advice from the ECA when they suspect that export controls may apply to their work;

5.4 If a PI suspects that an export licence may be required they will be required to complete a licence enquiry form with the assistance of the ECA.

5.5 The licence enquiry form will be submitted to the ECM who will decide whether or not a licence should be applied for, this may require additional information from the PI.

5.6 If the ECM confirms that a licence is required they will work with the PI to decide whether the export can take place under an existing Open General Export Licence and if not which type of licence is required.

5.7 The ECM will work with the PI to prepare the licence application. In straightforward cases the ECM may delegate this role to the ECA, but the ECM will review and approve the draft licence before submitting a Licence Request Form to the ECD. The application process will require considerable input from the PI and may require a signed undertaking from the end user of the item or technology.

5.8 Once a draft licence application has been prepared, the ECM will complete a Licence Request Form for approval by the ECD. Upon approval, the ECM will apply for an export licence using the UK Export Control Organisation’s licencing system (SPIRE).
5.9 Once the licence has been issued, the ECM will discuss any terms of the licence to the PI as well as their record keeping responsibilities (see below). Export cannot take place until the licence has been issued and it must comply with all terms of the licence.

5.10 When exporting physical items using a freight forwarding service or similar, it is important to ensure that they satisfy professional standards. It is also essential to provide clear written instructions to the freight forwarding agent which will include the full licence details, an explanation of the implications of licence for the export (e.g. for routing) and their responsibility for documentation (e.g. returning completed customs declaration for records).

6. End-user due diligence

6.1 The vast majority of collaborators and end-users will be legitimate. However, it is the responsibility of anyone who exports controlled items to be vigilant for end-users whose intent is to procure or divert items for proscribed purposes (such as proliferation of weapons of mass destruction or military end-uses) or to proscribed destinations (such as those under embargo). For details on sanctions and embargos see the government's guidance. 

6.2 Should a PI or the ECA have suspicions regarding an end-user they must make these known to the ECM who will seek the advice of the ECO.

6.3 Examples of behaviour that may be of concern include:
   a) The end-user or consignee is reluctant to offer information about the end-use of the items;
   b) The end-user or consignee is reluctant to provide clear answers to standard questions regarding the export, themselves or their business;
   c) The claimed end-use is unconvincing given the customer’s normal business, or the technical sophistication of the items;
   d) Routine installation, training or maintenance services are declined;
   e) Unusual shipping, packaging or labelling arrangements are requested;
   f) Unusually favourable terms are offered in return for the export;
   g) The item is planned to be installed in an area to which access is severely restricted or is unusual considering the type of item to be installed;
   h) There are unusual requirements, such as excessive confidentiality about final destinations, customers, or specifications of items;
   i) There are requests for excessive spare parts or lack of interest in any spare parts that would normally be provided.

6.4 Particular attention should be paid to end users who are new to you and the University and for which your knowledge is incomplete or inconsistent. If you have any concerns seek advice.

7. Record Keeping

7.1 The ECM will be responsible for ensuring that the following records are maintained:
   a) Licence Request Form
   b) Details of the consignee and end user (as well as anyone else involved in the export) including name, address and country
   c) The nature of the export and description of the item exported (including quantity)
   d) Original source of the items exported (including supplier details)
   e) Correspondence with the Export Control Organisation relating to the project
   f) The export licence
   g) Records (including dates) of each transfer under the licence
   h) The date of the transfer or the period of time over which the transfer takes place
   i) In the case of software, the software that is exported and the details of the transfer
   j) In the case of a transfer by electronic means, the email or facsimile
   k) Any further records required by the licence or judged relevant by the ECM
7.2 These records will be kept for a minimum of 6 years from the end of the year in which the export took place or longer if required by the licence.

7.3 A register of all export licences obtained by the University will also be kept by the ECM.

8. Audit

8.1 Export licences may be subject to audit by the ECO’s Compliance Unit to ensure that the terms of the licence have been complied with. The ECD, ECM, ECA, and the PI involved in the export will be involved in the audit.

8.2 The ECO expects that the ECD will also undertake an annual internal audit of a small number of existing licences (the number will be proportionate to the number of active licences). The results of the audit will be reviewed and any necessary changes to this policy will be made.

8.3 An internal audit checklist has been prepared to guide this process, see link below. The checklist and supporting information will be stored by the ECM for a minimum of 6 years following the audit.

9. Guidance and Training

9.1 Training on export control is provided by the Export Control Organisation. The ECM and ECA will be expected to attend at least one such session annually and records will be kept of this training.

9.2 The ECD will ensure that sufficient training is available for researchers whose work may be subject to export control. The ECD and ECM will work with Departments and Faculties to identify staff who work with controlled items or technology and require training. Records will be kept by the ECM of the training provided to researchers.

9.3 This policy and additional guidance will be made available on the Research Operations Office website. This will include updates from the ECO’s ‘Notices to Exporters’.

9.4 All Departments should ensure that this policy is drawn to the attention of new staff on appointment.

10. Document management

This policy and guidelines will be reviewed every three years.

Last Reviewed: June 2016

Next Review: June 2019