



# QUEEN'S UNIVERSITY BELFAST

## EXPORT CONTROL POLICY

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### 1. Introduction

- 1.1 Export involves the transfer of an item to a destination outside the UK but the context of export control legislation also includes arranging or being involved in the transfer of goods between two overseas countries.
- 1.2 The Export Control Act 2002 (now withdrawn) and subsequent Export Control Order 2008 were developed to protect national security and ensure compliance with international treaties. The Government established the Export Control Joint Unit (ECJU), part of the Department for International Trade, to administer the UK's system of export controls. The ECJU provide the licensing of strategic goods. It should be noted that the Government does not seek to restrict or vet the University's research / innovation / consultancy activities but rather it aims to prevent the results and/or developed software/technology/knowledge from being misused.
- 1.3 Export controls are not unique to the UK, and researchers should be aware that all countries have some form of policy, legislation and enforcement process to address export control. [Section 5](#) of this policy highlights US Export Control requirements. This is of particular importance as US Export Control requirements not only apply to US origin products/software/technology but also to items that originate outside the US.
- 1.4 It is also important to consider government state sanctions that may be applicable to regimes, countries, organisations and individuals. This is of particular importance

when choosing who to undertake business/develop partnerships with, and something that should be identified through the review of due diligence on partners.

- 1.5 Within export control the main areas of concern are that of dual-use, end-user and military goods, software and technology.
- **Dual-use** concerns apply to the movement of physical goods, software and technology or information/data out of Northern Ireland to other countries. Dual-use items are categorised by ECJU in terms of nuclear materials, materials, chemicals, micro-organisms and toxins, materials processing, electronics, computers, telecommunications and information security, sensors and lasers, navigation and avionics, marine, and aerospace and propulsion. You do not need a licence to export controlled dual-use items from NI to the EU unless the items/goods/technology are listed in Annex IV of Regulation (EU) 821/2021, or the end user is based in the Channel Islands or Isle of Man
  - **End-user** concerns relate to the organisation, company or institution (referred to as an 'entity') you are engaged with or planning to engage with. This includes collaborators (formal or informal), visitors, international travel, guest professorships, teaching (from abroad or online from the UK), or consultancy work (either providing it or commissioning).
  - **Military Use** relates to controlled items including physical goods, software and technology (specific technical information and data), specially designed or modified for military use.
- 1.6 Queen's University is committed to complying with export control requirements. This document provides information to enhance understanding and provide appropriate and succinct sign-posting to support compliance in terms of UK export control law. It is important that all those involved are aware of and comply with export control as the breaching of the legislation is prohibited by law. A flow-chart has been developed as a quick reference guide and is detailed in [Section 11](#).
- 1.7 All those involved in research and innovation and/or consultancy and/or teaching activities must be aware that they are **personally responsible** for ensuring compliance with export control legislation. The penalties for breaching the legislation are detailed in [Section 9](#).
- 1.8 It is the responsibility of individual staff to ensure they do not export items, considered as controlled items, without an appropriate licence. Likewise research students (such as Co-operative Awards in Science and Technology (CAST Award) students) need to ensure their research activity is not subject to export control. Careful attention should be paid when staff and/or students are moving between the UK and other countries either for teaching purposes, to undertake research, attend conferences, establish collaborations or returning to their home country for a holiday. Staff should be aware that in certain areas (see high risk areas in [Section 3](#)) teaching material may also be governed by export control legislation. Therefore, it is important that staff consider the content of their courses, in particular where teaching is to be delivered remotely.
- 1.9 Students and researchers requiring an ATAS certificate before they can be granted a visa should consider whether an export licence is required to take any controlled

goods / items / software / technology with them when they leave QUB. An ATAS certificate does not negate the need for an export licence. The need for an export licence should be considered before the student or researcher arrives at QUB and where applicable, an export licence should be sought by the QUB member of staff hosting the student or researcher via the Global Compliance Manager.

- 1.10 Academics involved in any consultancy work should exercise caution to ensure their activities are not governed by export control requirements.
- 1.11 Staff and students should also be aware of the legal frameworks in countries they are visiting/collaborating with, as there might well be a legal obligation which compels the sharing of information with authorities upon request. The [Centre for the Protection of National Infrastructure](#) provide some examples of such legislative requirements.
- 1.12 Awareness training on export control is available through the University's Good Research Practice course found on Queen's on-line (details on accessing are presented in [Section 10 Resources](#)). All those working in STEM areas should complete this training. Detailed training is also available from the Higher Education Export Controls Association. HERSA (Higher Education Research Security Association) formerly HEECA, is the national network to develop, maintain and promote best practice in Export Control Compliance across the UK Higher Education sector and is supported by representatives from HM Government, UK Research and Innovation (UKRI) and the Centre for the Protection of National Infrastructure (CPNI). Additional training and signposting can be provided by the Research Governance team at the request of the School / Faculty / Directorate.
- 1.13 Staff and those supervising PhD students, in particular, in STEM subjects should consider whether their planned research/innovation/consultancy activity is subject to export control requirements. If export controls apply it does not mean you will be prevented from continuing with your project/activity/consultancy, it means you are required to apply for a licence from the Export Control Joint Unit. Tools are available to check if your items are controlled or not through the [OGEL and Goods Checker Tools](#). It is important that these tools are utilised and record kept of decisions.
- 1.14 It is critical that staff and PhD students working in high-risk areas (e.g. where the output could be used for military or oppressive purposes) familiarise themselves with this policy and ensure processes are adhered to. Whilst many goods, technologies or know-how are developed for civilian purposes, in the wrong hands they may well contribute to causing harm, for example Weapons of Mass Destruction (WMD) or human rights abuses. Consideration should be given to work being undertaken, in particular, with overseas partners on research/innovation and/or consultancy projects. Staff should know and be aware of what happens to the technology, software, knowledge created in Queen's when it is being taken overseas or you are actively exporting your technology, software, knowledge.
- 1.15 It is a criminal offence to export controlled items without the correct licence. The penalties for breaching the Export Control Order are detailed in [section 9](#). Where there is a breach of export control requirements individuals may be held personally liable and the University will comply with any criminal investigations.

## 2. Export Control – what's included?

- 2.1 Export Control applies to goods, expertise, technology that appear on the [UK Strategic Export Control](#) lists being transferred to a destination outside the UK\* (including transit through the UK) (\*NI Protocol exemptions apply). A list of definitions can found on the [government website](#).
- 2.2 It governs the physical and electronic transfer of items across borders. For example, taking a laptop, portable hard-drive, USB stick that contained controlled items while attending an overseas conference, could be considered an export. Emails, texts, or uploading information to a server that is overseas could also be included.
- 2.3 Export Control can also apply to conversations, telephone and video conferencing calls where details of a technology are imparted as if the recipient had received a document. This is of particular concern during consultancy work.
- 2.4 Online/virtual teaching resources may also be subject to export control.
- 2.5 Under exceptional circumstances, transfers within the UK may also be within scope – but only where it is known that the ultimate end use of the item or information is related to WMDs or other malign purposes if it proceeds outside the UK.

## 3. High Risk Areas

Certain areas of applied research are considered higher risk, often within the STEM subject areas. These include:

- Aeronautical and space technology
- Applied chemistry, biochemistry and chemical engineering
- Applied physics
- Biotechnology
- Electrical and mechanical engineering
- Instrumentation and sensors
- Material Technology
- Nuclear Technologies
- Production and Process Technology
- Telecommunications and Information Technology

The UK Government website provides current definitions of 'technology' and 'software' in the context of export controls. Guidance on exporting military or dual-use technology is provided [here](#).

## 4. Exemptions in export control

A great deal of research undertaken within Queen's will be exempt from export control requirements. These are:

- 4.1 Information already in the public domain, e.g. most information used in routine teaching on undergraduate or taught master's courses, or information already freely available in a book, on a website, or exhibition.

- 4.2 Experimental or theoretical research undertaken to develop basic scientific knowledge<sup>1</sup>.
- 4.3 The provision of minimum technical information needed to support a patent application.

## 5. US Export Control

- 5.1 Technologies imported from the US bring with them conditions that are detailed on the US export licence. The exporter should notify the recipient (i.e. the University importer) of any particular stipulations associated with the technology.
- 5.2 It is important that individual researchers seek to understand what, if any, restrictions there might be as these may require additional controls which may not always be feasible to meet.
- 5.3 It is also important to understand that some US export licences for controlled goods/technology can be transnational in scope – researchers should take care to understand if this applies to an import and any impact this might have on sharing any imports further, for information, advice or for inclusion in any technology.
- 5.4 Any member of staff planning to receive technology from the US should first speak with the Global Compliance Manager in QUB Research

## 6. Export Licence Process

- 6.1 Where a licence is required the Global Compliance Manager will complete the licence application in consultation with the relevant staff member. Where necessary, the staff member will arrange for the End-User and Stockist Undertaking Form to be completed and signed by the end-user.
- 6.2 The Global Compliance Manager will seek to answer any requests for information from the ECJU in consultation with the staff member applying for a licence.
- 6.3 The Global Compliance Manager will be responsible for communicating the outcome of the application with the PI/staff member, where an application has been granted this will include sharing a copy of the licence and the conditions of the licence. The PI/staff member will be required to acknowledge receipt and that they agree to operate within the conditions of the licence.
- 6.4 End users should be advised, by the PI or staff member, that the export is subject to export control conditions and advise them of any restrictions that are noted in the licence.

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<sup>1</sup> To qualify for this exemption any technology generated by the research for basic scientific research purposes must: (a) be solely to add to the sum of human knowledge (b) not be aimed at a specific (short-term) practical aim, and (c) not address a specific technical problem.

The [Technology Readiness Level](#) (TRL) may be a possible way to determine whether a piece of research is considered as “basic scientific research”. A low TRL around 1-3, is most likely to fall within the area of “basic scientific research”.

## 7. Export Licence Record Keeping

7.1 The following information relating to the application will be recorded by the Global Compliance Manager.

- Correspondence with the Export Control Joint Unit related to the export;
- The export licence;
- The end-user and any consignees or other third parties (names and addresses);
- The original signed End-User and Stockist Undertaking (if one was required for the licence);

7.2 The following information relating to the application will be recorded by the PI/researcher.

- The date of transfer or the period of time over which the transfer takes place;
- Details of the item transferred. In the case of software, details of the software file that is exported and of the transfer;
- In the case of a transfer of technical information by email, the email.
- Any other records which the export licence specifically requires to be stored.

## 8. Legislative compliance and Audit

8.1 The government has established the Export Control Joint Unit (ECJU) that is able to provide support and guidance to researchers. Where a licence is required this must be applied for through the government's website LITE or SPIRE depending on the licence required. The University has accounts in both systems which can be accessed via the Global Compliance Manager in QUB Research who will assist with an application. This is the only means to access the QUB LITE and SPIRE accounts and PIs should not set up any new accounts.

8.2 The ECJU can audit export licences at any stage to ensure compliance. It is expected that a copy of any records required under the conditions of the licence including correspondence and the licence itself must be retained by the Global Compliance Manager and a copy by the PI for a minimum of 6 years. Upon request by ECJU these documents must be made available, to facilitate the audit process.

8.3 The staff involved in audit will include The Global Compliance Manager, the PI/researcher making the export and QUB Senior Management.

## 9. Penalties

Compliance with export control is the responsibility of individual members of staff and students. Any breach of export control is a criminal offence; therefore, individuals are subject to the consequences of non-compliance. Penalties vary depending on the nature of the offence and include:

- Unlimited fines
- Imprisonment of up to 10 years
- Items being seized and/or licences revoked
- QUB disciplinary processes.

10. Resources

[Guidance on export control legislation for academics and researchers in the UK](#)

[Export Control Joint Unit](#)

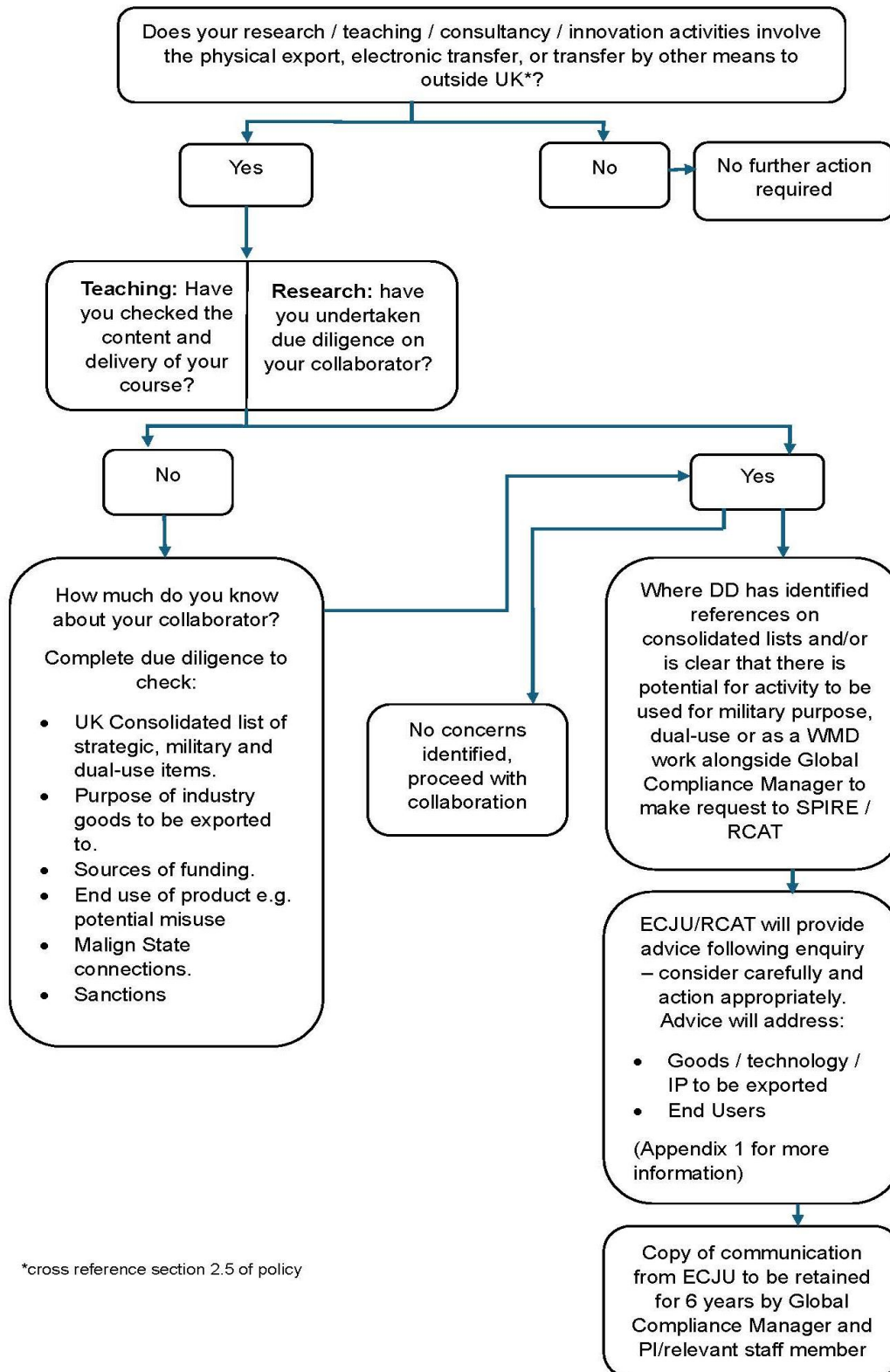
[UK Strategic Export Control Lists](#)

[Export controls: military goods, software and technology](#)

Higher Education Research Security Association: [HERSA Training](#)

Epigeum Researcher Training (available via QOL)

11. QUB Procedure – UK Export Control requirements



## APPENDIX 1

### External advice on seeking an export licence.

The SPIRE system run by ECJU issues two kinds of advice (though in neither case are these given as blanket permissions to proceed with the research project).

These are:

- Advice on the goods/technology/IP to be exported. A Goods Checker Tool helps to establish if your items are controlled and identify the appropriate control entry ('rating') from the [UK Strategic Export Control Lists](#). For dual-use items this means Annex 1 of retained Dual-use Regulation. As the retained Dual-use Regulation only applies for exports from Great Britain, for exports from Northern Ireland users should assess the outcome of the search results, and the items against Annex IV of the EU Dual-Use Regulation. The ECJU can also carry out a control list classification (CLC) by request, any such request should be made through the Global Compliance Manager.
- Advice on End Users. Trade restrictions on exports may be in place, which may preclude working with certain countries or organisations because of concerns about potential military or dual use.

[The Research Collaboration Advice Team](#) provides advice to research institutions on the national security risks linked to international research. The Global Compliance Manager can make an inquiry on behalf of a researcher regarding whether an export control licence may be required.

The above letters from ECJU and communications from RCAT should be kept on record within QUB Research Directorate by the Global Compliance Manager for 6 years. The PI/researcher/academic involved should retain a copy for their own records.

## APPENDIX 2

### Export Control Application and Review Process Flowchart

