University of Leicester Research Governance Office

Standard Operating Procedures

TR-SOP-2 UoL

Procedure for Obtaining and Registering Export Control Licenses at the University of Leicester

Version 1

Effective Date: 2024

This SOP will be implemented in line with this document's effective date for all UoL Sponsored research still in set up. For active clinical research that is already in the recruitment phase (or further) at the time of implementation, this SOP must be implemented within 3 months of the effective date.

Please note the appendices associated with this SOP may be subject to interim changes. Please ensure that appendices are downloaded from the RGO webpages prior to use to ensure the latest version of the document is being used. For active studies there is no requirement to update appendices to the latest version.

1.0   Introduction and Scope

This SOP is to set out the process in which an Export Control Licence is requested & processed by the Trusted Research team. A licence is required before any transfer of any assets (tangible or intangible) covered by a control can take place.
There is no automatic exemption for academics or teaching. Failure to obtain a licence is a criminal offence.
The scope of this SOP covers all assets (tangible or intangible) not just those related to research activity.

2.0   Purpose

The purpose is to clearly identify when a Trusted Research Assessment is received how the assessment is completed to identify whether an Export Control licence is required.
Export controls are mainly aimed at controlling military goods or technology, or goods or technology which can be used in weapons such as nuclear, chemical or biological agents.

The Government provides a [Consolidated List](#) which brings together a list of all items which require export control licenses because they are either military items or have dual use by the military or terrorist organisations. If the goods or technology are listed on the consolidated list, a licence is always required.

The UK government restricts the export of goods or technology to foreign countries which could contribute to the proliferation of weapons of mass destruction (WMD), or be used in terrorism. There are also sanctions relating to specific countries which you must abide by.

Military items
Specific military items being exported outside of the UK require a licence. These are listed in the Consolidated List and include items such as:

- Conventional, nuclear and biological weapons
- Thermal imaging technology
- Radar antennae

Dual use items
Items which have a legitimate civilian use, but which also have a military use, need a licence if transferred outside the EU. These are listed in the Consolidated List and include items such as:

- Parts for nuclear reactors
- Chemicals
- Microorganisms
- Navigation and avionics – including some space technology
- Unmanned aerial vehicles and associated technology

End use items

If items are not listed on the Consolidated List, a licence may still be required if:

- There is a sanction, embargo or restriction on the destination country, and you are aware that the items may be intended for military or terrorist activity
  - **NOTE: There are specific restrictions on <u>China</u> and <u>Russia</u>.**

- The exporter is aware the items may have 'any relevant use in connection with Weapons of Mass Destruction (WMD)'. 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 delivering such weapons'
- Transferring items or information <u>within the UK</u> if the ultimate end use is WMD.

3.0   Non-Compliance

Where it is identified that the Trusted Research process detailed below has not been followed, this will be raised with the Trusted Officer. Further discussions will be held within the Research Governance Office. Ongoing non-compliance will be escalated to the Head of Department/School and managed by the Director of Research and Enterprise Division (or their delegate).

Non-compliance with Trusted Research processes will be considered Research Misconduct in line with the Research Code of Conduct under section 8.2.7 - Failure to meet ethical, legal and professional obligations and will be handled in line with the Code of Conduct.

4.0   Responsibilities

Action	Undertaken by	Activity
Completion of Export Control Assessment after the TRA form received	TR Team	• For every new Trusted Research Assessment form that the team receive, an assessment should take place to understand whether an Export Control licence is required. • TR Team use the TRA form to understand what, if any, export controllable data or hardware may be shared. • The TR team then will meet with the Research Team and gather more information if necessary. • This information can then be cross checked with the Consolidated List. (It is

Action	Undertaken by	Activity
		often sensible to use broad terms to search rather than being too specific).

Considerations to apply when completing the assessment and any required checks	TR Team &CI	• If there are any potential matches after reviewing the information and <u>Consolidated List</u> the TR team should talk them through immediately with the CI.
		• If there are no matches, but there are still concerns of potential dual use, TR Team may:
		   o Submit a Technology Assessment via ECJU which will determine if the technology is licensable
		   o Discuss with the Research Collaboration Advice Team (RCAT) at the Department of Science, Innovation and Technology.
		• If after the relevant assessment checks have been completed it is clear there is no export control licence required, the TRA will be marked as such and the CI updated.
		• If a licence is required, TR Team need to work out which type. Initially using the <u>Open General Export Control Licence</u> checker - if so, skip to the manage OGEL section.
		• If no OGEL is available, TR Team will assess which other licence is most applicable for the situation. Advice can be sought from RCAT.

Process when applying and receiving an Open General Export Control Licence (OGEL)	TR Team & CI	• Find the relevant number. Confirm if TR Team have already obtained the specific OGEL required by checking the Licences and End User Log on <u>SharePoint</u>.
		• If not used, request use of the OGEL using the <u>UK Government licensing portal</u>.
		• Before issuing to CI
		   ■ Send terms of the licence CI and confirm they can comply
		   ■ Ensure due diligence has been completed on partners

Action	Undertaken by	Activity
		■ Confirm they know of no Weapons of Mass Destruction involvement ■ Request [end user undertaking](#) for partner ■ Request CI undertake [Higher Education Export Control Association- HEECA training](#) – issue of licence number conditional on return of the certificate - Once OGEL is ready ■ Send licence with number to CI ■ Re-send conditions to CI ■ Send details of how to record all exports via the [Export Control Transfer Form](#) and advise they should be done as each export occurs - Advise CI UoL/TR may be audited - TR Team to log details of the licence on the [Licences and End User Log](#). Completing as much detail as possible and linking to the relevant record on the [Trusted Research Enquiry Log](#). - Template emails for licences are set out in Annex A
Process when applying and receiving a Standard Individual Export Licence (SIEL)	TR Team & CI	- Gather all applicable information on the technology and partner from the CI. - Ensure due diligence has been completed on partners by looking at the [University of Leicester Funder and Partner Due Diligence Assessment spreadsheet.](#) - Confirm CI knows of no Weapons of Mass Destruction - Request [end user undertaking](#) for partner - Request the CI undertake [Higher Education Export Control Association- HEECA training](#) - Draft application via the [UK Government licensing portal](#). - Confirm draft application with the CI either in email, Teams call or in person.

Action	Undertaken by	Activity
		• Submit the application and then add entry to the [Licences and End User Log](#). with full status details. • Work with the CI to respond to any requests for more information. • <u>If SIEL licence is granted;</u> ▪ Send licence with number to CI – on condition of receipt of the HEECA training certificate. ▪ Re send conditions to CI ▪ Send details of how to record all exports via the [Export Control Transfer Form](#) and advise they must be done as each export occurs • Advise CI UoL/TR may be audited • TR team to log details of the licence on the [Licences and End User Log](#), completing as much detail as possible and linking to the relevant record on the [Trusted Research Enquiry Log](#). • Template emails for licences are set out in Annex A. • If licence is refused; ▪ TR Team to inform the CI that the licence has been refused and that <u>no transfers must occur</u>. ▪ TR Team to work with CI to understand how this affects the project and work with school and relevant RED teams to support CI. ▪ Update the [Licences and End User Log](#).
Process when applying and receiving a Open Individual Export Licence (OIEL)	TR Team & CI	• Gather all applicable information on the technology and partner from the CI. • Ensure due diligence has been completed on partners by looking at the [University of Leicester Funder and Partner Due Diligence Assessment spreadsheet.](#)

Action	Undertaken by	Activity
		• Confirm CI knows of no Weapons of Mass Destruction • Request end user undertaking for partner • Request the CI undertake Higher Education Export Control Association-HEECA training • Draft application via the UK Government licensing portal. • Confirm draft application with the CI either in email, Teams call or in person. • Submit the application and then add entry to the Licences and End User Log. with full status details. • Work with the CI to respond to any requests for more information. • If OIEL licence is granted; ▪ Send licence with number to CI – on condition of receipt of the HEECA training certificate. ▪ Re send conditions to CI ▪ Send details of how to record all exports via the Export Control Transfer Form and advise they must be done as each export occurs • Advise CI UoL/TR may be audited • TR team to log details of the licence on the Licences and End User Log, completing as much detail as possible and linking to the relevant record on the Trusted Research Enquiry Log. • Template emails for licences are set out in Annex A. • If licence is refused; ▪ TR Team to inform the CI that the licence has been refused and that no transfers must occur. ▪ TR Team to work with CI to understand how this affects the project and work with school and relevant RED teams to support CI.

Action	Undertaken by	Activity
		▪ Update the [Licences and End User Log](#).
Managing Export Control Licence Compliance	CI & TR Team	• All transfer should be logged by the CI using the [Export Control Transfer Form](#). This will capture all the information and documentation required. • TR Team will save this information in the respective [TRA folder](#). For OGELs, a shortcut of this folder should be linked to the Licences folder. • At a request for information from the Export Control Joint Unit- ECJU, TR team will confirm with the CI that all transfers have been recorded accordingly before responding. • Any significant non-compliance or delayed reporting uncovered here will be dealt with within the non-compliance procedure set out.

5.0 Development and approval record for this document

This table is used to track the development and approval of the document.

Author	Job title	Reviewed by	Approved by	Date approved
Reuben Sneller	Trusted Research Officer	Shaun Monkman	Cat Taylor Head of Research Governance	*[signature]* Nov 27, 2024

6.0 Review Record

This table is used to track the changes made across document revisions.

NB: Paper copies of this document may not be the most recent version. The definitive version is held on the Research Governance Office SOP webpage.

Date	Version number	Reviewed by	Description of changes (If any)

NB: Paper copies of this document may not be the most recent version. The definitive version is held on the Research Governance Office SOP webpage.

Annex A

The following text should be used when sending confirmation of licence approval to CI's.

I can now authorise you to export under the following [insert licence type] Number: **[insert licence number]**

Your use of the above licence is conditional on the following:

1. That you **adhere** to [the licence conditions](#) (including ensuring that the licence number is quoted on any exports).
2. [For OIELs and SIELs] You **meet** [end-user undertaking requirements](#) as required by the government and upload evidence of this to trustedresearch@leicester.ac.uk.
3. That you **limit** your exports to that activity described in our previous correspondence. Any further controlled exports will necessitate a further application to our office.
4. That you **record** all exports (including of intangible assets and knowledge) via the [Export Control Transfer Form](#) and upload any relevant documents.
5. That before your first export you **complete** the HEECA Strategic Export Control Training and send a copy of your certificate to [trustedresearch@leicester.ac.uk](#) quoting [insert TRA reference]. I have enrolled you on the course, you should receive an email from [training@heeca.org.uk](#) with details.
6. That you **inform** us at your earliest opportunity via [trustedresearch@leicester.ac.uk](#) of any changes to your project that may require a change to the licencing

Please be aware the University can be audited on all of its licences and as such is vital your records are kept up to date in this event.

Failure to comply with the above conditions may lead to us removing your authorisation to export under the licences and sanctions by the government.

TR-SOP-2 UoL Export Control

Final Audit Report   2024-11-27

Created:	2024-11-27
By:	Cat Taylor (cat.taylor@leicester.ac.uk)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGZxFhPk2Xd9omdvJ4TPyJ1AlqtTLqHJf

"TR-SOP-2 UoL Export Control" History

Document created by Cat Taylor (cat.taylor@leicester.ac.uk)
2024-11-27 - 2:07:15 PM GMT

Document emailed to cst15@le.ac.uk for signature
2024-11-27 - 2:07:59 PM GMT

Email viewed by cst15@le.ac.uk
2024-11-27 - 2:08:56 PM GMT

Signer cst15@le.ac.uk entered name at signing as Cat Taylor
2024-11-27 - 2:10:21 PM GMT

Document e-signed by Cat Taylor (cst15@le.ac.uk)
Signature Date: 2024-11-27 - 2:10:23 PM GMT - Time Source: server

Agreement completed.
2024-11-27 - 2:10:23 PM GMT