

# Safe and Secure Partnerships (Export Controls, National Security and Sanctions) policy

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# Contents

Safe and Secure Partnerships (Export Controls, National Security and Sanctions) policy	
Safe and Secure Partnerships (Export Controls, National Security and Sanctions) policy	
Flowchart .....	2
1. Introduction .....	3
2. Scope – who and what is covered by this policy? .....	4
3. Who is responsible for this procedure?.....	5
4. Export control systems and controls at LSBU .....	5
5. Training .....	6
6. Useful Resources.....	7

# Safe and Secure Partnerships (Export Controls, National Security and Sanctions) policy Flowchart



# Safe and Secure Partnerships (Export Controls, National Security and Sanctions) policy

## 1. Introduction

- 1.1. Our research seeks to provide novel insights and new understanding of emerging global challenges and deliver innovative solutions of benefit to business, industry, public service and our wider community. We feel justifiably proud of our researchers' achievements. Each of our Schools is involved in a wide range of research projects, many involving collaborations with national and international partners. We are committed to maintaining the highest standards in research governance and complying with applicable export control law and trade sanctions. All researchers, particularly those in the scientific and engineering disciplines, need to give regard to the principles of Trusted Research Guidance (to include cyber-security, GDPR and IP protection considerations amongst others) for academics, and Smart Traveller advice; understand export control regulations and sanctions regime; and ensure that they comply with them.
- 1.2. The UK's Export Control Organisation prescribes rules that stem from international treaties and apply to the University, researchers, and students who engage in the transfer or export of goods, technology, related information, teaching, research, and/or academic exchange with a colleague at, for example, an overseas institution. There may be instances where the University and individual academics need an export licence from the Export Control Joint Unit to carry out an activity.
- 1.3. In addition, the UK government introduced the National Security and Investment Act 2021 (the "NSI") which regulates transactions in 17 sensitive areas that may give rise to national security risks. Together with export control, this act empowers the government to impose conditions on qualifying acquisitions of entities and assets, or, to block or reverse certain transactions.
- 1.4. The University is committed to comply with the UK trade and financial sanctions regime. For up to date information, please see <https://www.gov.uk/government/publications/the-uk-sanctions-list>
- 1.5. This policy establishes the minimum expectations of the University in identifying, mitigating and managing any risk associated with sanctions and export control laws.
- 1.6. Failure to comply with relevant sanctions and export control laws would constitute a breach of legal requirements and carry significant legal, reputational and financial consequences. It is a criminal offence to contravene export controls or trade sanctions and the fines that can be

imposed against the University and any individuals involved in breaching these laws can be significant.

## **2. Scope – who and what is covered by this policy?**

2.1. This policy applies to staff, contractors, joint venture partners and research students. In the academic context, export controls are most likely to apply in relation to scientific and technical research with potential military (including defence and security) or WMD applications.

2.2. The policy covers items specified by export control laws (<https://www.gov.uk/guidance/uk-strategic-export-control-lists-the-consolidated-list-of-strategic-military-and-dual-use-items>) to include certain types of strategic goods, software and technology (goods, software and technology are referred to collectively as items). The strategic items include:

- Most items that have been specially designed or modified for military use and their components.
- Dual-use items; that is, goods, software, technology, documents and diagrams that can be used for civil or military purposes, and some of their components.
- Goods that could be used for capital punishment, torture or other cruel, inhumane or degrading treatment or punishment.
- Non-military firearms.
- Radioactive sources.

2.3. The NSI applies to qualifying acquisitions and could include the following qualifying entities and items: universities, research organisations, a private company doing work with a university, designs, patents and software, amongst others. Please see the government's guidance for further details:

<https://www.gov.uk/government/publications/national-security-and-investment-act-guidance-for-the-higher-education-and-research-intensive-sectors/national-security-and-investment-act-guidance-for-the-higher-education-and-research-intensive-sectors>

<https://www.gov.uk/guidance/national-security-and-investment-act-guidance-on-acquisitions>

2.4. In the university context, NSI is most likely to apply to a university spin-out company.

2.5. This policy also promotes the UK Government 'Trusted Research' guidance and best practice as established by the National Protective Security Authority.

### **3. Who is responsible for this policy?**

- 3.1. The Provost has overall responsibility for the procedure but has delegated day-to-day responsibility for overseeing its implementation to the Pro Vice Chancellor for Research and Innovation (the “**PVC R&I**”).
- 3.2. The PVC R&I and the Group Solicitor will review this procedure from time to time (and at least every two years) to ensure that its provisions continue to meet our legal obligations and reflect best practice.

### **4. Export control systems and controls at LSBU**

- 4.1. The responsibility for compliance with export control regulations ultimately rests with individual academics/research supervisors/principal investigators (the “**Lead**”). Compliance with export control legislation requires the Lead to consider, for any international collaboration, whether they may need an export licence from the [Export Control Joint Unit](#) to carry out an activity. Such licence will need to be obtained before any export is made. Due regard should also be paid to the US Export Control laws (where applicable), and when exporting to the EU.
- 4.2. The Lead needs to submit their project proposal, or their existing or potential international collaboration, to the Pre-Awards/Enterprise team via [HAPLO](#), using [Global Research and Innovation Collaborations Disclosure Form](#). The Pre-Awards team/Enterprise team will carry out pre-submission risk assessments (including the military end-use checks), due diligence about the partner/funder (to include ethical, legal and national security considerations), and check application of sanctions regime, export control and the NSI regulations. The Pre-Awards/Enterprise team shall consult the Group Solicitor for further advice if required. Where necessary external guidance can be obtained via the Legal team or the Pro Vice Chancellor (Research & Innovation) to determine whether the proposed partnership should be proceeded with and if an export control licence application might be advisable. Straightforward cases can be approved at this stage.
- 4.3. When assessing a potential collaboration partner, the Lead and the Pre-Awards/Enterprise teams shall have regard to ethical considerations and the reputation of the University, as well as NPSA’s checklist for academia and the following resources:
  - The UK and US Export control lists
  - UN sanctions list
  - Country corruption index
  - Trade restrictions on export
  - Human Freedom Index
  - World Justice Project Rule of Law Index
- 4.4. If, on completion of pre-submission risk-assessment, the Pre-Awards/Enterprise team consider the collaboration to be ‘high risk’ or ‘very

high risk' , or have any significant concerns in relation to the partner, the proposal shall be referred to the International Research & Innovation Collaboration Panel (the "**IRIC Panel**").

4.5. The IRIC Panel shall consist of the PVC R&I's (or nominee), the Dean of School (or nominee), a representative of the Pre-Awards/Enterprise team and a member of the Legal team. The Panel shall review all international collaborations in scientific fields proposed within the territories subject to arms embargo, trade sanctions and other trade restrictions. The IRIC Panel will decide whether a licence should be applied for or not.

4.6. Depending on the outcome from the PVC R&I's Panel, the Dean of School shall approve/refuse the project on HAPLO.

4.7. Depending on the outcome of the IRIC Panel, a licence may be applied for, or a voluntary notification made to DSIT.

The process and requirements for making a licence application will depend in part on the type of licence applied for. The ECJU issues licences to authorise various types of activities that would otherwise be prohibited under the UK's export control regime, including to export, transit or tranship goods, to transfer software and technology, or to provide related technical assistance or brokering and financial services. Different types of licences are issued to cover these different types of activities.

4.8. The Dean and the Pre-Awards team should record the reasoning for the decision on [HAPLO](#) and/or [another central log](#) and keep the records (together with any licence application documentation) for at least 6 years from the end of the year in which export took place and longer if required by the licence. The decisions shall be reported to the University Research Board of Study.

4.9. Staff have an obligation to inform the Pre-Awards team/Enterprise team of all their collaboration initiatives, so that a central list of all collaborations can be kept up-to-date.

## **5. Training**

5.1. It is the responsibility of all staff involved in research or other relevant work to keep their knowledge in this area up to date. Information is available on the government website ([www.gov.uk](http://www.gov.uk)) e.g. under Export Controls. Training is available from LSBU's Organisational Development (OD) team, and is provided by ECJU and HEECA. You can speak to the OD team and the Legal team about your team's training needs in this area.

5.2. Relevant Departments should ensure that this policy is drawn to the attention of new staff on appointment.

## 6. Useful Resources

- [Export controls applying to academic research - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Academic Technology Approval Scheme \(ATAS\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Trusted Research Checklist for Academia.pdf \(npsa.gov.uk\)](http://npsa.gov.uk)
- [UK strategic export controls - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Export controls: dual-use items, software and technology, goods for torture and radioactive sources - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Export controls on academic research - Case study - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Training on export control compliance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)