

University of Glasgow Export Control and Sanctions Policy and Compliance Procedure

Part 1: Export Control and Sanctions Policy

1.1 Policy Statement and Purpose

1.1.1 What is export control?

UK export control refers to a set of legal restrictions on the transfer of certain goods, equipment, materials, software and technology (including research data, designs and know-how) from the UK to a destination or destinations outside the UK with the aim of protecting national security and preventing conflict, human rights abuse, weapons of mass destruction (WMD) proliferation and terrorism.

The laws around export control focus on two main areas:

1. Items and their components that have been specifically designed or modified for military Use; and
2. Dual-use items (i.e. non-military items that may be used for military or security purposes, including WMD).

Export is construed widely and covers: (i) the physical, electronic and verbal transfer of controlled items from within the UK to a destination outside the UK (including within the EU); (ii) the transit of controlled items through the UK; and (iii) the transfer of controlled items within the UK for use in a WMD programme outside the UK (including teaching taking place in the UK). Export of controlled items can occur in a variety of activities such as academic and commercial collaborations, teaching, consultancy and licensing activities and even travelling to a country overseas with a laptop or papers which contain controlled technology.

1.1.2 What are sanctions?

Sanctions are legal measures intended to pressure targeted regimes, organisations and individuals (“Denied Parties”) to change their behaviour by restricting their access to military and economic resources. Most UK sanctions measures take two forms: arms embargoes on states that threaten international security and asset freezes on specified Denied Parties involved in repressive regimes, crime or terrorism. An asset freeze in effect prohibits any form of business or collaboration with any Denied Parties. It is important to be alert to the risks of inadvertently doing business with any Denied Parties in any activities undertaken outside the UK.

Details of the people and entities subject to UK sanctions can be found on the ‘UK Sanctions List’.¹

¹ <https://www.gov.uk/government/publications/the-uk-sanctions-list>

1.1.3 Penalties

The University and its people have a responsibility to ensure legal compliance with export control and sanctions regulations. Non-compliance can result in very significant financial penalties and is a serious criminal offence with custodial sentences of up to 10 years, as well as constituting a disciplinary offence. Violations of similar US legislation can also carry severe penalties or result in serious implications in the UK.

1.1.4 Why do we need a policy?

For the great majority of university activities, the regulations will not apply. Basic scientific research² and information that is already in the public domain³ are exempt from export controls. The exemptions **do not** apply however in cases where the proposed export is subject to the End-Use Controls. If you have been informed, or are aware of or suspect WMD or military end-use, then the item is still controlled and a licence may be required for export.

As a globally-leading University we increasingly engage with academia, business and industry across the world. Examples of relevant activities and disciplines potentially subject to export controls are set out in Sections 2.1.3 and 2.1.4 below.

Export control and sanctions are an important part of UK security legislation and broad in scope across a range of academic disciplines; we take institutional compliance and our duties in relation to the legislation very seriously. The purpose of this policy and compliance procedure is to ensure that the University and its people comply with all export controls and sanction regulations that apply to our activities.

1.2. Scope

The policy applies at the University to all its people, including but not limited to staff, students, visiting academics and contractors.

All individuals, should also be mindful that the movement, storage and retention of certain materials, including some pathogens, toxins and radioactive substances, may be subject to regulatory requirements in addition to those relating to export control. Further information on biosafety and radiation protection policy and regulation can be found on the University Health and Safety Department's dedicated webpages on biological safety and radiation protection at <https://www.gla.ac.uk/myglasgow/seps/az/biological%20safety/>.

1.3. Policy detail

The University is committed to supporting compliance by its people with export control regulations. We will ensure that:

1. All individuals engaged in relevant disciplines are made aware of the regulations and how these may apply to their activities, through the provision of information, guidance, support, advice and training;
2. Due diligence procedures are followed in respect of all relevant proposed activities, to establish whether they are subject to export control legislation or sanctions;
3. Activities that are prohibited by sanctions will not proceed;

² Basic scientific research is defined as '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.

³ Information already in the public domain would include information which is freely available such as in a book or on a website (even if it has to be paid for).

4. Proposed activities that are subject to export control regulations will not proceed unless an appropriate licence is first obtained by the Individual and all necessary steps are taken to ensure that its conditions are fully implemented;

5. Individuals are made aware of 'deemed export' rules in relation to items subject to US Export controls and appropriate decision making is taken to avoid deemed exports to foreign nationals and those on the denied persons and denied entities lists that are restricted from obtaining access to those items,

6. Foreign nationals who are undertaking activities at the University are made aware that, in addition to UK, US and EU controls, they may also be subject to their home country's export control laws (e.g. India, China) and are responsible for ensuring they comply with these laws.

7. Regular checks are conducted to ensure that these principles are strictly observed. If any issues are identified via these checks and/or via audits that are conducted by ECJU, we shall ensure that these are investigated promptly, urgent measures taken to prevent any recurrence, disciplinary action considered, and the relevant authorities notified.

Part 2: Export Control and Sanctions Compliance Procedure

2.1. Purpose and scope

2.1.1 What is the purpose of this procedure?

This procedure sets out the processes, roles and responsibilities relating to the implementation of the policy. It is intended to support individuals to understand whether export control restrictions apply to their work, the steps which they should take to ensure compliance with export control legislation and sources of advice and support.

2.1.2 Do export controls restrictions apply to my work?

As a world leading university, we increasingly engage with academia, business and industry across the world. The University receives information from a wide range of sources. It also disseminates information as part of its activities, particularly in connection with research and teaching.

To help determine whether export control restrictions apply to their work, individuals should refer to the flowchart in Annex 1. To determine if the goods/technology to be exported are controlled by the ECJU, researchers should refer to the OGEL and [Goods Checker tool](#) on the ECJU website.⁴

If the activity involves any of the 'red flags' set out in Annex 2, individuals should take particular care and seek appropriate advice.

2.1.3 Relevant disciplines

Relevant disciplines include (but are not limited to) the following: nuclear engineering; biological sciences involving pathogens; toxic or high energy chemicals; high strength materials; high specification electronics, computers, and telecommunications; automation and control systems; cryptography; lasers, optics and sonar; navigation and avionics; submersibles; aerospace and space; and any work related to a defence programme.

⁴ See

https://www.ecochecker.trade.gov.uk/spirefox5live/fox/spire/OGEL_GOODS_CHECKER_LANDING_PAGE/new
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2.1.4 Relevant activities

Examples of relevant activities which may be covered by the controls include (but are not limited to):

- work for a commercial sponsor;
- research results circulated for colleague review or presented at an overseas conference;
- sending or taking physical items overseas;
- travelling overseas carrying information on a laptop, tablet, USB flash drive, portable hard drive or on paper;
- electronic transfer of information (e.g. via e-mail, text, social media, fax, virtual learning environments, file downloads, videoconferencing, sharing screens remotely, uploading information to an overseas server or uploading information to common and shared data environments);
- verbal transfer of information (e.g. in telephone or face-to-face discussions, including communication via platforms such as Zoom, Skype, Teams or FaceTime);
- staff or foreign students carrying sensitive research out of the UK or downloading it from a UK server while they are overseas;
- laboratory equipment or materials (even in very small quantities) exchanged with overseas collaborators;
- handling or transfers of certain equipment or technology from the US or equipment or technology containing US origin content;
- Online learning, Massive Open Online Courses (MOOCs);
- Patent applications

2.1.5 Controlled items

Examples of controlled items include (but are not limited to) equipment, components, material and chemicals, biological agents, software (source and object code) and technology (including draft, ongoing or completed research work).

‘Technology’ means any information necessary for the development, production or use of goods or software. Information may take forms including but not limited to blueprints, CAD files, plans, diagrams, models, formulae, tables, ‘source code’, engineering designs and specifications, manufacturing instructions written or recorded on other media or devices (e.g. disc, tape, read-only memories), test results, manuals and instructions and prototypes.

‘Source code’ (or source language) is a convenient expression of one or more processes which may be turned by a programming system into equipment executable form.

2.2 Roles and responsibilities

The Chief Operating Officer and University Secretary is responsible for the University’s compliance with export control.

The University of Glasgow Research Compliance Support Team is responsible for:

- Developing, maintaining and managing institutional policies, guidance and procedures in respect of compliance and assurance mechanisms relating to export control legislation and requirements;
- Providing advice on compliance with legal and regulatory requirements relating to controlled activities;
- Providing advice and support to staff in identifying whether export control issues arise in relation to their activities and, if so, providing support in determining the appropriate

compliance route and support in following appropriate legal procedures, including obtaining licences and/or registering projects where required;

- Developing and delivering appropriate targeted training to researchers and colleagues in other areas of the University whose activities might be subject to export control legislation or requirements (such training to include material to ensure that steps are taken to capture 'below the radar' activities including material transfers outside of MTAs, pre-contract collaboration, private consultancy, staff travel and data transmission to/access from overseas;
- Managing internal audits relating to export control compliance requirements, following up on areas of non-compliance and supporting external audits, as required;
- Working in collaboration with University colleagues to design, implement and support appropriate due diligence checks on international partners from a security perspective.

The **Legal/Contracts Team** in the central Research Support Office (RSO) is responsible for ensuring that:

- Prior to executing any research-related contracts it has considered whether export controls may be applicable liaising with the Research Compliance Team as required;
- Research-related contracts include provisions, where appropriate, requiring all parties to comply with applicable export controls and sanctions and include appropriate protections for the University).

Research & Innovation Services (R&IS) is responsible for ensuring that activities that they engage in are compliant with export control regulations.

Heads of School/Institute in the relevant disciplines are required to support awareness raising and to ensure that individuals in their School / Institute are made aware of and undertake the training available particularly in identified high risk areas of research. Heads of School/Institute should include export control matters in their Risk Registers and review the issues regularly at Heads of School/Institute meetings.

Researchers in relevant disciplines are responsible for understanding export control regulations as they apply to their research and for obtaining export control licences where these are required in connection with activities relating to projects for which they are Principal Investigator (PI). The PI is responsible for ensuring that all members of their research team understand and comply with export control regulations.

Line managers are also responsible for ensuring that those whom they manage fully comply with export control regulations.

Researchers in the relevant disciplines should ensure that they:

- Have read and understood this Export Control and Sanctions Policy and Compliance Procedure and associated [guidance](#) on the University website;
- Have awareness as to whether their research area/s may be subject to export control legislation;
- Do not engage in any project activity for which an export control licence is required without confirming that a licence has been obtained for that activity; and

- Seek advice from the University's Research Compliance Support Team (E-mail: compliance-support@glasgow.ac.uk) if they suspect that export controls may apply to their work.

Any queries relating to the responsibilities outlined above should be directed to the University's Research Compliance Support Team, email: compliance-support@glasgow.ac.uk.

2.3 Export Licencing

In some cases, it may be necessary to apply for an export licence from the UK Export Control Joint Unit (ECJU) and/or the U.S. Department of Commerce's Bureau of Industry and Security to carry out an activity. Responsibility for compliance with export control regulations rests both with the individual researcher and the University. The University will ensure that it takes adequate measures to support researchers to achieve compliance and ensure that the University itself has complied with the law. To achieve this, the University has:

- Registered with SPIRE⁵ (the Export Control Joint Unit (ECJU)'s online export licencing system) so that export control queries and licence applications can be submitted;
- Made available up-to-date guidance, training and sources of advice for researchers seeking information on export control regulations;
- Put in place particular support as necessary, to researchers working in disciplines most likely to be affected by export control; and
- Established a process to routinely screen proposed and ongoing activities with overseas partners or sponsors in order to identify any that are restricted by applicable sanctions (obtaining specific advice from the Export Control Joint Unit End-User Advice Service as necessary).

2.4 The Academic Technology Approval Scheme (ATAS)

The Academic Technology Approval Scheme (ATAS) applies to all international students and researchers (apart from [exempt nationals](#)) who are subject to UK immigration control and are intending to study or research at postgraduate level or above in a [relevant subject area](#). This scheme applies in addition to export control regulations. All non-sponsored visiting academic researchers (other than [exempt nationals](#)) who are carrying out or taking part in research at postgraduate level or above in a [relevant subject area](#) are also required to hold an ATAS certificate before they begin any such research at the University.⁶

The subjects and research areas are those where knowledge could be used in programmes to develop Advanced Conventional Military Technology (ACMT), weapons of mass destruction (WMDs) or their means of delivery. Researchers and students in these sensitive subjects must apply for an Academic Technology Approval Scheme (ATAS) certificate before they can study or start research in the UK.

⁵ <https://www.spire.trade.gov.uk/spire/fox/espire/LOGIN/login>

⁶ See <https://www.gov.uk/guidance/academic-technology-approval-scheme> and <https://www.gov.uk/guidance/find-out-if-you-require-an-atas-certificate>. Further information on ATAS as it relates to research staff and visiting academic researchers is available on the Human Resources webpages at <https://www.gla.ac.uk/myglasgow/humanresources/recruitment/visasimmigration/> and <https://www.gla.ac.uk/myglasgow/humanresources/recruitment/visasimmigration/overviewofacademictechnologyapprovalschemeatas/>.

Further information on ATAS as it relates to international students is available at <https://www.gla.ac.uk/international/academictechnologyapprovalschemeatas/>. Any queries should be directed to immigrationcompliance@glasgow.ac.uk.

Further information on ATAS as it relates to research staff and visiting academic researchers is available on the Human Resources webpages at <https://www.gla.ac.uk/myglasgow/humanresources/recruitment/visasimmigration/> and <https://www.gla.ac.uk/myglasgow/humanresources/recruitment/visasimmigration/overviewofacademictechnologyapprovalschemeatas/>.

Part 3: Who to contact for more information

Information on the support provided by the University is available on the [Export Control website](#).

For further assistance, please contact: compliance-support@glasgow.ac.uk

Part 4: Procedure, history and review

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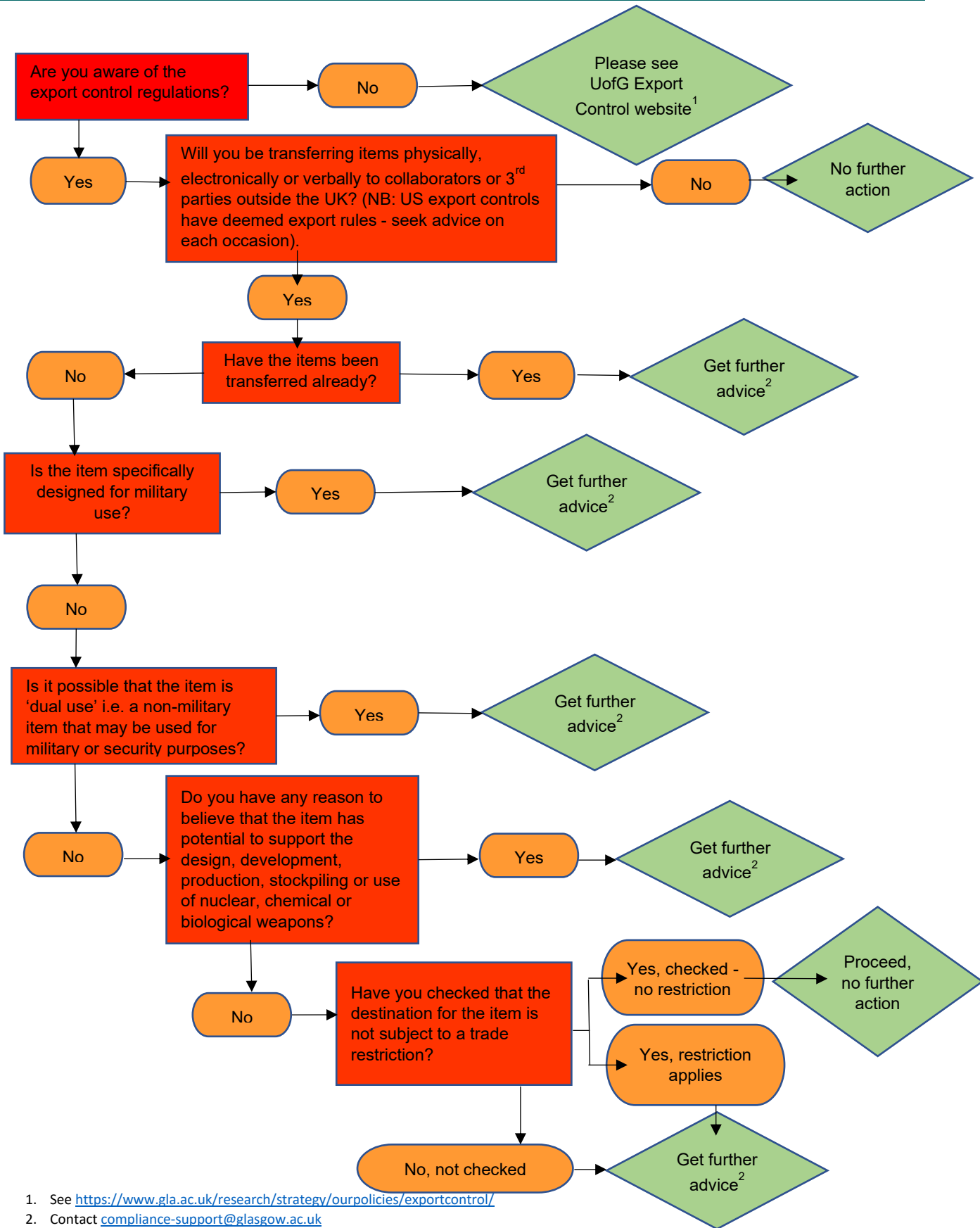
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This version replaces all previous versions of this Export Control and Sanctions Compliance Procedure.

If you would like this document in another format please contact compliance-support@glasgow.ac.uk

Annex 1: Export Control Flowchart



Annex 2: Red Flags

There will be some areas of research and collaboration where researchers should always take advice. These are commonly known as the “Red Flags”. If the research involves any of the following things, you should take particular care to check the export control requirements:

Viruses and pathogens or related research.	Materials production techniques.
Vaccine technology, which might be used to inoculate troops using chemical or biological weapons.	Carbon fibre with high tensile properties, high nickel alloys, high grade aluminium, vacuum systems, propellants etc.
Civil technology which could be used or adapted as a component for military purposes.	High grade radio-active material – could it be emitted into the atmosphere and contaminate the environment?
Technology which could support activities in facilities which house weapons technology or delivery programmes (including hardened underground facilities and hermetically sealed buildings).	Ancillaries and support equipment at some facilities, such as those which house uranium enrichment centrifuges or nuclear fuel reprocessing facilities, can also be of concern even if the technology is itself ubiquitous
Hydrophones or sonar equipment.	Electromagnetic absorption.
Chemicals with toxic properties can cause serious injury or death. Could your research be applied for this purpose?	Unmanned equipment (even if used by you only for atmospheric research).
Fissile materials or radioactive materials or equipment for their detection or handling.	Uranium enrichment for non-civil nuclear energy.
Materials characterisation equipment.	Autonomous vehicles.
Opto-electronics (lasers).	Ground penetrating radar.
Ocean bottom survey equipment.	Stealth technology.

The following are potential 'red flags' for Weapons of Mass Destruction end-use concerns:

Is the partner reluctant to offer information about the end-use of the items?

Has the partner asked that the goods be transferred to a forwarding address in the UK?

Are unusual shipping, packaging or labelling arrangements requested?

Is the partner new to you and is your knowledge about them incomplete?

Is the partner located in an area under strict security control or in an area to which access is severely restricted, or which is unusual in view of the type of equipment being installed?

Are there unusual requirements for excessive confidentiality about final destinations, or customers, or specifications of items?

Is the partner or end user a military or government research body?

Is the partner or end user sponsored by a military or government research body?

Is the project requested unusual in any way, e.g. the quantity or performance capabilities of the goods significantly exceed, without satisfactory explanation, the amount or performance normally required for the stated end use?