

# Universities: Navigating export controls and sanctions compliance

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## Challenges for universities

- Controls can apply to international exchanges of research **before** it is published, a fact many are unaware of.
- Narrowly-defined areas of work in certain disciplines are subject to controls; identifying projects to which controls apply requires expertise.
- Controls apply to exports of hardware items and to 'invisible transfers' of software and technology or 'know how'.
- Particular risks lie with activities that are not readily captured by routine processes— for example, informal exchanges with former foreign students, pre-contract collaborative work, or staff downloading data from UK servers while overseas.
- The increasing scale of research partnerships with China at a time of heightened political sensitivities over China's access to Western technology and critical infrastructure has presented additional risks for many universities.

International export controls and sanctions have a global reach. They apply to products, technology, 'know how', software and materials when they are moved around the world, affecting academic institutions as well as companies.

Regulatory compliance is never a popular subject, not least with research staff who rightly place a high value on academic freedom.

But, as universities expand their research partnerships overseas, the risks of breaching export controls or sanctions need to be taken seriously.

On top of potentially heavy financial and criminal penalties, violation can inflict severe reputational damage and lead to pressure on universities to curtail overseas links, with serious consequences for research partnerships, funding and overseas student and staff recruitment.

## How we help clients?

Fieldfisher is one only a handful of law firms with experience of advising on university export controls in the UK.

Our sanctions team includes lawyers who have negotiated and drafted EU and UN sanctions regimes on behalf of the UK government.

Our experience includes:

- Drafting and revising policies, procedures and contracts;
- delivering training to general and specialist staff audiences;
- recommending practical improvements in processes, particularly in transfers of technology;
- helping prepare for or to follow-up on audits by the UK's Export Control Joint Unit;
- identifying specific project proposals that may or may not be subject to export controls; and
- assisting with export licence applications for complex research collaborations.

### We have advised

- **A number of Russel Group universities** on all aspects of UK, US and EU export controls.
- **A leading university publisher** on foreign export and sanctions-related issues.
- **Various higher and further education providers** on their compliance obligations in respect of knowledge transfer and general trade compliance.

***“At a time when collaboration is truly international and expertise drawn from across the world, the regulation of international trade plays an increasingly important role in the life of all academic institutions. “***

## Our experts



### Andrew Hood

Partner, International Trade

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Andrew heads Fieldfisher's trade team in London and brings a wealth of experience of negotiating and drafting UN, EU and UK trade measures.

He has advised numerous companies and organisations on their international trade obligations; developed practical compliance policies designed to meet the operational needs of clients; and provided training to key personnel on their sanctions and export control obligations.

Andrew has written in the higher education press about the challenges export controls pose to UK universities.



### Richard Tauwhare

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Richard is part of our International Trade team and specialises in US, UK and EU export controls, sanctions and trade compliance issues, including trade-related aspects of Brexit. Richard is a former senior UK diplomat with 35 years' experience in the Foreign and Commonwealth Office including negotiating on defence and security issues, and heading UK policy work on arms and dual-use exports, and trade sanctions.

Richard is a member of the Export Group for Aerospace, Defence and Dual-Use Goods (EGADD) Executive Committee, of the Institute of Export's Export Control Profession, and the Editorial Board of the World Export Control Review Journal.