

22. Queen Mary Export Controls and Sanctions Policy

1. Policy Context

1.1 Whilst this policy applies to everyone who carries out collaborative research, educates and supervises students and carries out research overseas, the risks are most prevalent for those working in:

- a) Aeronautical and space technology
- b) applied chemistry, biochemistry and chemical engineering
- c) applied physics
- d) biotechnology
- e) electrical and mechanical engineering
- f) instrumentation and sensors
- g) materials technology
- h) nuclear technologies
- i) production and process technology
- j) telecommunications and information technology

1.2 Research you may carry out via (see below) is also subject to this policy:

- a) virtual learning environments (VLEs)
- b) e-Research
- c) e-Science

1.3 Adherence to this policy is important to ensure Queen Mary's staff and students are supported to stay within the law and to protect our reputation. To support compliance, new training and clear points of contact for further advice, have been made available within the Joint Research Management Office to those most likely to need it. We have also rolled out new mandatory training for all staff to help them understand the requirement. We will offer more immersive training sessions on a regular basis.

2. Policy Statement

2.1 Queen Mary University of London (Queen Mary) increasingly engages in global partnerships and collaboration. While the great majority of these activities are not subject to policy and potential restrictions, Queen Mary is committed to observing all export control and sanctions regulations that apply to its work.

2.2 The regulations are not intended to restrict academic freedom but to support it. If sensitive technology falls into the wrong hands, it could undermine security or human rights, support terrorism or crime, or assist in the proliferation of Weapons of Mass Destruction (WMD). This could lead to more restrictive regulations. By ensuring that collaboration and exchange is conducted responsibly, we help to ensure that no undue legal restrictions are placed on our activities.

2.3 Failure to adhere to this policy can have significant consequences for Queen Mary and for individual researchers, potentially including loss of funding and inability to deliver on research grants and contracts, through to criminal convictions. On the other hand, compliance provides assurance to our staff, partners and collaborators, and strengthens Queen Mary's position in applying for research funding and participating in framework bids.

2.4 This policy sets out how to identify restricted activities and how to ensure compliance in a proportionate way. The Assistant Director for Research Operations (ADRO) has overall responsibility for this policy, and the Export Control Manager (ECM) has operational responsibility.

2.5 All staff concerned should familiarise themselves with this policy, participate in training and cooperate fully with the ADRO and ECM to put it into practice. Our compliance will not only avoid the risk of serious penalties and damage to our reputation, but it will help to ensure that we are able to continue confidently to expand our international horizons in a world increasingly marked by strategic technological competition.

OVERVIEW

3. Scope

3.1 This policy applies to everyone at Queen Mary. For the avoidance of doubt, this includes all academic staff, researchers, research students, visiting researchers and research students, research support staff, Queen Mary Innovations staff, research managers, support staff and administrators. Failure to knowingly adhere is a disciplinary and legal offence. Penalties range from unlimited fines for QMUL, compounded by reputational damage which could have a serious impact on the QMUL's overseas partnerships. Ultimately there is the ability for the Government to impose up to 10 years' imprisonment for individual staff convicted of knowingly ignoring the policy,

4. Controlled Exports/Transfers

4.1 University work potentially affected by export controls is primarily post-graduate work involving one of three types of item:

- a) **Dual use items:** items intended for civil use, but which could potentially be used for military, weapons of mass destruction (WMD) or security-related purposes. Extensive, detailed technical criteria that define dual-use items are set out in the UK's Dual-Use Lists. The main relevant disciplines are: nuclear engineering; viruses, pathogens, vaccines; chemicals with toxic properties; high strength materials; high specification electronics, computers, and telecommunications; automation; cryptography; optics and sonar; navigation; submersibles; aerospace; and space.
- b) **Military items:** any item is subject to control if it is specially designed or modified (however minor the modification) for military use; and
- c) **WMD end-use:** any item is subject to control if you have been informed, you know or you have reason to suspect that it is or may be intended to be used in a WMD programme outside the UK. This applies not only to exports/transfers outside the UK but also to teaching and research in the UK. These controls do not apply if there is only a theoretical possibility that items could be used in a WMD programme. But staff should be alert to any grounds to suspect that a recipient may divert an item for use in a WMD programme.

4.2 'Items', as used in this policy, includes the following:

- a) **Goods:** equipment, components, materials, samples, chemicals and biological agents that meet the definitions of dual-use, military or WMD end-use as set out above;

- b) **Technology:** the specific information required for the development, production or use of controlled goods. The controls only apply to the information which is peculiarly responsible for achieving or extending the performance levels, characteristics or functions of controlled goods (except in the case of nuclear technology, to which the term 'required' does not apply). Controlled technology can take any form including data, research papers, designs, manuals, formulae and prototypes; and
- c) **Software:** that is specially designed for the development, production or use of controlled goods.

4.3 The controls apply to the following activities:

- a) **Physical exports** out of the UK of controlled items, on a permanent or temporary basis, including very small quantities. Such exports include hand carrying controlled software or technology on paper or on a laptop, mobile phone or memory device when travelling;
- b) **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 if information is communicated so as to achieve substantially the same result as if the recipient had read it. 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;
- c) **Exports and Transfers within or outside the UK** of any item subject to WMD end-use controls as described above;
- d) **US-controlled items:** a US licence may be required to transfer US-controlled items to anyone in Queen Mary who is a foreign or dual national, or to anyone outside Queen Mary, in the UK or overseas; and
- e) **Sanctions:** financial sanctions prohibit the transfer of any funds or economic resources directly or indirectly to or for the benefit of a sanctioned individual or organisation. Trade sanctions restrict the supply of certain items, primarily military equipment, to sanctioned countries. US sanctions extend in some case to supplying any US-origin or US-controlled item to sanctions targets in the UK and worldwide.

5. Exemptions

5.1 **In the Public Domain:** controls do not apply to software or technology that is “*available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright)*”. The main considerations are:

- a) the software or technology must be available to anyone, for example on a website, at an exhibition or at a conference open to the public;
- b) the exemption applies if the software or technology is available to anyone in return for payment, for example in a subscription journal;

- c) research intended to be published is not exempt until after it is published. Sending unpublished research work overseas, for example in the course of teaching, research collaboration or for peer review, is not exempt (unless the 'Basic Scientific Research' exemption applies); and
- d) the act of publication is not itself subject to licensing unless the technology is otherwise restricted, for example if it is subject to the Official Secrets Act.

5.2 Basic Scientific Research: controls do not apply to technology that is "*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*". The main considerations are:

- a) this exemption applies to research work that is not directed towards a specific short-term practical aim nor addresses a specific technical problem;
- b) the technology developed in the course of a research project is likely to be exempt if the sole intended output is a published article in a peer reviewed scientific journal;
- c) Technology Readiness Levels (TRL) 1-2 are generally considered to be exempt while TRL 3 is borderline and should be considered case-by-case; and
- d) this exemption does not apply to software.

5.3 Patent Applications: the controls do not apply to the minimum technical information required to support a patent application. This exemption does not apply to nuclear technology.

6. US Export Controls

6.1 US legal restrictions apply to certain items in the UK as follows:

- a) US-origin military or dual-use items that have been imported into the UK directly or indirectly from the US;
- b) items made or developed outside the US that incorporate any US-origin military content or over 25% (in most cases) by value US-origin dual-use content; and
- c) items made or developed outside the US using US-controlled technology.

6.2 Although US law provides for a wide range of exemptions, a US export licence may be required to transfer such items not only out of the UK but also within the UK, including to a foreign or dual national within Queen Mary (staff, students or visitors). Failure to comply with US requirements can result in severe fines. But at the same time, due care must be taken to ensure compliance with UK anti-discrimination law if US restrictions prohibit access to an item by a foreign or dual national.

6.3 Some US sanctions prohibit the supply of all US-origin items (for example US-made laboratory equipment) to US sanctions targets. Such targets include some organisations and their staff operating in the UK and some foreign research institutions (notably in China) that may collaborate with UK universities, including sending staff or students to the UK. The

use of US-origin items in working with such persons is not expressly prohibited but care needs to be taken to avoid giving them ownership or possession of such items.

7. Awareness, Guidance and Training

7.1 The ECM is responsible for maintaining up to date information on the regulations. The ECM shall attend relevant external courses as appropriate, and ensure mandatory training is carried out, supporting staff to understand their responsibilities under this policy, what materials and wider support is available to them

7.2 The ECM, working with faculty Research managers, staff and students, shall review periodically which members of staff require awareness and/or training on the regulations and shall arrange appropriate awareness-raising materials/events and training, as required, including in induction presentations for new staff. The ECM shall maintain a record of all such training.

7.3 The ECM shall provide an appropriate level of information on QMUL's website, including this Policy.

7.4 The ADRO and ECM may consider further steps to raise awareness and to embed export controls and sanctions compliance in QMUL procedures. Examples of such steps may include: appointing Contact Points in Schools to assist researchers with questions and liaison with the ECM; putting export control issues on Schools' risk registers to ensure that they are included in routine reviews of activities; using the Annual Staff Review process to assess whether relevant staff require training and how effectively they are implementing this policy; sending staff most concerned to attend external courses; or establishing a Steering Committee of certain relevant staff (such as Heads of Schools, Directors of Research, Directors of Graduate Studies and Research Managers) to help coordinate the implementation and eventual development of this policy.

PROCEDURES

8. Prospective Staff and Students: Academic Technology Approval Scheme (ATAS)

8.1 The risk of a transfer of sensitive technology that might be used in a WMD programme occurring in the course of teaching or research in the UK is primarily managed by the UK government through the ATAS. Students, researchers and staff from certain countries applying to study or work in the UK at postgraduate level in relevant disciplines require an ATAS certificate before they will be granted a visa. Compliance with ATAS at QMUL is managed by ARCS.

8.2 A new ATAS certificate may be required if a student or researcher changes course or project while they are in the UK.

9. Prospective Partners: Sanctions Assessment

9.1 All prospective partners based in or with links to a sanctioned country listed in Appendix C shall be screened against the UK and US sanctions lists. This applies to all individuals and organisations with respect to donations, research grants and agreements, procurement, other sources of income, overseas partnerships and activities. No such engagement may be concluded without prior written approval by the ADRO, and after taking advice from Partnerships board as appropriate.

9.2 The sanctioned countries in Appendix C shall be kept updated by the ECM. They are divided into two categories:

- a) **Highly Sensitive:** Cuba, Iran, the Crimean Region of Ukraine, Syria or North Korea: any proposals for activities involving, directly or indirectly, any individual or organisation based in or with links to these countries must be referred, with full details of the proposal, to the ECM;
- b) **Restricted:** all other sanctioned countries: proposers shall provide full details of the individual or organisation concerned and the proposed activity to the ECM who will conduct screening checks against the UK, US and any other relevant list of sanctioned individuals and organisations, and against the UK trade sanctions measures, and submit the results to the ECD.

9.3 The ADRO shall decide whether the proposed activity may proceed, if appropriate in consultation with Queen Mary's banks, insurers and where appropriate in consultation with Partnerships board. If an activity with a sanctioned person is approved, the ECD may agree with the team concerned on enhanced compliance measures to be followed in all dealings with the sanctioned person.

9.4 Records of all screening assessments and decisions shall be stored for at least four years in the Joint Research Management Office.

10. Export Control Assessments

10.1 Certain proposed research projects, Material Transfer Agreements (MTAs), intellectual property licensing and education involving persons located outside of the UK shall be subject to consideration of whether the work will involve items subject to export controls. In order to focus attention on activities most liable to be subject to export controls, such consideration shall apply to activities involving both of the following criteria:

- a) a relevant discipline as listed in 3.1(a) above; and
- b) an export/transfer out of the UK or US export controls.

10.2 Proposals for such activities shall be accompanied by a completed Export Controls Enquiry form (Appendix A) completed by the Principal Investigator (PI) or proposer. The ECM in consultation with the PI/proposer, shall then determine whether export controls are in fact applicable, following the process in the flowchart in Appendix B. In cases of doubt, an enquiry shall be submitted to the Department for International Trade.

10.3 In addition, research managers in Schools and Institutes will routinely assess all other proposals that may involve an export/transfer out of the UK and, whenever they judge that there is a risk that export controls may be applicable, the PI/proposer shall be required to provide a completed Export Controls Enquiry form.

10.4 All items that are identified as subject to export controls shall be flagged as such in documents, records and labels associated with the items.

10.5 Research contracts and MTAs involving work with controlled items, or that might involve such items, shall include enhanced contractual provisions as set out in Appendix D.

10.6 With respect to US controls, all concerned must be alert to the risk of the receipt of an item that is subject to US export controls and require that external partners inform them of whether any item they propose to send to Queen Mary is US-controlled. No activities of any sort related to items restricted by US laws may proceed without the prior written consent of the ADRO. If any US export controls may be applicable, the ECM shall consult with those concerned, if appropriate seek external expert advice, and prepare a compliance plan for the approval of the ADRO.

10.7 Records of all export control assessments and decisions shall be stored by the ECM for at least four years.

11. Export licence applications and use

11.1 If an export licence is required, the ECM shall determine, on the basis of the export control classification of the specific item(s) and destination(s) concerned, which type of licence is required and shall register (in the case of Open General licences) or apply (in the case of Individual licences). The PI/proposer shall provide the ECM with all the details related to the proposed export/transfer that the ECM may require.

11.2 When an export licence is obtained, the ECM shall provide a copy to the PI or proposer and agree with them on how the conditions of the licence will be fulfilled, in particular:

- a) **in all cases:** ensure that the items to be transferred, their destination country and recipients are covered by the licence;
- b) **for physical exports:** ensure that the licence title and number are referenced on the shipping documents and on the export declaration completed by the freight forwarder;
- c) **for electronic transfers:** ensure that the UK export control classification number and the export licence title and number are referenced on the documents and any covering emails; and
- d) **for international travel:** any staff or student proposing to carry a controlled item overseas or to access controlled technology while they are overseas shall consult the ECM who shall ensure that the appropriate export licences are in place. This may include also obtaining an export licence from the destination country if it is intended to carry a controlled item back from there to the UK.

11.3 Records of all such exports and transfers, as required by the licence, shall be stored in Work Tribe by the PI/ECM for at least four years. The ECM shall verify periodically that this is being done correctly.

12. Audits and Breaches

12.1 If Queen Mary obtains one or more export licences, Queen Mary will become subject to external audits by the Department for International Trade to check compliance with the conditions of the licence(s) and that no controlled items are being exported without a licence.

12.2 If an external or internal audit finds any failures of compliance, or if these come to light in the course of routine business, the ADRO and ECM shall be responsible for immediate investigation and corrective action, and submitting a voluntary disclosure to HM Revenue

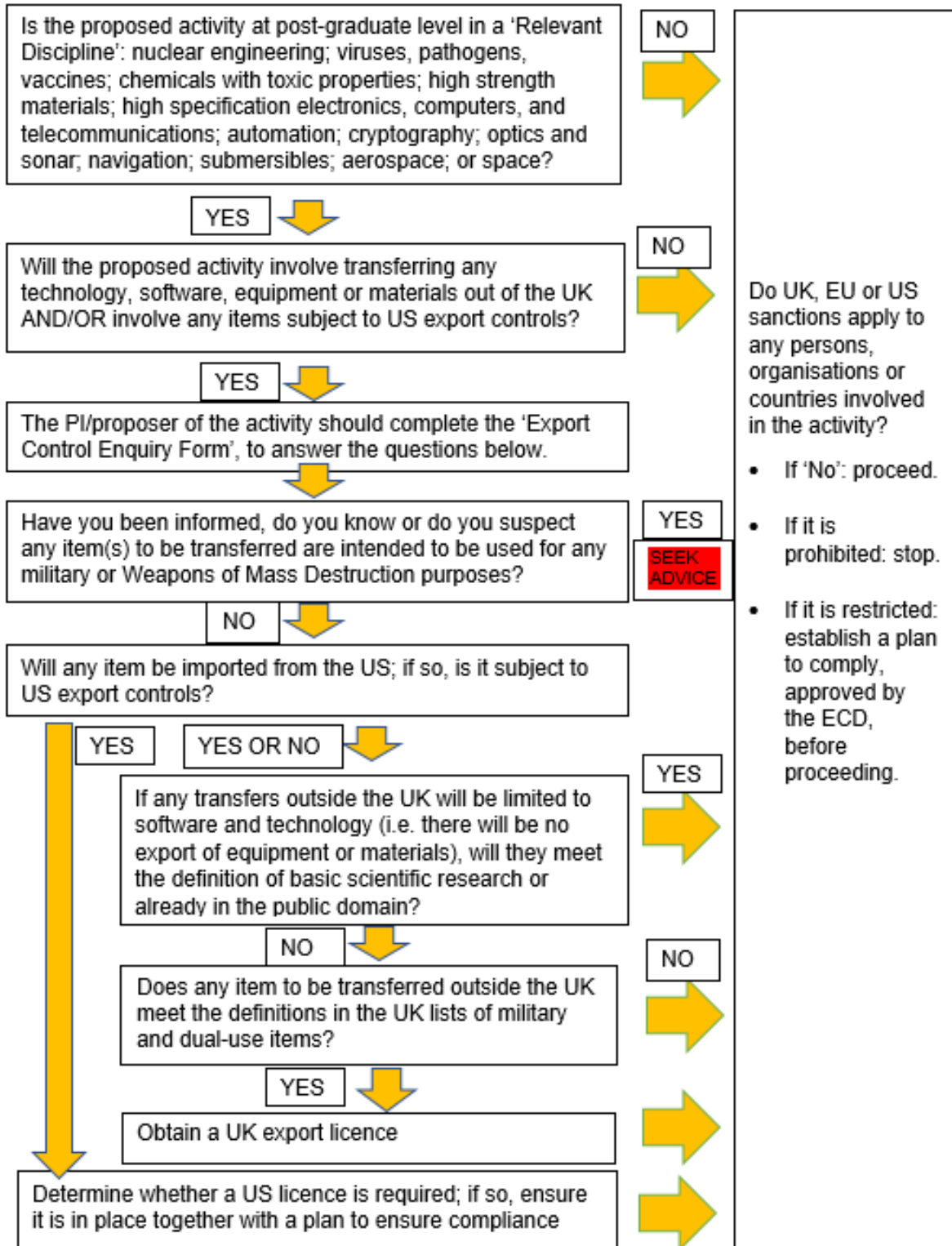
and Customs (for breaches of export controls or trade sanctions) and to the Office for Financial Sanctions Implementation (for breaches of financial sanctions), seeking appropriate external advice as appropriate.

Appendix A: Export Controls Enquiry Form

This form should be completed by the Principal Investigator or proposer of any proposals for research projects, Material Transfer Agreements, transnational education or IP licensing as required by Section 9 of the Policy. If you have any questions, please consult the ECM using a shared mailbox:

Section 1: Project Information				
Project Title				
Project number on Worktribe				
PI or Proposer				
Department				
Telephone and email				
Funder (if any)				
Date				
Section 2: Item Information				
Description of the item(s)				
Intended overseas recipient(s) and their address				
Section 3: End-Use				
13. How is the item(s) intended to be used?				
		Yes	No	Unsure
2.	Have you been informed, do you know or do you have reason to suspect that the items are or may be intended to be used in a programme related to Weapons of Mass Destruction i.e. nuclear, chemical or biological weapons or missiles capable of delivering them?			
3.	Have you been informed, do you know or do you suspect that the items are intended to be used for any military purpose?			
Section 4: US-controlled items				
		Yes	No	Unsure
1.	Will any item or component originate from the United States?			
2.	If yes, is any item known to be subject to US export controls? (The supplier should be asked to advise.) If the US Export Control Classification Number is known, please provide it here:.....			
Section 5: Exemptions				
		Yes	No	Unsure
1.	Does all software and technology related to this proposal meet the definition of 'already in the public domain': " <i>available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright)</i> ".			
2.	Does all technology related to this proposal meet the definition of 'basic scientific research': " <i>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</i> ".			
Section 6: Military and Dual-Use Controls				
		Yes	No	Unsure
1.	Is any item specially designed or modified for military use?			
2.	Is any item listed in the UK's Dual-Use lists? Please refer to the ' Goods Checker ' tool, check all relevant key terms and, if any item may meet the criteria, provide your best estimation of its classification):			

Appendix B: Export Controls and Sanctions Flowchart – need to adjust to ECM, says ECD currently



Appendix C: Sanctioned Countries

MOST SENSITIVE COUNTRIES

Cuba
Crimea, Donetsk, Luhansk (territory of Ukraine)
Iran
North Korea
Syria
Russia

RESTRICTED COUNTRIES

Afghanistan
Argentina
Armenia
Azerbaijan
Belarus
Bosnia-Herzegovina
Burundi
Central African Republic
China (including Hong Kong)
Democratic Republic of the Congo
Guinea
Guinea Bissau
Iraq
Lebanon
Libya
Mali
Myanmar (Burma)
Nicaragua
Somalia
South Sudan
Sudan
Tunisia
Venezuela
Yemen
Zimbabwe

This list is intended to give you an indication of countries of greatest potential risk. It was updated in March 2022 and will be updated annually.

Please also check potential collaborations against the UK Government list:

Sanctions assessments should be made by checking the name, address and country of the prospective

partner individual or organisation against three sources:

Source	Link
UK financial sanctions list	https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets/consolidated-list-of-targets
UK trade sanctions list	https://www.gov.uk/guidance/current-arms-embargoes-and-other-restrictions
US Consolidated Screening list	https://www.trade.gov/data-visualization/csl-search

Appendix D: Enhanced Contractual Provisions

The following provisions shall be included in all contracts to which export controls apply or to which there is judged to be a heightened risk.

Research Contracts

The Parties shall comply with all sanctions and export control laws to which they are subject and which are applicable to any items, including but not restricted to goods, materials, biological agents, software, data or technology transferred between them. Each Party shall specifically inform the other Party, before the transfer of any such item, of all sanctions and export control conditions applicable to the transfer and the item. Each Party may terminate this contract immediately, without incurring any liability, if it reasonably apprehends that continuing to service this contract would be in breach of any applicable sanctions or export control laws. In the event that an application by a Party for an export licence is denied, the other Party hereby indemnifies and shall hold harmless that Party against all and any liability resulting from the licence denial.

Material Transfer Agreements

Both Parties shall comply with all sanctions and export control laws to which they are subject, and which are applicable to any items, including but not restricted to goods, materials, biological agents, software, data or technology transferred between them. The Provider shall verify whether the supply of the Materials under this Agreement requires any export licence and shall obtain any such licence before the Materials are transferred. The Provider shall specifically inform the Recipient, before the transfer of any such item, of all and any sanctions and export control conditions applicable to the transfer and the Materials. The Provider may terminate this contract immediately, without incurring any liability, if it reasonably apprehends that continuing to service this Agreement would be in breach of any applicable sanctions or export control laws. In the event that an application by the Provider for an export licence is denied, the Recipient hereby indemnifies and shall hold harmless the Provider against all and any liability resulting from the licence denial.

This Policy applies to Queen Mary Only