

VICE-CHANCELLOR'S STATEMENT ON EXPORT CONTROLS

The University works within a vibrant and productive international research community with our research benefiting from collaboration and funding from across the world. Collaboration with researchers and organisations around the world is fundamental to our research endeavour.

Whilst the University of Sussex engages in international research collaboration and transnational education activities which are mainly free of constraints, the physical and electronic transfer of sensitive goods, software, technology and equipment outside the UK is subject to legal restrictions known as export controls.

The purpose of export controls, which are derived from national legislation and international obligations and treaties, is to limit the transfer of technology or strategic goods to prevent the development of military programmes and the proliferation of weapons of mass destruction, and to counter terrorist threats. It is in the interest of us all that the controls are effective to preserve national and international security.

The University's Export Controls policy, with associated procedures and guidance, set out what is currently restricted and the steps we take to comply with relevant controls. The Export Controls Director (ECD) has overall responsibility for the policy, and the Export Controls Manager (ECM) has operational responsibility. They will regularly review the effectiveness of our procedures, in light of the Code of Practice issued by the U.K. government's Export Control Joint Unit.

Each of us must be aware of our own role and cooperate fully with the ECD and ECM, as they may require, to put the policy into practice. Compliance will not only avoid the risk of serious penalties and damage to our reputation, but it will help to ensure that we can continue to safely and confidently expand our international horizons in our research and teaching endeavours.

EXPORT CONTROLS POLICY

1. OVERVIEW AND PURPOSE

- 1.1 The University of Sussex is committed to complying with UK export control legislation, as amended from time to time, including the Export Control Act 2002 and the Export Control Order 2008.
- 1.2 These controls are in place to restrict the transfer of technology and strategic goods outside the UK to prevent the development of military programmes and the proliferation of weapons of mass destruction, and to counter terrorist threats. It is in the interest of us all that these controls are effective, in order to preserve national and international security.
- 1.3 This policy, with its associated procedures and guidance, sets out current restrictions and the steps we take to comply with relevant controls.

2. SCOPE

- 2.1 This policy applies to all members of University staff, postgraduate researchers and students who transfer items on the UK Strategic Export Control List¹ outside the UK. The transfer of items includes but is not limited to the transfer of sensitive goods, software, technology, know-how and other information including physical exports, electronic transfers, e.g. via email, file sharing, virtual meetings, and transfers by any other means including verbal communication.
- 2.2 In addition, this policy applies to all members of University staff and students intending to transfer the following items either within *or* outside the UK:
 - a) items to individuals, entities or countries subject to sanctions² (including trade sanctions³)
 - b) items where "end-use controls" apply⁴
 - c) items where US sanctions⁵ and/or export controls⁶ apply
- 2.3 For the purposes of this policy, items are both tangible and intangible and include physical products, as well as the knowledge and information necessary for their development, production or use.

3. RESPONSIBILITIES

3.1 Export Controls Director (ECD) & Export Controls Manager (ECM)

¹ [UK Strategic Export Control Lists](#)

² [The UK Sanctions List - GOV.UK](#)

³ [Trade sanctions, arms embargoes, and other trade restrictions - GOV.UK](#)

⁴ [End-use controls applying to military related items - GOV.UK](#)

⁵ [Sanctions Programs and Country Information | Office of Foreign Assets Control](#)

⁶ [U.S. Export Controls](#)

- 3.1.1 The Director of Research and Innovation Services is the appointed Export Controls Director (ECD) for the University who has overall responsibility for ensuring compliance with this policy.
- 3.1.2 The Export Controls Director is supported by the Governance and Compliance Manager who is the appointed Export Controls Manager (ECM) for the University. They have responsibility for supporting members of staff and students to identify whether an export licence is required, the type of export licence to apply for, and for supporting the application and management of export licences.

3.2 **Executive Deans**

- 3.2.1 Executive Deans have a responsibility for the implementation of this policy within their Faculty including by taking all reasonable steps to ensure that staff and students in their Faculties are aware of and are compliant with the policy.

3.3 **Line managers**

- 3.3.1 Line managers are responsible for ensuring their staff are aware of and understand the policy.

3.4 **All staff⁷**

- 3.4.1 All members of staff are responsible for:
- familiarising themselves with this policy;
 - completing all relevant training as provided or recommended by the University;
 - complying with the relevant controls in respect of the export of research results and materials they produce;
 - providing the necessary advice and guidance to the students that they supervise (where applicable); and
 - seeking advice and requesting that licences are applied for as necessary, via the Export Control Manager (or delegate).

4. **POLICY**

4.1 **Preventing breaches of export control legislation**

- 4.1.2 Any member of the University looking to transfer controlled goods, technology, or software outside of the UK, or subject to controls as set out in 3.2, should follow the more detailed guidance available on the University's website⁸ to confirm whether

⁷ 'All staff' includes senior managers, officers, and directors; employees (whether permanent, fixed-term, temporary, or casual); contract, seconded, and agency staff; volunteers, apprentices, and interns; and others associated with (i.e. performing services for or on behalf of) the University (for example, agents and consultants).

⁸ [Managing Security-Related Risks in Internationalisation : Business Continuity and Risk Management : Governance and Compliance : University of Sussex](#)

export controls apply to their work. For the avoidance of doubt always complete the Export Controls Enquiry Form* which is directed towards the Export Controls team.

4.1.3 Controlled goods are those that meet the definitions of 'dual-use', military or Weapons of Mass Destruction (WMD) end-use. Controlled technology is the information required for the development, production or use of controlled goods (NB a broader definition applies to nuclear technology). It includes data, research papers, designs, manuals, formulae, etc. Controlled software is generally software that is specially designed for the development, production or use of controlled goods.

4.1.4 Areas most likely to be affected by export controls include but are not limited to:

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| <ul style="list-style-type: none">• Additive manufacturing• Aeronautical and space technology• Applied chemistry, biochemistry and chemical engineering• Applied physics• Automation and control including drones and other technology• Biological sciences relating to viruses, pathogens and vaccines• Biotechnology• Chemical or toxic properties• Cryptography• Electrical and mechanical engineering | <ul style="list-style-type: none">• High specification electronics and computers• High strength materials• Instrumentation and sensors• Lasers, sonar and optics• Materials technology• Navigation and avionics• Nuclear sciences, technologies or engineering• Production and process technology• Quantum computing• Submersible equipment• Telecommunications and information technology |
|--|--|

4.1.5 Please use the Department for International Trade's online checker tools⁹ to establish:

- a) if the items are subject to 'dual-use' or military controls
- b) the appropriate control entry reference in the consolidated list
- c) if an appropriate Open General Export Licence (OGEL) exists

4.1.6 If you suspect that any of the following apply, you should always complete the Export Controls Enquiry Form* in the first instance and then where further advice is needed contact the Export Controls team at exportcontrols@sussex.ac.uk:

- **The items are subject to 'dual-use' or military controls** (see 5.1.4)
- **End-use controls apply**
These are 'catch-all' controls that apply based on the intended end-use of the export. They apply to potentially any items/technologies, not just those on the control lists. The two main areas of end-use controls are WMD end-use controls and military end-use controls.

⁹ [OGEL and Goods Checker Tools](#)

- **US legal restrictions apply**

These apply to items and technology in the UK if they are: (a) US-origin military or dual-use; (b) made outside the US but incorporate any US-origin military components or over 25% (in most cases) by value of US-origin dual-use components; or (c) made outside the US on the basis of US-controlled technology. Although US law provides for a wide range of exemptions, a US export licence may be required to transfer such items or technology either within or out of the UK, or to allow access to it to a foreign or dual national within the University, including staff, students or visitors. Failure to comply with US requirements can result in fines and, ultimately, sanctions on the University. Some US sanctions also prohibit the supply of all US-origin items (e.g. US-made laboratory equipment, laptops) to US sanctions targets.

4.1.7 All export licence applications will need to be submitted by the Export Controls Manager (or delegate) and approved by the Export Controls Director (or delegate), on behalf of the University. Individuals must not submit their own licence applications.

4.2 Types of licences

4.2.1 University activity is expected to primarily fall under 2 categories of licences that are available which are required to permit a transfer of a controlled item out of the UK: Open General Export Licences (OGELs) and Standard Individual Export Licences (SIELs).

4.3 Exceptions and exemptions

4.3.1 There is no automatic exemption for any academic activity. However, transfers of controlled items are permissible without a licence if certain exemptions apply. For any exemption to be relied upon, the Exports Controls Director must agree its use. Please complete the Export Controls Enquiry Form* in the first instance and then where further advice is needed contact the Export Controls team at exportcontrols@sussex.ac.uk.

4.3.2 Exemptions may include:

- **Basic scientific research:** experimental or theoretical work undertaken principally to acquire knowledge of fundamental principles or phenomena or observable facts;
- **Information in the public domain:** information that is freely available without restriction. For the avoidance of doubt work that is intended to be published does not qualify as being in the public domain;
- **The minimum technical information required to support a patent application** for a non-nuclear dual-use 'technology'.

4.4 Declaring irregularities

- 4.4.1 In instances where a member of staff discovers that they, or a colleague, have exported goods or transferred controlled technology without an appropriate export licence in place, it is very important to report the irregularity immediately to the Export Controls Manager and Export Controls Director at exportcontrols@sussex.ac.uk so that they can ensure 'voluntary disclosure' to HMRC, as soon as possible.
- 4.4.2 If a person feels that they are not able to report their concern through the route detailed above, they can consider reporting their finding by means of the University's Whistleblowing Policy and associated 'raising concerns' process.

4.5 Training and awareness

- 4.5.1 All University researchers (including postgraduate researchers) in or aligned to science, technology, engineering and mathematics (STEM) disciplines are required to undertake and pass the Higher Education Export Controls Association (HEECA) strategic export controls e-learning module, and to participate in separate training arranged through GCGC on the National Security and Investment Act and other relevant legislation. Those who undertake the HEECA or other training should re-undertake it at least every 2 years, or sooner if regulatory changes occur.
- 4.5.2 Those who are required to undertake the HEECA e-learning module must do so within 60 working days of enrolment onto the module otherwise limitations on research activity will be implemented.
- 4.5.3 Other staff and researchers not specified in 4.7.1 are encouraged to undertake the HEECA e-learning module and additional training related to the National Security and Investment Act and other relevant legislation, if applicable to their role or activity.
- 4.5.4 Enrolment onto the HEECA e-learning module and other training can be arranged via exportcontrols@sussex.ac.uk or through GCGC.

5. LEGISLATION AND GOOD PRACTICE

- 5.1 The UK's regulatory framework for strategic export controls is available here: [UK strategic export controls - GOV.UK](#). There is also guidance on the UK government webpages specifically related to academic research: [Export controls applying to academic research - GOV.UK](#). The full [UK strategic export control list](#) is also available for viewing online.

- 5.2 The Higher Education Export Controls Association (HEECA), of which the University of Sussex is a member, promotes best practice in export control compliance across the UK higher education sector.
- 5.3 The US Bureau of Industry and Security's Export Administration Regulations (EAR) are available here: [Export Administration Regulations \(EAR\)](#). A brief and informative video guide on US export controls is available here: [US Export Controls \(YouTube\)](#).

Review / Contacts / References

Policy title:	Export Controls Policy
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Related internal policies, procedures, guidance:	<p>*Export Controls Enquiry Form: Export Controls Enquiry Form : Managing Security-Related Risks in Internationalisation : ... : Governance and Compliance : University of Sussex</p> <p>University policy and guidance on sanctions: Sanctions : Getting help : Finance Division : University of Sussex</p> <p>UK government webpages on financial sanctions, trade sanctions and end-use controls: UK financial sanctions general guidance - GOV.UK Trade sanctions, arms embargoes, and other trade restrictions - GOV.UK End-use controls applying to military related items - GOV.UK</p> <p>University guidance on the National Security and Investment Act: file.php</p> <p>US government webpages on sanctions and export controls: Sanctions Programs and Country Information Office of Foreign Assets Control U.S. Export Controls</p> <p>'Whistleblowing' policy: Public Interest Disclosure ('Whistleblowing') Policy</p>
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