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# Export Control Policy (Research and Innovation)

Mae'r ddogfen hon ar gael yn Gymraeg ac yn Saesneg | This document is available in Welsh

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## 1. Introduction

This Policy provides guidance and resources for academic staff undertaking and supervising research and innovation activity which may be subject to export control. Export controls are needed for a variety of reasons, including national security and international treaty obligations. In the UK, the control of strategic goods and technology is undertaken by the Export Control Joint Unit (ECJU), and compliance with export controls is a serious obligation. Legal controls on transfers of sensitive technology, equipment and software are intended to manage the risks of their being misused to:

- Fuel conflict
- Threaten national security
- Support terrorism and crime
- Violate human rights
- Proliferate Weapons of Mass Destruction

## 2. Purpose

Both researchers and the University must adhere to the legal requirements of export control legislation, although many activities conducted in universities are exempt from export controls. The responsibility for compliance with export control regulations ultimately rests with the Principal Investigator (PI) and guidance is available to help researchers fulfil their obligations under UK law. It is important to note that failure to adhere to the requirements of the legislation is a criminal offence and penalties may involve fines, legal costs and potentially a prison sentence (up to a maximum of 10 years). UWTSD researchers must therefore:

- Be aware of export control regulations
- Recognise when those regulations apply to their research
- Seek advice from INSPIRE if in any doubt
- Take appropriate steps to comply with export control regulations, if they apply to their research.

The British Government recognises that UK researchers in various fields are frequently in contact with scientists and researchers in a wide variety of other countries. Their aim is not to restrict the publication of scientific papers and research but to prevent the misuse of knowledge and materials. The Government provides helpful guidance on export controls applying to academic research which is referred to throughout and should be referred to <sup>1</sup>.

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<sup>1</sup> <https://www.gov.uk/guidance/export-controls-applying-to-academic-research>

### 3. Scope

Export controls apply to the physical, electronic or oral transmission outside the UK of the following technologies and or uses:

- a. **Direct military use:** Items as listed on the UK Strategic Export Control Lists.
- b. **Dual-use technology:** Technologies designed for civilian end uses but have the capability to be used for WMD or military purposes as listed on the Control Lists.
- c. **WMD end use:** Items that are not specifically listed on the Control Lists, but are intended, either in their entirety or in part, for WMD purposes. WMD controls only apply if you have been informed of, are aware or suspect WMD end use.
- d. **Sanctions/embargoes:** 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 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.
- e. **Military end-use:** 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.

Controls may apply to material goods (e.g. equipment, materials), and also software, data, technology (e.g. blueprints, plans, diagrams, models, specifications, formulae, manuals or instructions) and know-how (through e.g. consultancy or, in some cases, teaching).

### 4. Policy

The flow chart in **Annex 1** provides a detailed consideration of the questions you should ask, and the decisions and actions that should be taken based on this information. This outlines a six -stage test to assess if your work for the University will result in you having to consider the impact of export control:

- 1) Will an export be taking place?
- 2) If so, does it involve the export of strategic goods or technology (“Controlled Items”)?
- 3) Is there a known military end-use?
- 4) Does an exemption apply?
- 5) Do any sanctions apply?
- 6) Am I using US-controlled items?

The enquiry form in **Annex 2** should be completed by any member of UWTSD staff undertaking research and innovation activity, or supervising that of others at doctoral level, which may require an export license. Further advice can be obtained by contacting the Head of Research Development, in INSPIRE. Training is available on a periodic basis in the UWTSD Researcher Development Programme, and also through the Epigeum Research Integrity 2.0 Export Control Module, which can be taken at any time. Advice in Wales is also available from the UK Government (Dept of Science, Innovation and Technology) Research Collaboration Advice Team (RCAT) who can be contacted through INSPIRE.

## 5. Export Assessment

Export may involve a physical transfer of goods, or it may involve a transfer of software, technology or knowledge by any means e.g. via the internet; in physical or virtual meetings, telephone conversations, emails, presentations or conferences; or licensing of IP overseas. Controls also apply to trafficking or brokering goods between two overseas countries and for exports of items. An activity may be classed as an 'export' for the purposes of export control if it involves:

- Transfer (physical or electronic) of goods, technology, software and / or know-how from the UK to a destination outside the UK (including transit through the UK).
- Arranging or being involved in a transfer between two overseas countries.
- Transfer within the UK when it is known that the ultimate end use is WMD-related
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The UK Government guidance sets out what may count as technology transfer in the context of export controls. **Table 1** provides a summary of this guidance. The full advice should be consulted at the following website <sup>2</sup>

- [Exporting military or dual-use technology: definitions and scope](https://www.gov.uk/government/publications/exporting-military-or-dual-use-technology-definitions/export-of-technology-remote-access-and-the-use-of-cloud-computing-services#definitions)

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<sup>2</sup> <https://www.gov.uk/government/publications/exporting-military-or-dual-use-technology-definitions/export-of-technology-remote-access-and-the-use-of-cloud-computing-services#definitions>

<b>Exporting military or dual-use technology: definitions and scope</b>	
<b>This information may take many forms, including:</b>	Physical transfer of goods, technologies, material or equipment Software Blueprints Plans Diagrams Models Formulae Tables Engineering designs and specifications Manuals and instructions Know-how
<b>Technology transfer: scope</b>	The tangible transfer of technology can be in many forms. This includes information either written on physical documents or recorded on other media, such as: USB flash drives, portable hard drives, laptops, tablets. Technology can also be transferred in an intangible form by using electronic media, such as email. Export licenses are required irrespective whether or not the controlled technology is transferred in an encrypted form.
<b>Travelling overseas to conduct research</b>	Hand carrying out of the UK controlled software or technology on paper or saved on a laptop, mobile phone or memory device. Computers and other electronic devices which you take with you on overseas trips may contain software or information (e.g. files or emails) that are subject to controls or might pose a risk to national security.
<b>Transfer by phone or video-conferencing</b>	Export controls apply where the technology is contained in a document and transmitted by audio or video-conferencing means. This applies when the relevant part of that document is read out or described in such a way as to achieve substantially the same result as if it had been read out. A license is also required where presentations display controlled technology and are viewed by overseas audiences. This may include screensharing to individuals or a wider audience. Licenses will also be required where recordings of presentations containing controlled technology are viewed by overseas audiences.
<b>Transfer by email</b>	Emails containing controlled technology, either in the body of the message or as an attachment, require an export licence based on the transfer to the known location of the overseas intended recipient. This means you have a responsibility to find out where someone is in the world before sending an email containing controlled information. Sending overseas any images of controlled technology contained in documents or papers would require a license.
<b>Transfer using laptops, phones and memory devices</b>	If a laptop, phone or a memory device with stored controlled technology is taken overseas by any individuals this is a transfer and a license will be required. This also applies to visitors from overseas importing or downloading export controlled material in to the UK and subsequently travelling overseas with devices containing the controlled technology.

<b>Cloud storage and routing</b>	Technology can be stored on servers and downloaded or accessed remotely. This is often referred to as cloud storage. For the purposes of UK export controls the location of the exporter and the intended recipient determines the routing of the transfer of technology, not the location of the servers containing the controlled technology.
<b>Physical exports</b>	Permanent or temporary, out of the UK of controlled equipment, components, materials, samples, chemicals and biological agents, and of software or technology stored in a physical format.
<b>Hosting foreign visitors.</b>	If you host visitors from countries that pose security risks you must make sure you do not share information with them that is judged to pose a risk to national security.
<b>Working as an overseas consultant.</b>	You will be subject to export control regulations if you provide expertise as an overseas consultant to countries or individuals that are judged to pose a risk to national security.
<b>Employing foreign nationals as part of your research team.</b>	Research students and colleagues returning home will often 'export' what they learned; sometimes, they may export materials or equipment. In view of this, they may have to be excluded from some research projects or denied associated information.

**Table 1. Methods of Technology Transfer**

## 6. Controlled Items

Applied research in certain fields is high risk and could potentially be misused for military purposes. These areas are usually in the science, technology, engineering and mathematics (STEM) subjects. They include for example aeronautical and space technology, applied physics, electrical and mechanical engineering, instrumentation and sensors, materials technology, production and process technology and telecommunications and information technology. Any research in UWTSD involving the following high risk areas **must** be screened:

<b>Defence</b>	<ul style="list-style-type: none"> <li>• Military equipment and munitions</li> <li>• Defence equipment, including satellites</li> <li>• Technical data, including some border and port information</li> <li>• Dual use research</li> </ul>
<b>Materials and Technologies</b>	<ul style="list-style-type: none"> <li>• Nuclear materials, facilities and equipment</li> <li>• Chemicals, microorganisms and toxins</li> <li>• Electronics design, development and production</li> <li>• Computers</li> <li>• Telecommunications</li> <li>• Sensors and lasers</li> <li>• Navigation and avionics</li> <li>• Marine technology</li> <li>• Composite materials</li> </ul>

	<ul style="list-style-type: none"> <li>• Aerospace and propulsion</li> </ul>
<b>Sensitive information</b>	<ul style="list-style-type: none"> <li>• Cryptology</li> <li>• Counterterrorism</li> <li>• Counternarcotics</li> <li>• Cyber-related</li> <li>• Non-proliferation</li> <li>• Transnational criminal organisations</li> </ul>
<b>Genetic Resources *</b>	<ul style="list-style-type: none"> <li>• Genetic material of actual or potential value</li> <li>• Organisms, or parts thereof</li> <li>• Populations (or organisms)</li> <li>• Other biotic components of ecosystems</li> <li>• Domesticated or cultivated species in which the evolutionary process has been influenced by humans</li> </ul>

**Note \*** Non-human 'genetic resources', which are regulated by an international treaty called the Nagoya Protocol. When accessing non-human genetic materials from another country, you should check the applicability of the [Nagoya Protocol](#). If you have any reason to believe that you could be working with restricted goods or information, you should check the specific requirements you need to consider with the Research Division in INSPIRE.

## 7. Screening Procedure

The controls apply to certain items in these disciplines that meet technical criteria defined in the **UK Strategic Export Control Lists** which are available on the UK Government website listed below <sup>3</sup>. The applicable items are usually set out in some detail in government regulations and guidance documents, down to specific chemicals, pieces of equipment and types of information. These can be accessed at the following webpage: <sup>4</sup>

- [UK Strategic Export Control Lists](#)

The UK Strategic Export Control Lists form the basis of determining whether any products, software or technology that you intend to export are 'controlled' and therefore require an export licence. The Department for International Trade has two online

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<sup>3</sup> <https://www.gov.uk/government/publications/uk-strategic-export-control-lists-the-consolidated-list-of-strategic-military-and-dual-use-items-that-require-export-authorisation>

<sup>4</sup> <https://www.gov.uk/government/publications/uk-strategic-export-control-lists-the-consolidated-list-of-strategic-military-and-dual-use-items-that-require-export-authorisation>



'checker' tools <sup>5</sup>. The '**Goods Checker**', which helps to establish if your items are controlled and identify the appropriate control entry ('rating') from the UK Strategic Export Control Lists. If a licence is required, the '**OGEL Checker**' can be used to identify any appropriate Open General Export Licence (OGEL).

- [OGEL and Goods Checker Tools \(trade.gov.uk\)](https://www.trade.gov.uk/ogel-goods-checker)

The full consolidated list of strategic military and dual-use items that require export authorisation, as published by the Joint Export Control Unit, can be access here: <sup>6</sup>

- [Consolidated list of strategic military and dual-use items that require export authorisation](https://www.gov.uk/government/publications/uk-strategic-export-control-lists-the-consolidated-list-of-strategic-military-and-dual-use-items-that-require-export-authorisation)

## 8. Dual-use items, software and technology, goods for torture and radioactive sources

This is a summary only, and the full guidance *must* be consulted at the following website <sup>7</sup>:

- [Software and technology, goods for torture and radioactive sources](https://www.gov.uk/guidance/export-controls-dual-use-items-software-and-technology-goods-for-torture-and-radioactive-sources)

The list is split into nine categories, which are detailed below. Importantly, the Dual Use List includes not only physical goods, but also software and technology.

DL	Title	Summary (Should not be taken as complete)
0	<b>Nuclear Materials, Facilities &amp; Equipment</b>	Controls nuclear technologies which are specifically designed for a nuclear end use. Note: licences are typically required for transfers within the EU
1	<b>Special Materials and Related Equipment</b>	Controls high specification dual-use materials, such as alloys, composites, and similar; and chemical weapon precursors and toxins, many of which require licences for transfers within the EU
2	<b>Materials Processing</b>	Deals with a wide variety of advanced manufacturing equipment, including high-accuracy multi-axis machine tools

<sup>5</sup> [https://www.ecochecker.trade.gov.uk/spirefox5live/fox/spire/OGEL\\_GOODS\\_CHECKER\\_LANDING\\_PAGE/new](https://www.ecochecker.trade.gov.uk/spirefox5live/fox/spire/OGEL_GOODS_CHECKER_LANDING_PAGE/new)

<sup>6</sup> <https://www.gov.uk/government/publications/uk-strategic-export-control-lists-the-consolidated-list-of-strategic-military-and-dual-use-items-that-require-export-authorisation>

<sup>7</sup> <https://www.gov.uk/guidance/export-controls-dual-use-items-software-and-technology-goods-for-torture-and-radioactive-sources#dual-use-items-software-and-technology>

3	<b>Electronics</b>	Controls advanced electronic components with military, space, or nuclear applications
4	<b>Computers</b>	Controls high-performance and high-accuracy computers
5	<b>Telecommunications &amp; Information Security</b>	Controls communications and information security equipment, including some commercial grades of encryption
6	<b>Sensors &amp; Lasers</b>	Controls a wide range of sensors with military application, including for use in space and a variety of lasers
7	<b>Navigation &amp; Avionics</b>	Controls equipment that can be used for military navigation, including shock-proof gyros and accelerometers etc.
8	<b>Marine</b>	Controls underwater equipment
9	<b>Aerospace &amp; Propulsion</b>	Controls space and aerospace technology

## 9. Military goods, software and technology

This is a summary only, and the full guidance *must* be consulted at the following website: <sup>8</sup>

- [Military goods, software and technology](https://www.gov.uk/guidance/export-controls-military-goods-software-and-technology#controlled-military-items)

ML	Description
1	Smooth Bore Weapons Small
2	Smooth Bore Weapons large
3	Ammunition and fuse setting devices
4	Bombs, torpedoes, rockets, missiles, other explosive devices
5	Fire control equipment and related alerting and warning equipment
6	Ground "vehicles" and components (military)
7	Chemical or biological toxic agents, toxic chemicals and mixtures containing such agents or chemicals, "riot control agents", radioactive materials, related equipment, components

<sup>8</sup> <https://www.gov.uk/guidance/export-controls-military-goods-software-and-technology#controlled-military-items>

<b>8</b>	"Energetic materials", and related substances
<b>9</b>	"Vessels" of war, special naval equipment, accessories, components and other surface "vessels"
<b>10</b>	"Aircraft", "lighter-than-air vehicles", unmanned aerial vehicles, aero-engines and "aircraft" equipment, related goods, and components
<b>11</b>	Electronic equipment, not specified elsewhere in this Schedule, as follows, and specially designed components therefor: <ul style="list-style-type: none"> <li>a. Electronic equipment specially designed or modified for military use;</li> <li>b. Global Navigation Satellite Systems (GNSS) jamming equipment</li> </ul>
<b>12</b>	High Velocity Kinetic Energy Weapon (KEW) systems and related equipment
<b>13</b>	Armoured or protective goods and constructions, as follows, and specially designed components therefor
<b>14</b>	Specialised equipment for military training or for simulating military scenarios, simulators specially designed for training in the "use" of any firearm or weapon specified in ML1 or ML2
<b>15</b>	Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories
<b>16</b>	Forgings, castings and other unfinished "goods", specially designed for any of the "goods" specified in ML1 to ML4, ML6, ML9, ML10, ML12 or ML19
<b>17</b>	Miscellaneous goods, material and 'libraries', and specially designed components therefor
<b>18</b>	Production equipment and components as follows: <ul style="list-style-type: none"> <li>a. Specially designed or modified production equipment for the "production" of goods specified in this Schedule, and specially designed components therefor;</li> <li>b. Specially designed environmental test facilities and specially designed equipment therefore, for the certification, qualification or testing of goods specified in this Schedule</li> </ul>
<b>19</b>	Directed Energy Weapon (DEW) systems, related or countermeasure equipment and test models, as follows, and specially designed components
<b>20</b>	Cryogenic and "superconductive" equipment, and specially designed components and accessories therefor
<b>21</b>	"Software" specifically designed or modified for the development production or use of other controlled technology
<b>22</b>	"Technology", other than "technology" specified in ML22.b., which is "required" for the "development", "production" or "use" of goods or "software" specified in this Schedule

## 10. Known or expected military end-use

End use controls apply to 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. Full guidance is available from the Export Control Joint Unit: <sup>9</sup>

- [UK strategic export controls](#)

Information relating to arms embargos is available at the following website: <sup>10</sup>

- [Trade sanctions, arms embargoes, and other trade restrictions](#)

The end use controls look at who the end user is and what the end use is. The following list of questions may help you establish an end use or end user issue that you need to look into further. Even if the item, technology or software is not listed in the UK Consolidated Lists, a licence could also be required if the exporter knows, has been informed or suspects there is a WMD end use.

- a) Have you been made aware that the item, information or software to be shared, shipped, hand carried, transmitted or transferred may support the design, development, production, stockpiling or use of a nuclear explosive device, chemical or biological weapons, or missiles?
- b) Do you otherwise know or have any reason to suspect that such end use is envisaged?
- c) Does the end-user country definitely, probably or possibly have a WMD or delivery system programme?
- d) Are the items potentially of high, medium or low utility in relation to any of the activities listed in the WMD End-Use Control?
- e) Are the items potentially of high, medium or low utility in relation to any WMD programme in the end-user country?
- f) Consider if there reasons to suspect use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons
- g) Are the items relevant to identified procurement requirements of such a WMD programme, either in the destination country or, where the destination country is known or suspected of being involved in passing on WMD-related items to a third country, in any of the suspected end-use countries?

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<sup>9</sup> <https://www.gov.uk/guidance/uk-strategic-export-controls#end-use>

<sup>10</sup> <https://www.gov.uk/guidance/current-arms-embargoes-and-other-restrictions>

- h) Is the end user, importer, or any third parties to the transaction known to be of concern?
- i) Is the identity and circumstances of the end user sufficiently known? Lack of information or any doubts about the end user may indicate the need to apply for a licence. If there was insufficient information a licence might be refused.

## 11. Exemptions

There are exemptions for some areas of academic research. The government aims to prevent the potential misuse of research or collaboration. It is not to restrict research, academic collaboration, or vet publication of scientific papers. The Government provides helpful guidance on export controls applying to academic research which is available at the following [website](#).<sup>11</sup> Exemptions to export controls fall into three areas.

### **Exemption: “In the public domain”**

Controls do not apply to software or technology that is “available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright)”. The main considerations are:

- The software or technology must already be available to anyone without restriction e.g. on a website, at an exhibition or a conference open to the public
- Is not exempt if access to it is in any way restricted, except if it is available to anyone in return for payment, in which case it is exempt
- Research intended to be published is not exempt until after it is published. Sending unpublished research work overseas e.g. in the course of teaching, research collaboration or for peer review is not exempt
- The act of publication is not itself subject to licensing unless the technology is otherwise restricted e.g. it contains official classified information.

### **Exemption: “Basic scientific research”**

Export controls do not apply to research in the pursuit of basic scientific knowledge. This is experimental or theoretical work. It is undertaken to solely obtain new knowledge of the fundamental principles of phenomena or observable facts. It is not directed towards a specific practical aim or goal. This exemption only applies to controlled dual-use technologies. It does not apply where there are end-use, end-user or destination concerns. By definition military listed technology is for a specific application, and therefore is not basic scientific research. The main considerations are:

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<sup>11</sup> <https://www.gov.uk/guidance/export-controls-applying-to-academic-research>

- Technology is exempt if it concerns purely experimental or theoretical work, undertaken to solely obtain new knowledge of the fundamental principles of phenomena or observable facts
- It is likely to be basic scientific research if the sole intended output is a published article in a peer reviewed scientific journal
- Technology Readiness Levels (TRL) 1-3, but TRL 3 is borderline and needs to be considered case-by-case
- It is not directed towards a specific short-term practical aim nor addressing a specific technical problem
- This exemption does not apply to software.

### **Exemption: Patent Applications**

Except for nuclear dual-use technology, the controls do not apply to the minimum technical information required to support a patent application.

## **12. Sanctions**

Sanctions are restrictive measures that can be put in place to fulfil a range of purposes. In the UK, these include complying with UN and other international obligations, supporting foreign policy and national security objectives, as well as maintaining international peace and security, and preventing terrorism. Under UK legislation, the country that you intend to export items to may place further limitations on the licence that you can receive. The list of restrictions changes frequently, so it is advisable to check the relevant guidelines every time you plan to export something. Also be aware that the other country may have import requirements, which you will need to ensure you adhere to. The sanctions list can be accessed at the following website: <sup>12</sup>

- [UK Sanctions List](https://www.gov.uk/guidance/uk-sanctions)

To comply with these obligations, 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. It is also recommended to screen current overseas partners routinely on a monthly basis (or more or less frequently, depending on the level of risk) in case they become newly subject to 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 by the ECM to the Department for International Trade's 'End-User Advice' service.

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<sup>12</sup> <https://www.gov.uk/guidance/uk-sanctions>

### 13. US-controlled items

US restrictions apply to hardware, software and technology that is located in the UK if it is:

- US-origin
- UK-made incorporating more than a certain proportion of US-controlled components;
- UK-made directly from US-controlled technology

Although there are exceptions, a US licence may be required to transfer such items to anyone in the University who is a foreign or dual national, or to anyone outside the University, in the UK or overseas.

### 14. Monitoring

UWTSD researchers may discover they have exported goods or transferred controlled technology without an appropriate export licence in place. It is also possible that a compliance inspector from the Export Control Joint Unit will identify an irregularity during a compliance audit. If this happens, it is very important that the University reports the irregularity to HMRC (sometimes known as 'voluntary disclosure') as soon as possible, as they are responsible for the enforcement of strategic export controls. If voluntary disclosure is required, you should contact the Head of Research Development in INSPIRE immediately and provide:

- Details of the export, including dates
- Any relevant documents, such as export documentation and commercial invoices
- Details of how the breach was discovered, why it occurred and what steps you have put in place to ensure it does not happen again

### 15. Misuse of Policy

The policy facilitates the University's compliance with the legal basis for export controls. Legislation making up the framework for export controls comprises the: Customs and Excise Management Act 1979, Export Control Act 2002, Export Control Order (as amended) 2008. Other legislation of relevance includes: Anti-Terrorism, Crime and Security Act 2000, Biological Weapons Act 1974, Chemical Weapons Act 1996 and UN sanctions and arms embargoes are implemented by Orders in Council under the United Nations Act 1946. It is important to note that failure to adhere to the requirements of the legislation is a criminal offence and penalties may involve fines, legal costs and potentially a prison sentence (up to a maximum of 10 years).

Failure to follow the University's Policy on export control may result in disciplinary action. Where the Research Ethics Committee or other responsible officer become aware that research is being conducted in breach of this policy and procedures or of researchers who are not complying with them, the matter may, in relevant cases be resolved by informal discussion with the researchers and remedial action being taken by them. However, where necessary the matter may be formally presented to the University Research Ethics Committee and referred to the Senior Leadership Team. Ultimately non-compliance that cannot be resolved through the channels mentioned previously may become a disciplinary matter, and may be the subject of legal action.

## **16. Links to other policies / procedures**

UWTSD Research Ethics and Integrity Policy

UWTSD Trusted Research and Innovation Policy

UWTSD Research Data Management Policy



## Annex 1: Export Controls Due Diligence Flowchart

Does my research potentially involve direct military use or a dual-use technology?	No	<p>Do UK, US or EU sanctions apply to any persons, organisations or countries involved in the activity?</p> <p>↓</p> <p><b>If no:</b> proceed</p> <p><b>If it is prohibited:</b> stop</p> <p><b>If it is restricted:</b> establish a plan to comply, and seek approval before proceeding</p>
<b>Yes</b> ↓		
Will the proposed activity involve transferring any technology, software, information, equipment, materials or knowledge outside the UK?	No	
<b>Yes</b> ↓		
The PI should complete the Export Control enquiry form to answer the following questions		
<b>Yes</b> ↓		
Have you been informed, do you know or do you suspect any item(s) to be transferred are intended to be used for military or Weapons of Mass Destruction purposes?	Yes.	
<b>Seek advice</b> ↓		
<b>No</b> ↓		
Will any item be imported from the US; if so, it is subject to US export controls?		
<b>Yes or No</b> ↓		
If any transfers outside the UK will be limited to knowledge, software and technology (i.e. there will be no export of equipment or materials), will they meet the definition of basic scientific research or already in the public domain?	Yes	
<b>No</b> ↓		
Does any item to be transferred outside the UK meet the definitions in the UK lists of military and dual-use items?	No	
<b>Yes</b> ↓		
Obtain a UK export license		
Determine whether a US license is required; if so, ensure it is in place together with a plan to ensure compliance		

## Annex 2: Export Controls Enquiry Form

This form should be completed for all applications or proposals for research projects, material transfers, transnational education or IP licensing that concern work at staff research and post-graduate level which **a)** may involve the transfer of sensitive technology or other items out of the UK; and/or **b)** may involve any items that are subject to US export controls. Before completing this form, please refer to the Guidance on Export Control and Research.

For the purposes of this form:

- 'Item' includes technology or technical information in any form (e.g. research results, data, models, designs, plans, formulae, etc.), and equipment, components, materials, biological agents or software.
- 'Transfer' includes physical export, carrying in personal luggage, sending by email, video conference, online learning, downloading or accessing of documents by a person located overseas, and by telephone if information is communicated as if the recipient had read it.

If you have any questions, please contact the Head of Research Development (Dr Matt Briggs. [m.briggs@uwtsd.ac.uk](mailto:m.briggs@uwtsd.ac.uk))

Section 1: Project Information	
Project Title	
Research Compliance case reference	<i>[Research Division to complete]</i>
PI or Proposer	
Collaborators, Co-investigators	
Department	
Telephone Number	
Email Address	
Funder (if any)	
Date	
Section 2: Item Information	
Description of the item(s)	

Intended overseas recipient(s) (person, organisation, address). If publishing technology in an academic journal, please specify here:	
How will the items be transferred or exported (e.g. digitally, physically)?	

Section 3: End-Use				
1.	What is the item(s) intended end-use?			
2.	Are you aware if any further onward export will take place from the intended overseas recipient?			
		<b>Yes</b>	<b>No</b>	<b>Unsure</b>
3.	Have you been informed, do you know or do you suspect that the items are intended to be used in a programme related to Weapons of Mass Destruction i.e. nuclear, chemical or biological weapons or missiles capable of delivering them?			
4.	Have you been informed, do you know or do you suspect that the items are intended to be used for any military purpose?			
Section 4: US-controlled items				
		<b>Yes</b>	<b>No</b>	<b>Unsure</b>
1.	Will any material, item or component be received physically or digitally from any country outside the UK? If so, please state which:			
2.	Will any material, item or component be directly received physically or digitally from the US?			
3.	Are you aware if the material, item or component received has, or could have a US origin?			

4.	If yes to 2) or 3), please explain the nature and purpose of this import, its intended use, and whether it will be subject to any further onward export from the point of receipt here:																
5.	Will the import be controlled under the E.A.R list, classified under the I.T.A.R regime, or subject to any other export control lists under the C.F.R? (Please ask the supplier for clarification if necessary)																
6.	If the US Export Control Classification Number is known, please provide it here:																
<b>Section 5: Exemptions</b>																	
		<b>Yes</b>	<b>No</b>	<b>Unsure</b>													
1.	<p>Does all the technology related to this proposal meet the definition of ‘basic scientific research’? This is defined as “<i>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</i>”. It is likely to be exempt if:</p> <ul style="list-style-type: none"> <li>• It concerns purely experimental or theoretical work, undertaken solely to obtain new knowledge of the fundamental principles of phenomena or observable facts; • the sole intended output is a published article in a peer reviewed scientific journal;</li> <li>• It is Technology Readiness Level (TRL) 1-3, but TRL 3 is borderline and needs to be considered case-by-case;</li> <li>• It is not directed towards a specific short-term practical aim nor addressing a specific technical problem.</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">TRL</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Basic principles observed</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Technology concept formulated</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Experimental proof of concept</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Technology validated in lab</td> </tr> <tr> <td style="text-align: center;">5</td> <td>Technology validated in relevant environment</td> </tr> <tr> <td style="text-align: center;">6</td> <td>Technology demonstrated in relevant environment</td> </tr> </tbody> </table>			TRL		1	Basic principles observed	2	Technology concept formulated	3	Experimental proof of concept	4	Technology validated in lab	5	Technology validated in relevant environment	6	Technology demonstrated in relevant environment
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2	Technology concept formulated																
3	Experimental proof of concept																
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5	Technology validated in relevant environment																
6	Technology demonstrated in relevant environment																

	7	System prototype demonstration in operational environment			
	8	System complete and qualified			
	9	Actual system proven in operational environment			
2	<p>Does all the software and technology related to this proposal meet the definition of 'already in the public domain'? This is defined as "available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright". It is likely to be exempt if:</p> <ul style="list-style-type: none"> <li>• It is available to anyone without restriction e.g. on a website, at an exhibition open to the public;</li> <li>• access to it is in no way restricted (except if it is available to anyone in return for payment);</li> <li>• it has been published. But research intended to be published is not exempt until after it is published. Sending unpublished research work overseas e.g. in the course research collaboration or for peer review is not exempt;</li> <li>• the act of publication is not itself subject to licensing unless the technology is restricted e.g. official classified information.</li> </ul>				

Section 6: Military and Dual-Use Controls					
			Yes	No	Unsure
1.	Is any item specially designed or modified for military use? If yes, please refer to the ' <a href="#">Goods Checker</a> ' tool, check all relevant key terms, and provide your best estimation of the item's classification (e.g. "ML22.a" for most forms of technology required for military items):				
2.	Is any item listed in the UK's Dual-Use lists? Please refer to the ' <a href="#">Goods Checker</a> ' tool, check all relevant key terms and, if any item may meet the criteria, provide your best estimation of its classification (e.g. "9E001" for technology required for the development of certain aircraft engines):				

**Please submit this form to INSPIRE, Head of Research Development  
m.briggs@uwtsd.ac.uk**

**For completion by INSPIRE**

		Yes	No	Unsure
1.	Will any item be transferred/exported out of the UK?			
2.	Are there any WMD end-use concerns?			
3.	Will any US export controls apply?			
3(a).	If so, is a compliance plan in place?			
4.	Do Public Domain or Basic Scientific Research exemptions apply?			
5.	Do any UK, EU or US sanctions apply?			
5(a).	If so, state which sanctions are applicable and their effect			
5(b).	If an activity is restricted, is a compliance plan in place?			
6.	Do UK military or dual-use export controls apply?			
6(a).	If so, what are the export control classifications of the item(s) concerned:			
6(b).	State the title and reference number of the export licence(s) to be used:			
7.	Case Summary (including details as to how a decision/judgement has been reached):			
8.	Any other comments or observations:			

**Completed by Head of Research Development**

Name:

Date:

Signature:

**Approved by Corporate Services**

Name:

Date:

Signature:



Policy author(s):

**Dr Matt Briggs**

**Head of Research Development**

Document version control

Version No:	Reason for change:	Author:	Date of change:
Draft v1	Consideration and approval by Research Committee	MB	11 <sup>th</sup> Oct 2023
Final v1	Consideration by Senate	MB	24 <sup>th</sup> April 2024

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Is the Policy applicable to: FE

Date ratified: 11<sup>th</sup> Oct 2023

Date effective from: 24<sup>th</sup> April 2024

Policy review date: 11<sup>th</sup> Oct 2025

For publication: on UWTSD website / MyDay

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### *Approval*

*The policy will be formally considered and approved in accordance with Committee Terms of Reference outlined in the Academic Quality Handbook.*

*If the policy affects staff, advice should be sought from HR at the outset to ascertain if consultation is required at JCC. HR will also provide advice on the most appropriate stage to consult with JCC and on whether approval by Council is required*

*ALL policies submitted for approval must be accompanied by a completed:*

- [Equality and Welsh Language Impact Assessment](#)
- [Institutional Impact Assessment](#)
- [Data Protection Impact Assessment](#)

*Prior to submission to committee, authors are asked to consult the Policy and Planning Team who will check that the document complies with University requirements. The Policy and Planning Team will complete the section below.*

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### **For completion by the committee secretary**

*Please tick to confirm the following:*

*An institutional Impact Assessment has been completed*

*An EIA and Welsh Language Assessment has been completed*

*A DPIA has been completed*

*Matters requiring consideration by the approving committee:*



