US Export Control – UK End User Compliance Process (User Instructions)

Context

Included in this US Export Control – UK Compliance Template are 3 separate forms: the US Supplier Procurement Questionnaire, US Export Control End User Certification, and US Export Control Compliance Return. These forms are used in the procurement cycle beginning with the US Supplier Procurement Questionnaire, building up to the issuance of the End User Certification and then building further into an auditable compliance method.

The Documents:

1. **US SUPPLIER PROCUREMENT QUESTIONNAIRE** (page 5)

If a US supplier is being asked to quote or bid to supply equipment, require this form to be completed as a condition of making an offer and to enable the offer to be considered.

1. **US EXPORT CONTROL END USER CERTIFICATION** (page 4)
2. Send this to the supplier with the Procurement Questionnaire indicating that if the offer is accepted, this is the form certification that will be given.
3. Require the supplier to accept this certification as sufficient (and clear it with their internal export control advisers). If the Supplier believes that the University should make additional certifications, please notify the University’s Research Office. Inform the supplier that additional certifications will delay the acquisition.
4. If the US equipment is selected, the appropriate person in the Department needs to sign this end user certification. That is likely to be the PI, a Technical Officer who runs the equipment lab, or the Head of Department. The Head of Department needs to be advised if other members of the department sign the certification.
5. A copy of the certification needs to be kept.
6. **DEPARTMENTAL US EXPORT CONTROL COMPLIANCE RETURN** (page 2)

to be completed by the signatory of the End User Certification, stored in the Department and copied to the central export control team, in case of audit by US export control authorities. **The University of , Department of**

**US EXPORT CONTROL COMPLIANCE RETURN**

This compliance form relates to the use of equipment and the corresponding release of technology within a University in the United Kingdom. Any re-export or transfer (in country) requires further review by your University’s Research Office.

If the Supplier has indicated in the attached US Supplier Procurement Questionnaire that all equipment and technology is either (1) EAR99 or (2) controlled only for AT-reasons, then the signatory of this Compliance Policy will implement the control measures outlined below. If the Supplier has indicated the equipment or technology is controlled for reasons other than AT, please consult with your University’s Research Office to confirm additional control measures.

|  |  |  |
| --- | --- | --- |
|  | **Restriction**  | **Control Measures** |
| Restrictions for EAR99 and AT-Controlled Equipment and Technology |
|  | The equipment and technology are not to be used for any prohibited end use. | The Department will review the list of standard prohibited end uses and confirm that the equipment and technology are not known to be engaged for any such prohibited end use. If the intended use is listed as a prohibited end use, the Head of the Department must consult the University’s Research Office before proceeding.  | It is recommended in the case of physical equipment a notice will be affixed to the equipment stating “This equipment is only to be used in accordance with the user instructions [state the location] by a student, contractor or member of staff who has lodged a fully completed use application form which has been countersigned and dated by [insert equipment owner’s contact details]” The User request to use the equipment will require signature of a form which will confirm that the user is not and their organisation is not 1. from North Korea;2. a prohibited end user;[[1]](#footnote-2) or  3. using the equipment for a prohibited end use.  |
|  | No person with access to the technology may be a: * prohibited end user; or
* national of North Korea.
 | The Department will screen each person with access to the technology through the restricted party list available [here](https://www.trade.gov/data-visualization/csl-search), confirm the nationality of such persons, and limit access to those individuals that are authorised.  |
| Where AT-Controlled Technology Only (other than EAR99) |
|  | No person with access to the technology may be a national of Cuba, Iran, or Syria. | The Department will confirm the nationality of each person with access to the technology and limit access to those individuals that are authorised. | Nationals of Cuba, Iran, or Syria to be added to the notice. |
| Where Additional Restrictions other than AT |
|  | If the Supplier has indicated in the attached US Supplier Procurement Questionnaire that the equipment or technology is controlled for reasons other than AT, the Department must consult with the University’s Research Office for additional control measures. |
|  | *Sample:**Release of technology where ITAR Foreign National Technology Release Restrictions apply to users born in PRC* | *An enhanced security check will be obtained for the staff member whose citizenship or permanent residence is or was at some point PRC.* |

Signed by

Name: Job Title:

Signature: Date:

**The University of , Department of**

**US EXPORT CONTROL END USER CERTIFICATION**

The University acquires equipment from numerous suppliers. To manage the University’s compliance with US export controls, the University has standardized its End User Certification. If the Supplier believes that the University should make certifications beyond the scope included here, please inform the University. Request for additional certifications, however, will delay the acquisition of the equipment.

**The University certifies as follows:**

1. The University will comply the US Export Administration Regulations (EAR) and all other applicable export and sanctions regulations promulgated by the United States**[[2]](#footnote-3)**.
	1. In the event of any re-exports or transfers of the equipment, the University will comply with the EAR.
	2. In the event of any deemed re-export of technology received with the equipment or released by the use of the equipment, the University will comply with the EAR.
2. The University is the end user of the equipment. The predominant use of the equipment is academic research. The University’s end-use of the equipment will comply with the EAR.

Signed for and on behalf of University of [insert name] on [insert date] by

Name: Job Title:

Signature:

US EXPORT CONTROL

US SUPPLIER PROCUREMENT QUESTIONNAIRE

FOR EXPORT OF US ORIGIN EQUIPMENT FROM THE US INTO THE UK

To ensure the University’s use of the equipment procured from the Supplier is compliant with US export controls, the Supplier must provide the following information:

|  |  |  |  |
| --- | --- | --- | --- |
| **EQUIPMENT** **to be sold or transferred to the University** *Complete for each component if different classifications apply* | **Short Description**  | **EAR99?**  | **If not EAR99:** |
| **EQUIPMENT ECCN Number(s), including applicable paragraph** | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*? If so, please indicate the reason for control.** |
|  |  |  | **Yes/No** |  |  |  |
|  |  |  | **Yes/No** |  |  |  |
| **TECHNOLOGY****to be sold or transferred to the University.** *Complete for each component if different classifications apply* | **Short Description**  | **EAR99?**  | **If not EAR99:** |
| **TECHNOLOGY ECCN Number(s), including applicable paragraph** | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*? If so, please indicate the reason for control.** |
|  |  |  | **Yes/No** |  |  |  |
|  |  |  | **Yes/No** |  |  |  |
| **DOCUMENTATION (including manuals) provided with the equipment** *Enter ‘None’ if no documentation is being supplied.**Otherwise complete for each part if different classifications apply* | **Short Description**  | **EAR99?**  | **If not EAR99:** |
| **EQUIPMENT AND TECHNOLOGY ECCN Number(s), including applicable paragraph** | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*? If so, please indicate the reason for control.** |
| **1** |  |  | **Yes/No** |  |  |  |
| **2** |  |  | **Yes/No** |  |  |  |

|  |  |  |
| --- | --- | --- |
| **TECHNOLOGY RELEASE: Will use or maintenance of the equipment or documentation entail visual or other inspection of items, or oral or written exchanges that will release technology[[3]](#footnote-4)**  | **Short Description**  |  |
| **ECCN Number, including applicable paragraph** | **Is it controlled under AT?** | **Is it controlled for *any reason other than AT*? If so, please indicate the reason for control.** |
| **1** | **Yes/No** |  |  |  |  |
| **2** | **Yes/No** |  |  |  |  |

US EXPORT CONTROLS - STANDARD PROHIBITED END USES

**All US derived equipment, documentation and technology, including EAR99 classified:**

1. The equipment and technology will not knowingly[[4]](#footnote-5) be used in missile activities to include designing, developing, producing, or using
	1. rocket systems, ballistic missiles, space launch vehicles, sounding rockets, or unmanned air vehicle systems (including cruise missile systems, target drones and reconnaissance drones) capable of delivering to a range of at least 300 kilometres; or
	2. rocket systems or unmanned air vehicles, regardless of range, for the delivery of chemical, biological, or nuclear weapons.
2. The equipment and technology will not knowingly be used in chemical or biological weapons activities to include designing, developing, producing, stockpiling or using chemical or biological weapons, or precursors.
3. If the technology relates to maritime nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, then the technology will not knowingly be used in connection with a foreign maritime nuclear propulsion project.
4. The equipment and technology will not knowingly be used for a military intelligence end use in Russia, Belarus, Burma, Cambodia, China or Venezuela. Military intelligence end-use includes development, production, operation, installation, maintenance, repair, overhaul, refurbishing of, or incorporation into, military items intended to support the actions or functions of a military intelligence end-user.
5. The equipment and technology will not knowingly be used for a military end use in Russia or Belarus or for an Russian or Belarusian ‘military end user’ identified on the Entity List. Military end-use includes incorporation into a military item or supporting or contributing to the operation, installation, maintenance, repair, overhaul, refurbishing, development, or production of military items.

**Further Prohibited Uses for equipment, documentation or technology not classified as EAR99,**

1. The equipment and technology will not knowingly be used for a military end use in Burma, Cambodia, China or Venezuela.
2. The equipment and technology will not knowingly be used in development, production, use operation, installation (including on-site installation), maintenance (checking), repair, overhaul, or refurbishing of a supercomputer located in or destined to China or Macau.
3. The equipment and technology will not knowingly be incorporated into, or used in the development or production of any component or equipment that will be used in a supercomputer located in or destined to China or Macau.
4. The equipment and technology will not knowingly be used in the development or production of integrated circuits at a semiconductor fabrication facility in China or Macau.
5. The equipment and technology will not knowingly be used in the development or production in China or Macau of any parts, components, or equipment specified under ECCN 3B001, 3B002, 3B090, 3B611, 3B991, or 3B992.
6. The equipment and technology will not knowingly be used to support the exploration or production for deepwater, Artic offshore, or shale projects that have the potential to produce oil or gas in any location.
1. <https://www.trade.gov/data-visualization/csl-search> [↑](#footnote-ref-2)
2. See Standard Prohibited End Uses [Appendix A]. This compliance form has been prepared by **George Grammas and Michelle Story of Squire Paton Boggs, Washington DC** . [↑](#footnote-ref-3)
3. See part 734.15 - including source code, including release of access information (i.e. provision of software keys) [↑](#footnote-ref-4)
4. Knowingly means with knowledge that the circumstance exists or is substantially certain to occur, or with an awareness of a high probability of its existence or future occurrence. [↑](#footnote-ref-5)