Export Control in Research Policy

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Policy approval		
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1.1	16/09/2024	Lotte Boon and Jennifer Gladstone	Whole document	Original draft
1.2	07/02/2025	Jennifer Gladstone, SICG, Legal Services	Whole document	Incorporated amendments recommended by SICG and by Legal Services
1.3	26/02/2025	Jennifer Gladstone, GPC	Whole document	Incorporated amendments recommended by GPC
1.4	11/04/2025	Jennifer Gladstone	Whole document	Present for publication

1.5	21/04/2026	Research Services	Whole document	• Add reference and links to the new TR screening tool; • Clarify that no transfers/exports are to occur once a decision is made to apply for an export control licence, until the licence is granted or the ECJU determines that no licence is required; • Remove the Annex setting out the procedural flow chart in favour of process mapping in guidance; • Minor edits such as updating links, adding clarity and fixing a couple of typos.

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Annex A – Export control process in pilot ..... **Error! Bookmark not defined.**

1. Purpose

1.1. Collaboration with researchers and organisations around the world is fundamental to the University's research endeavour. The University's research community is international, home to some of the most talented scientists and scholars from across the globe. The University welcomes staff, students and visitors from every part of the world and the people and organisations we collaborate with to exchange ideas, generate new knowledge and apply our research in the generation of new technologies, products and solutions.

1.2. Operating in this global research endeavour, it is also important that the University and its research community recognise that some risks associated with international collaboration are dynamic and growing in complexity. It is also essential that the University complies with legal requirements, including in relation to export control legislation.

1.3. This policy sets out the University's procedure for ensuring compliance with export control legislation and the associated roles and responsibilities of researchers, departments and the University.

1.4. The policy covers all different types of research activity in scope of export control legislation and seeks compliance through the procedures that are proportionate to the level of compliance risk.

1.5. It is the responsibility of each individual researcher (whether a member of staff, student or visitor to the University) to ensure that they do not export controlled items without following the procedures set out in this policy, including the obtaining of any necessary licence to permit such export.

2. Legal requirements

2.1. UK export controls[1] restrict the export of goods or technology, with the aim of preventing proliferation of weapons of mass destruction (WMD)[2], countering terrorism, and the misuse of 'dual-use' civil items with potential military, security, WMD, or other applications. The controls apply to the physical movement of goods or the transfer of software, data, technology or know how, or provision of technical assistance, by any means (including by email, cloud server, and telephone) from the UK to a destination outside the UK, or, in some circumstances (*e.g.* 2.3 iv), within the UK where the materials may be intended for use outside of the UK.

[1] Framed by the Export Control Act 2002, the Export Control Order 2008, and the Assimilated Dual Use Regulation (Council Regulation (EC) No 428/2009)

[2] WMD is defined as '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 deliver of such weapons (Export Control Order 2008 No3231)

2.2. Where an export falls under one or more of the controls, a licence may be required before any transfer can be made. There is no automatic exemption for academic or university-based research and researchers. Breach of export control legislation (including exporting controlled items without an appropriate licence) is a criminal offence and may result in civil and/or criminal action against the University and/or individuals, leading to substantial fines or imprisonment, and significant reputational damage.

2.3. There are four primary categories of controlled items:

i. **Military items:** items specially designed or modified for military use and certain other items listed on the UK Consolidated List **require an export licence prior to transfer**.

ii. **Dual-use items:** items with a legitimate civilian application, which may also have military or security applications either now or in the future, to be exported outside the UK and listed on the UK Consolidated List **require an export licence prior to transfer**.

iii. **Military end use:** items not listed on the UK Consolidated List, may still require a licence if the University, its staff, or students are informed or are aware that:

a) The export may be intended for a country subject to an arms embargo for use in connection with military, para-military, police, security, or intelligence forces/agencies **or bodies involved in procurement, research, development, or production for such forces/agencies**. For countries currently subject to embargo, see Current arms embargoes and restrictions.

b) The export is intended for incorporation into military items or use as parts of military items that have been exported without valid authorisation.

iv. **WMD end-use:** items not listed on the UK Consolidated List may still require a licence if the University, its staff, or students are informed or aware or suspect that the items **may** be intended for use in relation to a WMD programme. This applies not only to exports/transfers outside the UK but also to teaching and research in the UK.

The key tests in relation to military end-use and WMD end-use controls are being aware, being informed, and (in relation to WMD end-use only) having a suspicion. Awareness requires specific reasons to believe an item is intended for military or WMD end-use, not simply that an item may have a military or WMD application. Organisations are expected to undertake due diligence to assure themselves that this is not the case.

2.4 Technology that is in the public domain may, in certain circumstances, be controlled. While exemptions, including the basic research exemption, do exist, assessing whether these apply to a specific transfer or programme of research requires specialist advice from the Trusted Research team.

2.5 Controls also apply to transfers that may be subject to sanctions to which the University sanctions policy applies.

2.6 **US export controls:** United States (US) export controls may also apply to the University's research activities, and the US may impose severe fines on non-US organisations and people who contravene US export control regulations. Further details are set out in Section 7 of this policy.

3 Research activity requiring assessment

3.1. Where research activity includes the transfer (physical, digital, or oral) of technology[3], or provision of technical assistance, to a destination outside of the UK or within the UK to a representative of an entity outside of the UK (*e.g.* a visitor) and **any** of the following apply, a detailed assessment of export control requirements is required:

i. The transfer will include any of the following dual-use items (or certain enabling information about such items):
- Nuclear items;
- Materials, chemicals, micro-organisms, or toxins (including pathogens);
- Materials processing;
- Electronics;
- Computers (including software);
- Telecommunications or information security;
- Sensors or lasers;
- Navigation or avionics, aerospace or space;
- Marine technology; OR

ii. The transfer will include items, materials or information that could be used for military purposes, WMD, or torture; OR

iii. Equipment or information about equipment that the University or its staff or students are aware has a classification of OFFICIAL-SENSITIVE or above; OR

iv. The transfer is to a destination, or representative of an entity, in a country that is subject to UK trade sanctions or arms embargoes; OR

v. The University or the researcher has been informed, or has any reason to believe, that the material to be transferred may be used in connection with a military end-use or WMD end-use.

3.2.1 The controls apply to the following activities:
- **Physical exports** out of the UK of controlled items, on a permanent or temporary basis, including small quantities. Such exports include hand carrying controlled

[3] 'Technology' includes but is not limited to research information, software, algorithms, research documents and reports, blueprints, manuals, designs, diagrams, and data.

software or technology on paper or on a laptop, mobile phone or memory device when travelling;

- **Electronic transfers** out of the UK of controlled software and technology by any means including email, video conference, teaching overseas and online learning, downloading or accessing of documents by a person located overseas, and by telephone. Controlled software and technology should be stored under restricted conditions that securely prevents unauthorised access, using end-to-end encryption and identity and access management;
- **Exports and Transfers within or outside the UK** of any item subject to WMD end-use controls as described above;
- **US-controlled items:** a US licence may be required to transfer US-controlled items within the University, within the UK or overseas, as described above.

4. Responsibilities of the researcher

4.1. Academics, researchers, research students, and University visitors ("researchers") must

i. **Identify potential exports in relation to their collaborative research, research-related visit or travel, or research group ("research activity") and complete initial screening to assess whether a detailed export control assessment is required**
Researchers should screen research activity against the section 'Research activity requiring assessment' (3) to ascertain whether a detailed export control assessment is required. The screening tool developed by the TR team and available at this link: https://forms.office.com/e/qmYpezLLxt may be used.

The Researcher's department or Research Services' Trusted Research team can advise on completing the initial screening.

If a detailed export control assessment is not required, the completed initial screening should be recorded in writing by the researcher and saved securely and be revisited to ensure any future potential export in relation to the same research activity is identified and assessed.

If screening indicates that a detailed export control assessment is required, researchers should contact their department administration team and the Research Services Trusted Research team.

ii. **Collaborate fully with the Trusted Research team in the completion of a detailed export control assessment for their research activity, where indicated, in order to determine whether an export licence application will be required**
Researchers should provide the technical advice and information on the collaboration required by the Trusted Research team to complete the detailed export control assessment.

Researchers should also review the completed assessment for inaccuracies and confirm the decision of the Trusted Research team of whether an export licence application is required

iii. **Collaborate fully with the Trusted Research team in the completion of an export licence application where required, and approve the completed licence application for submission**
Researchers must provide the technical advice and information on the collaboration required by the Trusted Research team to prepare an export licence application.

Researchers must also review the completed application for inaccuracies and approve the application for submission on SPIRE or LITE (as applicable), the Government's export licensing system.

Researchers must **not** then transfer any items or technology described in the licence application until such time as a licence is granted or determined by the UK Government Export Control Joint Unit that a licence is not required.

iv. **If a licence is granted, comply fully with the export licence terms**
Researchers must maintain effective records of exports in compliance with the terms of the export licence, fulfil the documentary requirements for any relevant physical exports, and engage with Research Services' or other University internal audits and support any external audits when requested, taking corrective action that may be required as a result of these audits.

v. **If a licence application is refused or licence revoked, cease all exports and the collaboration and do not collaborate further with that partner on that topic or allied topics**
If a further collaboration is envisaged with that partner (which must be in a completely different research area), Researchers must seek an export licence in advance of any discussions through the Trusted Research team.

vi. **Attend relevant training sessions where required to meet obligations in this policy**

5. Responsibilities of the Department

5.1. Departments must

i. **Ensure that Researchers and research support staff in the Department are adequately aware of their responsibilities under export control legislation and the importance of compliance**

Departments should ensure that Researchers and professional staff who support Researchers in their research activity are aware of export control requirements, have undertaken adequate training, and that researchers have support available sufficient to meet their responsibility under 4.1.i.

ii. **Collaborate with the Research Services' Trusted Research team in the completion of the export control assessment form and the export control licence application, and provide approval for final versions**

Departments should support this process by reviewing the completed forms and providing departmental approval of the export control assessment form (including the decision of the Trusted Research team of whether an export licence application is required) and of the export control licence application for submission on SPIRE or LITE (as applicable), the Government's export licensing system.

Where a licence application is determined to be required, Departments must ensure that researchers do **not** then transfer any items or technology described in the licence application until such time as a licence is granted or determined by the UK Government Export Control Joint Unit that a licence is not required.

iii. **If a licence is granted, ensure compliance with the export licence terms**

The Department must maintain adequate departmental records and support and advise the researcher in maintaining effective records of exports. Departments must engage with Research Services' and other University internal audits and support any external audits when requested, taking corrective action that may be required as a result of these audits and supporting the Researcher in taking corrective action.

iv. **If a licence application is refused or licence revoked, ensure that the researcher ceases collaboration and does not collaborate further with that partner on that topic or allied topics**

If a further collaboration is envisaged by any Researcher within the department with that partner (which must be in a completely different research area), ensure an export licence is sought through the Trusted Research team in advance.

6. Responsibilities of the University (via Research Services)

6.1. The University will:

i. **Develop processes to identify potential exports in research awards or contracts and inform the researcher and their department of the need to undertake an initial screening**

ii. **Support the researcher and department with the initial screening process, the detailed export control assessment, the completion and submission of the export control licence application, and compliance with relevant licence terms**

Research Services will provide support and advice to researchers and departments in fulfilling their export control obligations in relation to research, including detailed export control assessments, preparation and submission of licence applications, and advising on licence compliance.

Export control licence applications and registrations for open general licences will be submitted by Research Services on behalf of the Researcher or Department. Research Services will also manage the University's registration on SPIRE and LITE, the government export control systems. This applies for all export licence applications / registrations, not only those that are research-related, though Research Services may delegate authority to submit non-research-related applications to relevant Divisional or other UAS officers where appropriate.

Research Services will communicate the outcome of the application to the Researcher and their Department.

iii. Delegate authority to Research Services to make decisions in relation to requirements for research-related export licence applications

Where initial screening has indicated that a detailed assessment is required, Research Services will make the decision on whether an export control licence application needs to be submitted for research activity. In technical matters, Research Services may rely on Researchers' advice.

Non-research activity may include purchasing of goods and services, hosting incoming visitors or students (unless linked to a research award or contract), overseas travel, consultancy, educational activities, provision of services.

iv. Support Researchers and Departments in fulfilling their responsibilities

Through the provision of:

- Effective tools for initial screening and export control assessment
- Training and guidance on export control
- Tools to facilitate compliance with licence terms, including for record keeping
- Tools to aid risk-based decision-making at all stages of consideration

Research Services will also undertake regular internal audits of record-keeping to assure compliance with terms of active and recently expired licences, providing advice on corrective action required where deficiencies are observed.

v. Breach declarations

If an external or internal audit finds any cases of potential non-compliance in relation to UK export control legislation or overseas extraterritorial export control legislation (e.g. US), or if these come to light in the course of routine business, Research Services shall, in consultation with other University bodies and/or senior officers as appropriate under relevant processes, conduct an investigation and advise researchers and departments on the necessary corrective action, and (if necessary) submit a voluntary disclosure to HM Revenue and Customs.

7. US export controls

7.1. United States (US) export controls may also apply to the University's research activities. The US is frequently expanding the scope of its controls, and imposes severe fines on non-US persons who contravene US export control regulations.

7.2. The US Department of Commerce's Bureau of Industry and Security (BIS) administers US laws, regulations and policies governing the export and reexport of items falling under the jurisdiction of the Export Administration Regulations (EAR) while the US Department of State administers the International Traffic in Arms Regulations which control the movement, sale, or transfer of defence-related technology.

7.3. US export controls apply to transfers of US-origin items to anyone: inside the University who is a foreign or dual national (a 'deemed re-export'); or outside the University, either in the UK or overseas. In addition, US export controls can apply to UK-origin goods that contain a 'de minimis' proportion of US-origin controlled components andor that are direct products of US technology

7.4. The US prohibits the supply of US-origin and/or US-controlled items to entities that are listed on various US control lists, such as the US Entity List and the Military End-User List.

7.5. There are many exceptions but if a US export licence is required, it should be obtained. In the rare event that a licence is denied, careful consideration as to the management of the activities concerned will be needed to avoid discrimination on the grounds of nationality.

7.6. If any research activity involves US-origin items or items that contains a de minimis proportion of US-controlled components or that are direct products of US technology, then a detailed export control assessment may be required.

8. Other information

8.1. This policy has been informed by national and international sector bodies such as Universities UK, HERSA, NPSA, and policies and processes at other UK universities.

8.2. An Equalities Impact Assessment (EQIA) was completed in developing this policy. The EQIA is available for reference here. The EQIA sets out information on the risk that the Export Control Policy could have unequal impacts on two protected characteristics[4] – race/ethnicity and religion – and how these risks are mitigated in conduct of the responsibilities set out above.

9. Relationship with existing policies

9.1. This policy operates in conjunction with other University policies (where more detailed requirements are defined) such as:

- Academic Integrity in Research (Research Integrity Policy and Procedure)
- Financial Sanctions Policy

[4] Protected characteristics are defined in the Equality Act 2010. Further information: Equality and Diversity Unit

- Information Security Policy (Information Security Policy Approved 2024.docx)
- Open Access Publications Policy (https://openaccess.ox.ac.uk/sitefiles/2024-06-24-university-of-oxford-oa-publications-policy-2024.pdf)
- Conflict of Interest Policy (conflict-of-interest-policy-pdf.pdf)
- Outside Appointments (Holding outside appointments)
- Academic Technology Approval Scheme Policy (Academic Technology Approval Scheme (ATAS)

10. Policy communication

10.1. This policy is published on the University's Compliance Policies webpage and Research Integrity pages on Collaborative Research. Guidance and training is provided on Research Services webpages.

10.2. Reminders of this policy will be issued annually.

10.3. Heads of Department and/or Associate Heads of Research in Departments (as appropriate) will regularly raise awareness of researchers' responsibilities under this policy, highlighting guidance and support available.

11. Policy compliance and review

11.1 Minor amendments that do not materially alter legal compliance or administrative burden may be agreed by the Executive Director of Research Services and the Pro-Vice-Chancellor (Research). Substantial changes will be reviewed by the Security in International Collaboration Group, which may refer the matter to General Purposes Committee of Council or Research and Innovation Committee, or determine the matter itself, in accordance with the Group's Terms of Reference. Processes underlying the policy (e.g. Annex A) may be reviewed and adjusted as required.

11.2 The policy will be reviewed annually by the Security in International Collaboration Group.

11.3 Questions about this policy and about export control matters should be directed to the Trusted Research team at Trusted.Research@admin.ox.ac.uk.