

## UK Export Controls

### 1) Export Control Act 2002 and Export Control Order 2008

UK export controls are designed to restrict the export and communication of sensitive technology or strategic goods, with the aim of preventing weapons of mass destruction (WMD) proliferation and countering international threats such as terrorism. The controls apply equally to the academic community as to any other exporter, and cover physical export, electronic transfer, non-electronic transfer (which may include verbal), or by any other means.

Where a transfer or export falls under one or more of the Controls a licence may be required in order to continue, or extreme circumstances the transfer may not be able to take place. Export controls and any licences required are administered by the [Export Control Organisation](#) (ECO). **It should be noted that failure to obtain an appropriate licence to export controlled goods may result in a criminal offence being committed.**

### 2) Impact for the College

A licence to export may be required if the item(s) being transferred meets certain criteria. The key factors of determination are:

- The nature of the item(s) due to be exported
- The destination of the item(s)
- The ultimate end use of the item(s)
- The licensability of any trade activities taking place.

The nature of the College's business means it is very likely that UK export controls have an impact on the activities that it carries out.

The potential impact areas:

- Sponsored research activity
- Collaboration, particularly with international partners
- Academic attendance at meetings and/or conferences
- Material transfers
- Teaching, particularly postgraduate students

The broad categories covered by export controls are:

- most items that have been specially designed or modified for military use and their components
- dual-use items (those that can be used for civil or military purposes), which meet certain specified technical standards and some of their components
- technology and software associated with the above
- items that might be used for torture
- designated radioactive sources

UK export controls broadly fall into two categories:

- Items appearing on designated **control lists**
- Items falling within designated **end-use** controls (WMD)

### 3) Control lists

There are two main control lists:

- Military use
- EC Dual-use list

It is important for staff to be aware of their obligations

The **military list** controls items that have specific military application. This may include weapon technology itself, or such items as radar systems to locate, track and acquire targets.

The controls in list cover all exports out of the UK.

The **dual-use** list covers those items that have a legitimate civilian application but may also have military application. This may include biological agents such as certain viruses, certain chemicals, or phased array radar technology.

The controls in this cover exports outside of the EC. Some more sensitive dual-use items require a licence to export from the UK also, items related to nuclear reactor technology.

#### 4) **End-use**

As it would be too burdensome to list every single dual-use item therefore legislation has been developed to cover the specific end-use of technology, where this is linked to WMD.

This provision will therefore cover items which may not appear on either control list but where the goods or items are intended, either in part or entirety, for WMD purposes.

There are a number of provisions to cover methods of transfer, each with a specific test to trigger the control. It may be necessary to consult the ECO, and a licence may therefore be required

- Physical or electronic transfer from the EC to a destination outside of the EC where you are aware or have been informed by the Government that there is a WMD risk
- Physical Export or electronic transfer from the UK to outside of the EC where you have grounds to suspect there is a WMD risk, unless having made reasonable enquiry you are satisfied this isn't the case.
- Physical Export or electronic transfer from the UK to within the EC where you are aware or have been informed by the Government that there is a WMD risk, and where the final destination is outside the EC.
- Electronic and non-electronic transfer (eg. face-to-face discussion, course notes etc) within the UK where you are aware or have been informed by the Government that there is a WMD risk. **NB. This provision encompasses teaching, but does not apply to public domain items.**
- Electronic and non-electronic transfer (as above) by a UK person outside of the EC to a destination outside the EC, where they are aware or have been informed by the Government that there is a WMD risk. **NB. This encompasses academic staff travelling abroad to meetings or conferences, but again does not apply to public domain items.**
- Non-electronic transfer from the UK where you are aware or have been informed by the Government there is a WMD risk, and either the immediate destination, or the final destination is outside the EC. The exemption for public domain items applies here.
- The provision of technical assistance directly or indirectly to a person or place outside the EC, where you are aware the assistance is intended in part or whole for WMD purposes, or have been informed by Government of such a risk. This provision is unlikely to affect College based academic activities.

The key tests in end-use controls are **awareness** of WMD risk, or being **informed** of such a risk.

**Awareness** requires specific reasons to believe an item is **intended** for WMD purposes, not simply that an item may have WMD application.

#### 5) **Exemptions**

##### **End-use**

Few exemptions apply to specific end-use controls, and are only for specific situations involving public domain items (see above)

##### **Basic scientific research and public domain items**

The **dual-use list** exempts items that are in the public domain or for basic scientific research. In this case items that **do** appear on the list, being transferred outside of the EC, but which are in the public domain or being used for basic scientific research are exempted. However, this does not apply where there are specific end-use concerns (see above).

#### 6) **Further Information**

The ECO provide a [Beginners Guide to Export Controls](#), as well as [tailored guidance for the academic community](#).

The ECO also provide online tools to enable exporters to check items against the Control Lists. [A Goods Checker](#) allowing exporters to check their goods against the Control Lists, as well as a [Rating Enquiry Service](#) in which the ECO will check the items on behalf of an exporter. Both tools require registration.

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