University of **BRISTOL**

EXPORT CONTROL POLICY

1. Export Control – does this policy apply to me?

1.1 Introduction

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 Organisation (ECO).

There is a two stage test to assess if your work for the University will result in you having to consider the impact of export control:-

- Will an export be taking place?
- If so, does it involve the export of strategic goods or technology ("Controlled Items")?

1.2 Am I going to export?

Export involves the transfer of an item to a destination outside the United Kingdom and the Isle of Man, but also includes arranging or being involved in the transfer of goods between two overseas countries.

The controls do not just apply to the export of physical items but can also include a student and tutor meeting, a telephone conversation, an email, a presentation, licensing of software and intellectual property overseas, or even taking a laptop overseas with Controlled Items (e.g. software) stored on it.

Export controls apply to the academic community just as they apply to individuals, businesses and other organisations and are designed to safeguard the position of the UK in the international academic and scientific communities. Their aim is not to restrict the publication of scientific papers and research but to prevent their misuse.

If you are going to export you now need to consider whether the item is a Controlled Item:

1.3 What are Controlled Items?

Controlled Items are:-

- Goods specifically listed on the UK Strategic Export Control Lists.
- 'Catch-all' or 'end-use controls' which apply to goods that are not specifically listed on the control lists but where they could be used in the development of weapons of mass destruction.
- Other items to destination countries that are subject to embargoes or sanctions – for further information visit the BIS website.

Examples of research areas that may be subject to export control include cryptography, quantum information (specifically quantum key distribution and cryptoanalytical devices) and specific composite materials and associated equipment.

You must contact the University's Export Control Manager (ECM) who will assess whether or not the proposed export involves a Controlled Item. See the University [Compliance Statement](#) for contact details.

1.4 Are there any Exemptions?

There are exemptions from some controls for both scientific research and information in the public domain explained [here](#). You must contact the ECM to confirm whether or not an exemption applies.

1.5 Further information

- Introductory information on UK export controls: [export controls: an introductory guide.](#)
- Consolidated list of 'controlled' military and dual-use items that require an export licence issued by the Export Control Organisation: [UK strategic export control lists](#)
- Guidance on Export Control Legislation for academics and researchers in the UK: [guide for academics](#)

2. Who is Responsible for this Policy and Responsible Personnel

The University's [Compliance Statement](#) sets out the names and contact details of the current post holders appointed to be responsible for this policy.

The University's Export Control Director (ECD) has overall responsibility for ensuring compliance with this policy, including overseeing internal self-audit and approving each export licence application. This policy does not form part of any member of staff's contract of employment and it may be amended at any time. You will be notified of any changes to this policy by the placing of the updated versions of it on the University's website so please refer to the website for the most up to date version.

The responsibilities of the Export Control Manager (ECM) shall include:-
- Working with the member of staff to identify whether an export licence is required and what type of licence to apply for;
- Applying for export licences;
- Managing the export process;
- Record keeping;
- Identifying relevant staff and ensuring they are aware of export control and this policy;
- Delivering training; and
- Coordinating audits.

3. Export Control Compliance Procedure

1. If a member of staff believes that this policy applies to an export that they intend to make, they must contact the ECM at the earliest opportunity and complete an [Export Request Form](#). While the ECM will work with the member of staff to establish whether or not the technology requires an export licence, the ECM will make the final decision as to whether or not an export licence is required, and which type of export licence would be suitable. The ECM will also consider if the export should be considered as suspicious. If an export licence is required the member of staff is then responsible for securing the items, software or technology against export. You should contact the

ECM to confirm what steps are necessary to comply with this requirement prior to the export licence being obtained.

2. The ECM will complete the Export Control Form and submit it to the ECD for approval.

3. Once the ECD has approved the request, the ECM will apply for the relevant export licence via the Export Control Organisation's online export licensing system: SPIRE, if the export is not taking place under an existing Open General Export Licence. If necessary for the export licence application, the ECM will obtain an end user undertaking from the end user prior to submitting the application.

4. Once any necessary export licence has been issued, export may take place according to the terms of the export licence. The ECM is responsible for informing the member of staff of the terms of the licence and records the details of the export as set out in section 4 below. Export may not take place until this notification has been received.   If physical goods are being exported outside the EU, it will be necessary to put the export licence number on the customs declaration notice and HMRC may also need to be notified by the ECM (further details on the BIS website).

4. Record Keeping

When an export enquiry is received, the ECM will log the enquiry on the Research Commercialisation IP database and ensure that the enquiry has a related project number. All electronic information will be stored in the related project folder. This will include:-

- The completed Export Request Form;
- The completed Export Control Form;
- Correspondence with the Export Control Organisation related to the export;
- The export licence;
- The date of transfer or the period of time over which the transfer takes place;
- In the case of software the software file that is exported and the details of transfer;
- In the case of a transfer of technical information by email, the email. (Note that associated emails which may relate to the transfer but do not add to it do not need to be recorded); and
- Any other records which either the export licence or the ECM specifically requires to be stored.

A spreadsheet summarising the exports will also be stored. The ECM shall ensure that the spreadsheet and associated documentation are up to date.

The records will be kept for a minimum of 4 years from the end of the year in which the export took place.

5. Information and Training

The ECO issues periodic updates about changes in legislation, introduction to new licences and other changes in export controls. Current Notices to Exporters are published online. The ECM is responsible for maintaining up to date information on regulations and has registered to receive electronic updates from the ECO website.

The ECM will attend relevant courses held by the ECO on export control. A record of the training received by the ECM will be maintained.

The ECM will review annually which members of staff work in areas that could be subject to export control (e.g. Quantum Information, Cryptography) and will have meetings with these staff members on an annual basis to ensure that they understand this policy.

Information on this policy will be introduced into RED's new starter induction presentation. Information will be provided on the Secretary's Office website for staff members.

6. Auditing

The ECO's Compliance Unit is responsible for undertaking audits to check that exporters are complying with the terms of their export licences.

The following staff will be involved in the audit:

- The ECD
- The ECM
- The lead academic staff member involved in the export process.

An annual internal self-audit will also be undertaken by the ECM and logged electronically. The results of the annual internal audit will be reviewed by the ECD who shall consider if any changes are necessary to this policy as a result of the internal audit.

7. Relevant Documents and Forms

The following are available:

- University Compliance Statement
- Export Request Form
- Export Control Form
- Audit of Internal Compliance Procedures Checklist
- Suspicious Enquiries Checklist

Approved by Council – November 2013