**US EXPORT CONTROL**

**UK END USER COMPLIANCE PROCESS**

The UK End User compliance process involves the completion of 3 separate forms. The forms are identified, and the process is explained in the following table.

|  |  |  |
| --- | --- | --- |
|  | **Title of Form** | **Process** |
| 1 | Procurement Questionnaire | 1. Send this Procurement Questionnaire to any US supplier that is asked to quote or bid to supply equipment. The questionnaire must be completed by the supplier otherwise their offer will not be considered. |
| 2 | End User Certification  N.B. definition of “Standard Prohibited End Uses” is attached to the certificate | b. Send this End User Certification to the US supplier (along with the Procurement Questionnaire) indicating that if the offer is accepted, this is the certification that will be given by Cambridge.  c. Require the US supplier to accept this certification as sufficient (and to clear it with their internal export control advisers). If the supplier believes that Cambridge should make additional certifications, notify [researchgovernance@admin.cam.ac.uk](mailto:researchgovernance@admin.cam.ac.uk). Inform the supplier that additional certifications will delay the procurement.  d. If the US equipment is selected, an appropriate departmental signatory needs to sign this End User Certification. This is likely to be the PI, a technical officer who runs the equipment lab, or the Head of Department. The Head of Department must be advised if other members of the department sign the certification.  e. A copy of the certification needs to be kept by the department. |
| 3 | Compliance Return | f. This Compliance Return shall be completed by the departmental signatory of the End User Certification, kept in the Department and copied to [researchgovernance@admin.cam.ac.uk](mailto:researchgovernance@admin.cam.ac.uk) in case of audit by US export control authorities. |

If you have any questions about this process or the forms, please check the [Legal Explanation: Procurement and Compliance Methodology](https://www.research-operations.admin.cam.ac.uk/sites/www.research-operations.admin.cam.ac.uk/files/legal_explanation_procurement_and_compliance_methodology_ver_1.1_6_july_2023.docx) document on the Research Office webpage (“Using US-derived Research Equipment in the UK”).

**U.S. SUPPLIER PROCUREMENT QUESTIONNAIRE**

**EXPORT OF U.S. ORIGIN EQUIPMENT FROM THE U.S. TO THE U.K.**

To ensure that University use of equipment procured from the supplier is compliant with U.S. export controls, the U.S. supplier must complete the following information.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **EQUIPMENT**  to be sold or transferred to Cambridge (complete for each component if different classifications apply) | | **Short description** | **EAR99** | **If not EAR99** | | |
| **EQUIPMENT ECCN** Number(s) including applicable paragraph | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*?**  If so, state reason for control |
| 1 |  |  | Yes/No |  |  |  |
| 2 |  |  | Yes/No |  |  |  |
| **TECHNOLOGY**  to be sold or transferred to Cambridge (complete for each component if different classifications apply) | | **Short description** | **EAR99** | **If not EAR99** | | |
| **TECHNOLOGY ECCN** Number(s) including applicable paragraph | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*?**  If so, state reason for control |
| 1 |  |  | Yes/No |  |  |  |
| 2 |  |  | Yes/No |  |  |  |
| **DOCUMENTATION** (including manuals) provided with the Equipment  *Enter ‘None’ if no documentation is being supplied. Otherwise complete for each part if different classifications apply* | | **Short description** | **EAR99** | **If not EAR99** | | |
| **EQUIPMENT/TECHNOLOGY ECCN**  Number(s) including applicable paragraph | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*?**  If so, state reason for control |
| 1 |  |  | Yes/No |  |  |  |
| 2 |  |  | Yes/No |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **TECHNOLOGY RELEASE**  Will the use or maintenance of the equipment or documentation entail visual or other inspection of items, or oral or written exchanges that will release technology?[[1]](#footnote-1) | | **Short description** | **ECCN**  Number(s) including applicable paragraph | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*?**  If so, state reason for control |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |

**U.S. EXPORT CONTROL END USER CERTIFICATION**

The University acquires equipment from numerous suppliers. To manage compliance with U.S. export controls, the University has standardised its End User Certification. If the U.S. supplier believes the University should make certifications beyond the scope included here, please inform the University. Request for additional certifications will delay procurement of the equipment.

**The University certifies as follows:**

1. The University will comply the U.S. Export Administration Regulations (EAR) and all other applicable export and sanctions regulations promulgated by the United States[[2]](#footnote-2).
   1. In the event of any re-exports or transfers of the equipment, the University will comply with the EAR.
   2. In the event of any deemed re-export of technology received with the equipment or released by the use of the equipment, the University will comply with the EAR.
2. The University is the end user of the equipment. The predominant use of the equipment is academic research. The University’s end-use of the equipment will comply with the EAR.

Signed for and on behalf of the University of Cambridge, Department of [INSERT DEPARTMENT] by:

Signature:

Name:

Job title:

Date:

**U.S. EXPORT CONTROL: STANDARD PROHIBITED END USES**

**All U.S. derived equipment, documentation and technology including EAR99 classified:**

1. The equipment and technology will not knowingly[[3]](#footnote-3) be used in missile activities to include designing, developing, producing, or using:
   * 1. rocket systems, ballistic missiles, space launch vehicles, sounding rockets, or unmanned air vehicle systems (including cruise missile systems, target drones and reconnaissance drones) capable of delivering to a range of at least 300 kilometers; or
     2. rocket systems or unmanned air vehicles, regardless of range, for the delivery of chemical, biological, or nuclear weapons.
2. The equipment and technology will not knowingly be used in chemical or biological weapons activities to include designing, developing, producing, stockpiling, or using chemical or biological weapons, or precursors.
3. If the technology relates to maritime nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, then the technology will not knowingly be used in connection with a foreign maritime nuclear propulsion project.
4. The equipment and technology will not knowingly be used for a military intelligence end use in Russia, Belarus, Burma, Cambodia, China or Venezuela. Military intelligence end-use includes development, production, operation, installation, maintenance, repair, overhaul, refurbishing of, or incorporation into, military items intended to support the actions or functions of a military intelligence end-user.
5. The equipment and technology will not knowingly be used for a military end use in Russia or Belarus or for a Russian or Belarusian ‘military end user’ identified on the Entity List. Military end-use includes incorporation into a military item or supporting or contributing to the operation, installation, maintenance, repair, overhaul, refurbishing, development, or production of military items.

**Further Prohibited Uses for equipment, documentation or technology not classified as EAR99:**

1. The equipment and technology will not knowingly be used for a military end use in Burma, Cambodia, China or Venezuela.
2. The equipment and technology will not knowingly be used in development, production, use operation, installation (including on-site installation), maintenance (checking), repair, overhaul, or refurbishing of a supercomputer located in or destined to China or Macau.
3. The equipment and technology will not knowingly be incorporated into, or used in the development or production of any component or equipment that will be used in a supercomputer located in or destined to China or Macau.
4. The equipment and technology will not knowingly be used in the development or production of integrated circuits at a semiconductor fabrication facility in China or Macau.
5. The equipment and technology will not knowingly be used in the development or production in China or Macau of any parts, components, or equipment specified under ECCN 3B001, 3B002, 3B090, 3B611, 3B991, or 3B992.
6. The equipment and technology will not knowingly be used to support the exploration or production for deepwater, Artic offshore, or shale projects that have the potential to produce oil or gas in any location.

**U.S. EXPORT CONTROL COMPLIANCE RETURN [[4]](#footnote-4)**

This Compliance Return relates to the use of equipment and the corresponding release of technology within the University in the U.K. Any re-export or transfer (in country) requires further review by the University’s Research Office: [researchgovernance@admin.cam.ac.uk](mailto:researchgovernance@admin.cam.ac.uk).

If the Supplier has indicated in the attached U.S. Supplier Procurement Questionnaire that all equipment and technology is either (1) EAR99 or (2) controlled only for AT-reasons, then the signatory of this Compliance Policy will implement the control measures outlined below. If the Supplier has indicated the equipment or technology is controlled for reasons other than AT, please consult with the University’s Research Office to confirm additional control measures.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Restriction** | | **Control Measures** | |
| Restrictions for EAR99 and AT-Controlled Equipment and Technology | | | | |
| 1 | The equipment and technology are not to be used for [any prohibited end use](https://www.ecfr.gov/compare/2023-08-22/to/2023-08-21/title-15/subtitle-B/chapter-VII/subchapter-C/part-744). | | The Department will review the list of [standard prohibited end uses](#US_EXPORT_CONTROLS_STANDARD_PROHIBITED) and confirm that the equipment and technology are not known to be engaged for any such prohibited end use. If the intended use is listed as a prohibited end use, the Head of the Department must consult the University’s Research Office before proceeding. | It is recommended in the case of physical equipment a notice will be affixed to the equipment stating:  *“This equipment is only to be used in accordance with the user instructions [state the location] by a student, contractor or member of staff who has lodged a fully completed use application form that has been countersigned and dated by [insert equipment owner’s contact details].”*  The application form to request use of the equipment will require signature to confirm the user and their organisation is not:  1. from North Korea; or  2. a prohibited end user;[[5]](#footnote-5) or  3. using the equipment for a prohibited end use.[[6]](#footnote-6) |
| 2 | No person with access to the technology may be:   * national of North Korea; or * a prohibited end user. | | The Department will screen each person with access to the technology through the restricted party list available [here](https://www.trade.gov/data-visualization/csl-search), confirm the nationality of such persons, and limit access to those individuals that are authorized. |
| Where AT-Controlled Technology Only (other than EAR99) | | | | |
| 3 | No person with access to the technology may be a national of Cuba, Iran, or Syria. | | The Department will confirm the nationality of each person with access to the technology and limit access to those individuals that are authorized. | Nationals of Cuba, Iran, or Syria to be added to the notice. |
| Where Additional Restrictions other than AT | | | | |
| 4 | | If the Supplier has indicated in the attached U.S. Supplier Procurement Questionnaire that the equipment or technology is controlled for reasons other than AT, the Department must consult with the University’s Research Office for additional control measures. | | |
| *(Any additional control measures to be recorded here)* | | |

Signed for and on behalf of the University of Cambridge, Department of [INSERT DEPARTMENT] by:

Signature:

Name:

Job title:

Date:

1. See part 734.15 - including source code and release of access information (i.e. provision of software keys) [↑](#footnote-ref-1)
2. See Standard Prohibited End Uses [Appendix A].

   This compliance form has been prepared by George Grammas and Michelle Story of Squire Paton Boggs, Washington DC . [↑](#footnote-ref-2)
3. Knowingly means with knowledge that the circumstance exists or is substantially certain to occur, or with an awareness of a high probability of its existence or future occurrence. [↑](#footnote-ref-3)
4. For background information, please consult the Legal Services Division FAQ. [↑](#footnote-ref-4)
5. <https://www.trade.gov/data-visualization/csl-search> [↑](#footnote-ref-5)
6. [https://www.ecfr.gov/compare/2023-08-22/to/2023-08-21/title-15/subtitle-B/chapter-VII/subchapter-C/part-744] [↑](#footnote-ref-6)