# Export control guidance

## Introduction

*This content was developed following consultations with other Universities including Portsmouth, Lancaster and King's College London, plus guidance provided by The Higher Education Export Control Association, and advice provided by the Export Control Joint Unit, Department for Business and Trade.*

Export controls serve several purposes, including safeguarding national security and meeting international treaty commitments. In the UK, control of strategic goods and technology falls under the jurisdiction of the [Export Control Joint Unit](#) (ECJU) (formerly ECO) and adherence to export controls is a significant responsibility. The British government acknowledges that researchers from the UK often collaborate with counterparts from various countries. Their goal isn't to hinder scientific publication or research, but to prevent the misuse of knowledge and materials. To this end, the government offers helpful guidance about export controls relevant to academic research.

The university is committed to complying with UK export control law as set out in the [Export Control Policy](#).

If you have any questions or need further support after reading this guidance in full, please contact [research@nulondon.ac.uk](mailto:research@nulondon.ac.uk)

## Advice for researchers

Researchers and their respective universities are obligated to comply with the legal requirements of export control legislation. Numerous activities carried out within universities are exempt from export controls. The university is committed to complying with UK export control law as outlined in our statement on exporting controlled items. Export control legislation is especially pertinent to scientists and engineers, but **it's the responsibility of all researchers to ensure that any university-related activities they engage in adhere to all relevant legal requirements.**

In the academic context, export controls are most likely to apply in relation to scientific and technical research with potential military or weapons of mass destruction (WMD) applications, particularly relating to, but not limited to:

- the development of military and security-related goods, software or technology
- nuclear science or engineering

- missiles, aerospace and space technology
- autonomous vehicles and stealth technology
- some high-strength materials and material production techniques
- some chemicals with toxic properties
- some viruses, pathogens and vaccines
- some sensors and lasers

## Scope

Export control affects the physical, electronic or oral transmission outside the UK of the following:

- **Direct military use:** Items listed on the UK strategic export control lists.

- **Dual-use technology:** Technologies designed for civilian end uses that have the capability to be used for WMD or military purposes as listed on the control lists.

- **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 of, or suspect WMD end use.

- **Sanctions/embargoes:** Items to be exported to a specific country that 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 – ie an export cannot occur if the exporter knows that the items would be used in relation to a sanctioned activity.

- **Military end use:** Items that are not specifically listed on the control lists, but you are aware that they are (or may be) intended for incorporation into, or for the development, production, use or maintenance of military equipment in a location subject to an arms embargo. Or items that you are aware will be used as parts or components of military goods illegally obtained from the UK.

Transfers of items or information **within the UK** are only subject to export control when it is known that the ultimate end use or user is related to WMDs outside the UK (eg a UK subsidiary wholly owned by an overseas arms manufacturer). For a definition of WMDs, see appendix 6.

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

With the exception of nuclear technology, technology listed in the UK consolidated lists is only controlled if it is 'required' and 'necessary' for the development, production or use of the

controlled items. The fact that it is for civilian use does not dispense with the need to seek a licence, though it would be relevant to whether a licence would be granted.

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 outside the UK (this includes teaching taking place in the UK)

In brief, key concerns are:

- technologies, material, equipment or know-how that could be used in nuclear, chemical, or biological weapons or their means of delivery of WMD
- items that have been specially designed or modified for military use and their components
- dual-use items (those that can be adapted for use for civil or military purposes) which meet certain specified technical standards, and some of their components. See below for guidance on dual-use and [government definitionsgovernment definitions](#)

The [Academic Technology Approval Scheme (ATAS)](#) controls access by visiting academics, researchers and students from abroad to courses which might be relevant to non-proliferation objectives. This runs in parallel with export control legislation and compliance compliance but does not satisfy export control obligations. Both need to be addressed: ATAS focuses on entry into the UK. Export control focuses on knowledge and material leaving the UK. Information and advice about ATAS can be found [here](#).

## Further guidance

To help you make an initial assessment regarding the applicability of the rules and any necessary actions, use the decision tree (questions 1 to 4 below) and flow diagrams.

The first flow diagram serves as an introductory tool for awareness, while the second provides more detailed information. Use the questions and the second flow chart together, and if you answer 'yes' to any of the questions, contact [research@nulondon.ac.uk](mailto:research@nulondon.ac.uk) as you may need to apply for a licence.

## Decision tree

1. **Was the technology imported from the US?**

Universities should be aware that in some instances, controls from other territories may apply in addition to UK-administered controls. This is particularly common for US technologies, where re-export clauses often apply that prevent not only goods, software or technology being re-exported to particular countries, but can also prevent them being transferred to or shared with foreign nationals within the UK. As we are part of the Northeastern global network, please see our comparison document on UK and US export control legislation. The document contains a useful FAQ section and hypothetical case studies relevant to UK researchers working with US colleagues.

If the technology is subject to US export controls, this may also affect sharing it with researchers within the University who are from overseas or have dual nationality. The US 'Chips Act' may also be relevant if working with certain semiconductors and advanced electronics, especially if Chinese collaborators are involved. These rules need to be satisfied, as well as UK export control requirements. Do not forget to also consider UK Export Controls.

*Consider the following:*

- *Is the technology to be used for any purpose related to armaments, nuclear energy, weaponry or other military use? This needs to be cleared with the supplier.*

- *Are you going to disclose the technology to **non-UK nationals** either inside or outside of your department, whether in the UK or abroad?*

## 2. What is the technology?

The definition of 'technology' means specific information necessary for the development, production or use of goods or software.

The primary question that must be answered is whether the technology appears on the export control list. The ECJU offers a range of services to help with the process of classification to determine whether the technology is listed.

There are three key points to establish here:
1. Is the item or technology specifically designed for military or nuclear end uses?
2. Does the export include encryption software or hardware?
3. Do you need to check the UK strategic export control list (annex IV) of military or dual use items?
4. Are you unsure about whether the export control legislation applies to your work?

*Consider the following:*

- *Is the technology in an area where teaching is ATAS controlled?*

- *Are you collaborating with people or organisations based outside the UK, particularly in areas of conflict?*

- *Do any red flags apply? (See below)*

- *Might the output or application of your research assist in the development of weapons, armour or defence?*

- *Are you collaborating with an organisation, which operates in any military-related areas (e.g. a defence contractor)?*

- *Does the funder support any military-related research (eg a defence ministry)?*

- *Is it on annex 4 of the controlled lists?*

**3. End use controls: who are you working with?**

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 strategic export control list (annex IV) a licence could also be required if the exporter knows, has been informed or suspects there is a WMD end use.

*Consider the following:*

- *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?*

- *Do you otherwise know or have any reason to suspect that such end use is envisaged?*

- *Does the end-user country definitely, probably or possibly have a WMD or delivery system programme?*

- *Are the items potentially of high, medium or low utility in relation to any of the activities detailed in the WMD end-use control list?*

- *Are the items potentially of high, medium or low utility in relation to any WMD programme in the end-user country?*

- *Are 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?*

- *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?*

- *Is the end user, importer or any third party to the transaction known to be of concern?*

- *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.*

### 4. Sanctions

Additional restrictions can apply when dealing with countries that are subject to sanctions. These can include restrictions on the actions of individuals and entities – including their ability to travel or use financial systems – plus additional restrictions on exports or trade activities, which often have the effect of broadening the UK strategic export control lists to include items that would not normally be included in the UK consolidated list.

*Consider the following:*

- *Does the transfer include parties from any country that is subject to UN or EU sanctions as listed on the gov.uk website? If so, take advice from the ECJU.*

## Export control workflow diagrams

1. **Basic awareness**. Helps researchers understand if they need to know more about export control. (This flowchart does not ask researchers whether their goods are controlled. It is intended for use as an awareness-raising tool only).

2. **Detailed workflow:** Links and cross references to the proposed decision tree. 'Controlled' as used in this flowchart means the technology is on either the consolidated Military and dual use lists or any sanctions list.