



DECISION

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Vice-Chancellor

Lund University's export control programme – compliance programme for dual-use items

Approved by the vice-chancellor on 21 October 2021.

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1. Background

Export control is the control of war materials and dual-use items to prevent strategically sensitive products ending up in the wrong hands, or being misused, resulting in reduced national and international security.¹

War materials are partly materials designed for military use which constitute war materials according to the government's regulations, and partly technical support relating to war materials which constitutes technical aid according to the government's regulations. Some products used may constitute war materials and what is included in this concept is listed in the appendix to the *Ordinance on War Materials (1992:1303)*. The most relevant classifications for Lund University comprise chemical and biological agents, energetic material and software, for example.

Dual-use items are products that are used in civil contexts (academic or industrial) but have properties that enable them also to have military applications, above all for the production of weapons of mass destruction and their vectors or weapons at a high technological level, but also products of particular strategic significance and cybersurveillance products. Examples of such products include different kinds of chemicals, toxic agents, microorganisms, infectious agents, advanced computers and electronic circuits. Sensors, lasers, high-precision machine tools, encryption technology, navigational equipment, driverless vehicles, gyros, light and strong materials and special alloys may also constitute dual-use items. Examples of dual-use items exported from Sweden are telecommunications equipment containing encryption, thermal imaging cameras, carbon fibre, frequency converters and heat exchangers. Dual-use items also include software and technology and all goods that can be used both for non-explosive purposes and to contribute in some way to the

¹ Definitions of words and concepts in the field are provided in the Appendix.

production of nuclear weapons or other nuclear charges. Technology refers to specific information necessary for the development, production or use of dual-use items. This includes the transfer of certain information of a technical nature or that is sensitive in some other way, e.g. transfer of expertise (for example through training and associated teaching materials), research findings (e.g. reports and publications), models and plans. The exception is generally available information, basic research or the minimum information required for patent applications.²

Within the EU there is a common *Regulation (EU) 2021/821 of the European Parliament and of the Council* setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items. For this purpose, control lists (appendix I to the regulation) specify which products are subject to restrictions and are to undergo checks to authorise their export. The control lists are updated annually. In Sweden, the regulation is complemented by the *Act (2000:1064) on the control of dual-use items and technical assistance* and by the *Ordinance (2000:1217)* of the same name. Products not included in the lists may also be subject to controls, under the catch-all clause, if the exporter or the supervisory authority has information on the product being, or having the potential to be, intended for use in connection with mass destruction programmes or as a vector for such weapons, e.g. missiles or drones, or other military purposes. The rules and regulations cover both the physical movement and electronic transfer of the regulated products. The transfer of technology via telephone, email, fax or other electronic means, is also covered by controls, and this includes making products available via internet. In principle, no authorisation is required for transfer of dual-use items to another country within the EU.

² More examples of dual-use items and research areas more likely to be affected by export control are provided in the guidance *Commission recommendation (EU) 2021/1700*.

Export restrictions in the form of sanctions are decided by bodies including the UN, the EU and the Organisation for Security and Cooperation in Europe (OSCE). If an export is covered by a sanction provision, this takes precedence over any previously granted export permit. Sanction provisions may prohibit the export of certain products, or require that the export of products which are not otherwise controlled be subject to an authorisation requirement. Violations of the export control regulations are punishable and may result in fines or imprisonment. Penalties may also take the form of sanctions and blacklisting against a company's activities.

It is primarily the control of dual-use items that concerns Lund University's activities. The export control programme therefore primarily takes account of this but also of products that are considered as war materials potentially being present within the organisation and therefore to be handled accordingly. However, the majority of products handled at the University are not affected by any export control restrictions. Even if an export is covered by export restrictions, this does not in itself mean that the product cannot be exported, but that an export review must be conducted and an export permit is required.

2. Compliance commitment

Lund University is part of a worldwide academic community and stands behind the fundamental values around which European universities are united. The University's core values establish the importance of autonomy and academic freedom. Universities are to be free of pressures from wider society and to defend the freedom, integrity and quality of education and research. The core values are also based on the legislation that a Swedish public authority must follow and they are to safeguard democracy and democratic principles such as human rights and freedoms.

Lund University's vision is to be a world-class university that understands, explains and improves our world and the human condition. One of the University's tasks is to contribute to the solution

of key societal challenges. Research is to be conducted in dynamic and well-organised environments and to be ethically grounded, as well as openly accessible. Success in this requires broad interdisciplinary cooperation within the University in collaboration with organisations beyond academia. This includes several faculties, as well as external cooperation partners in Sweden and globally. A large part of the University's success can be ascribed to its ability to create disciplinary breadth and boundary-crossing collaborations, as well as internationalisation and close collaboration with wider society.

Lund University's core values and vision point to a complex relationship with export control. The majority of Lund University's activities probably do not handle products subject to export restrictions, but they are likely to occur in certain activities – above all dual-use items. Export control does not aim to curb basic research or the dissemination of research findings and transfer of knowledge that is already publicly accessible. In cases in which the products subject to export restrictions are handled, compliance with export control regulations is important so that Lund University does not unintentionally contribute to strategically sensitive products ending up in the wrong hands or being misused, resulting in reduced national and international security. As a public authority, Lund University is to follow and ensure compliance with the laws and other provisions, on both the national and EU levels, that apply to export control. For dual-use items, the legislation covers the export, transfer, brokering and transit of export-controlled products, technology and software. Products with export control restrictions are prohibited from export if this contravenes Sweden's international obligations or Sweden's foreign policy in general (such as issued embargos and sanctions).

All employees in their respective functions (researchers, teaching staff, doctoral students, postdocs, technical and administrative staff, other staff), and those who are connected to Lund University in other ways (students, commissioned consultants, associated researchers, etc.), are obliged to comply with the present export control programme and its rules. No export-controlled products, technology,

or other services which may be subject to restrictions are permitted to be transferred abroad without prior clarification as to whether export control applies. If an export permit is required, no export procedure can begin until and unless such a permit has been obtained.

The responsibility for ensuring compliance with rules and regulations on export control lies with the organisational units. They are supported by an export control function, which takes the form of a resource within LU Estates whose role is to monitor developments in the area and to offer guidance, information and advice.

3. Organisational structure, areas of responsibility and resources

The ultimate responsibility for Lund University's activities in connection with export control and trade of dual-use items lies with the vice-chancellor. The management of matters concerning export control is entrusted to an export control organisation with various functions and responsibilities, which also offers support to promote compliance. The export control organisation, which is presented in an overview in Figure 1, is integrated in the regular line structure and its functions and integrated in the management structures in place for faculty-wide research environments and for commissioned education.

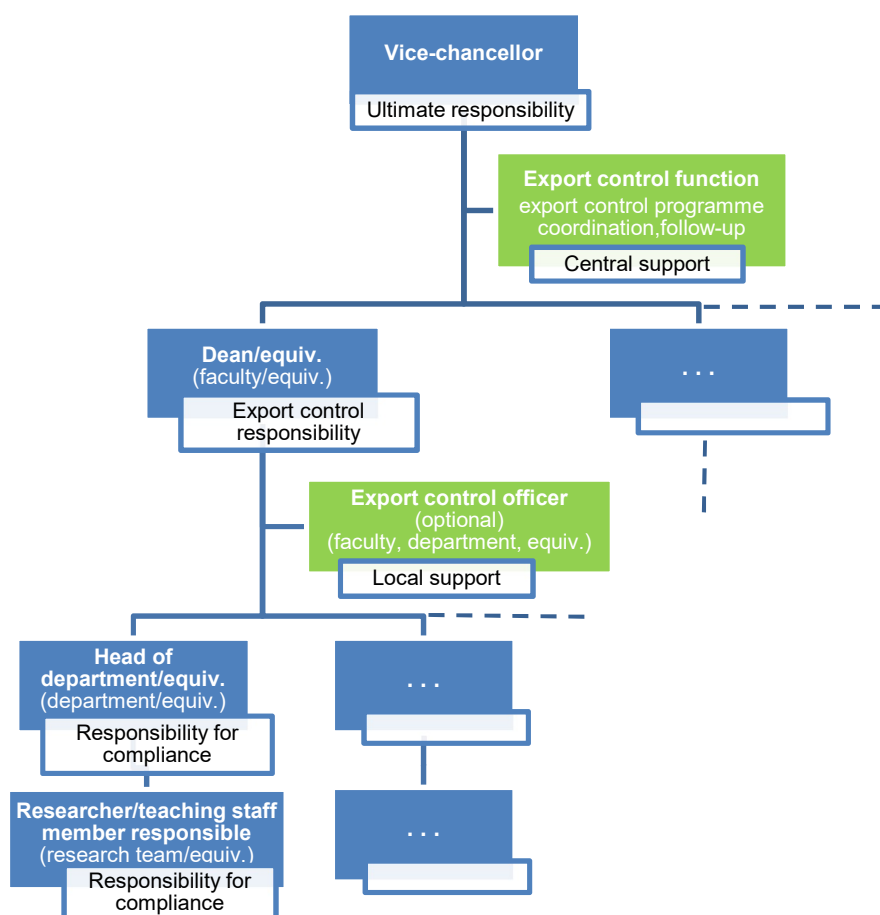


Figure 1. Organisational structure at Lund University regarding export control.

3.1. Functions and responsibilities

The vice-chancellor holds the ultimate responsibility for export control at Lund University and is the person who approves Lund University's export control programme, with its commitment to compliance and its organisational structure, and who appoints the people responsible for export control.

Export control function

The export control function is a central supporting resource, located within the division for Security and Environment (LU Estates), which functions as a support for Lund University's various organisational units on issues connected to export control. The export control function is not responsible for export control within other organisational units. The chief security officer is responsible for

monitoring developments in this area, for coordination and follow-up and for ensuring that a security coordinator specialising in export control is available at the Security and Environment division. The export control function is mainly assured by the security coordinator specialising in export control. The export control function is supported by other resources within Security and Environment whose areas are covered by export control, such as the chief security officer, the chemical safety coordinator, the chemical and biosecurity coordinator and the radiation safety expert. The export control function has the following supporting tasks:

- To monitor developments in the area of export control
- To represent Lund University on issues concerning export control
- To develop the export control programme, as and when revisions are necessary to submit documentation and recommendations for amendments to the vice-chancellor
- To make information and advice available to support those responsible for export control and others involved in export control
- To assist with guidance in applications for export permits
- Where necessary, to review cases in the export control process before they go to the responsible export control manager for a decision
- Where necessary, to assist the export control manager in the investigation of events in case of suspected (or confirmed) cases of non-compliance with the export control regulations
- To issue annual fee statements for dual-use items to ISP
- To conduct ongoing checks of daily compliance work

Export control manager (dean/equivalent)

- Maintains a basic understanding of export control
- Ensures that the commitment to compliance is fulfilled within their area of activity (faculty/equiv.) in association with the research director and the education director
- Represents their area of activity on issues connected to export control

- Approves local procedures for export control and management of dual-use items for their area of activity (where necessary)
- Where necessary, passes on the function of responsibility for compliance (head of department/equivalent) to the heads of department concerned with delimitation of responsibility to their own area of activity (department/equivalent); otherwise, the responsibility for this function remains with the dean. The function of responsibility for compliance (head of department/equivalent) cannot be delegated further than the head of department.
- Appoints export control officers within their area of activity (where necessary)
- Decides and signs any requests for prior notification or application for a permit
- Manages international cooperation agreements taking account of the requirements of export control regulations and sanction rules
- Stops any exports that do not meet the requirements of export control regulations
- Manages and investigates any negligence regarding export control (together with the manager responsible/head of department/equivalent and with the support of the faculty's HR), e.g. events in case of suspected (or confirmed) cases of non-compliance with export control regulations
- Informs the export control function prior to exports requiring an export permit

Export control officer (at the faculty/department/equivalent)

- A function (optional) which can be appointed at various levels locally within the organisation where needed
- Maintains a basic understanding of export control
- Acts as a local support within the area of activity on export control issues
- Prepares and produces documentation for the export control manager for export control matters within the area of activity

- Notifies the head of department/equivalent concerned in cases of suspected (or confirmed) non-compliance with export control regulations

Responsibility for compliance (head of department/equivalent)

This programme presumes that the dean (export control manager) has allocated responsibility for compliance (head of department/equivalent) to the head of department. If not, the responsibility remains with the dean. The function cannot be further delegated by the head of department.

- Works in accordance with the present export control programme
- Maintains a basic understanding of export control
- The head of department/equivalent is responsible for compliance with export control regulations in their own area of activity
- Ensures that the employees concerned within their area of activity have understanding and knowledge of their obligations regarding export control and its rules
- Notifies the export control manager and the export control function in case of suspected or confirmed non-compliance with export control regulations
- Within their area of activity, has the authority to block an export which does not meet the requirements of the export control regulations
- Identifies, continuously inventories and initiates export control matters linked to their area of activity
- Prepares and produces documentation for the export control manager for export control matters within their area of activity (with the help of the researcher/teaching staff member responsible and a locally appointed officer where necessary)
- Reviews collaboration agreements with reference to the requirements and sanction rules of the export control regulations
- Informs the export control manager about the export control situation in their area of activity and any exports requiring an export permit (may also apply to certain collaborations, work and supervision for which the head of department/equivalent is responsible)

- Communicates information needed to investigate export control matters to the export control manager and officers involved
- Assesses which local security measures are required within their area of activity to protect products subject to export control restrictions

Responsibility for compliance (researcher/teaching staff member responsible)

The researcher/teaching staff member responsible (PI, research team leader, course director) has the ultimate responsibility for communicating and ensuring the information needed to investigate any potential export control matters linked to their field of research. The researcher/teaching staff member responsible (PI, research team leader, course director) also has the obligation to report any changes and new needs regarding export control that may arise in projects, courses, collaborations, work and supervision for which they are responsible.

- Works in accordance with the present export control programme
- Maintains a basic understanding of export control linked to their own research field
- Ensures that the staff concerned within their research field have an understanding and knowledge of their obligations regarding export control and its rules
- Does not initiate external engagement or other forms of collaboration which are not compatible with export control regulations
- Identifies, at the earliest possible stage, any issues linked to export control concerning their own research and education activities
- Reviews publications and other written materials as well as other digital information linked to their area of activity with regard to export control regulations before making them available to the public
- Informs the head of department and line manager as to identified matters and issues connected to export control
- Assists the head of department with the preparation of export control matters within their research and education activities by

conducting checks where necessary according to the checklist for export control and classifying products (with help from a locally appointed officer where necessary)

- Notifies the line manager or head of department in cases of suspected (or confirmed) non-compliance with export control regulations

Responsibility for compliance (other employees/participants)

- Works in accordance with the present export control programme
- Maintains a basic understanding of export control relating to their field
- Assists the researcher/teaching staff member responsible (PI, research team leader, course director) with assessments regarding export control and works on any permit applications
- Communicates/raises the issue with their line manager or head of department in suspected (or confirmed) cases of non-compliance with export control regulations

4. Continuing professional development and increased awareness

Continuing professional development and increased awareness of export control and trade with dual-use items is required for the staff concerned to enable them to carry out their work duties and take their compliance work seriously. The export control function monitors developments within export control and assists with guidance, information, training materials and method support.

Information about export control is to be included in relevant internal training sessions offered by the administration and other parts of the organisation. Introduction to export control and trade with dual-use items is, for example, to be provided in connection with the induction of new employees and as necessary.

Training in the basics of export control, intended for Swedish higher education institutions, is offered by the Swedish Export Control Society. This is intended for those working with export control in

various positions, such as management/managers, executives/research team leaders, officers, and wherever necessary.

5. Local procedures

Within each faculty/equivalent, the dean/equivalent is responsible for export control. All deans/equivalent are to study sufficient information about export control to be able to assess whether their area of activity is affected by export control regulations. The assessment is to be documented in writing and registered according to Lund University's records management plan and the export control function is to be informed of the assessment.

Where necessary, those responsible for export control (deans/equivalent with faculties/equivalents affected by export control regulations) are to establish written local procedures for export control and management of dual-use items for their organisation. The procedures are to be familiar to all staff concerned. The responsibility for compliance with these procedures in the organisation at the departmental/equivalent level lies with each head of department/equivalent and at the research team level/equivalent with the researcher/teaching staff member responsible (PI, research team leader, course director). The procedures are to be reviewed regularly and updated as necessary. In connection with this review, a copy is to be sent to the export control function.

The export control function makes information and advice available to support the local export control procedures of those responsible for export control (deans/equivalents).

6. Process and procedure for transaction control

In order to determine whether a product is subject to export control in Sweden, the product's export control classification needs to be checked. This is done by the researcher/teaching staff member responsible (PI, research team leader, course director), possibly supported by the local export control officer, as they are best placed to

know the products used in the organisation. When checking a product's export control classification, it is appropriate first to check whether the product is classified according to the war materials regulations and applicable sanction rules. Subsequently, a check is to be conducted according to the rules and regulations for dual-use items. Each transaction with a potential export restriction which may require an export permit is to be processed separately according to the export control procedure visualised in the chart in Figure 2.

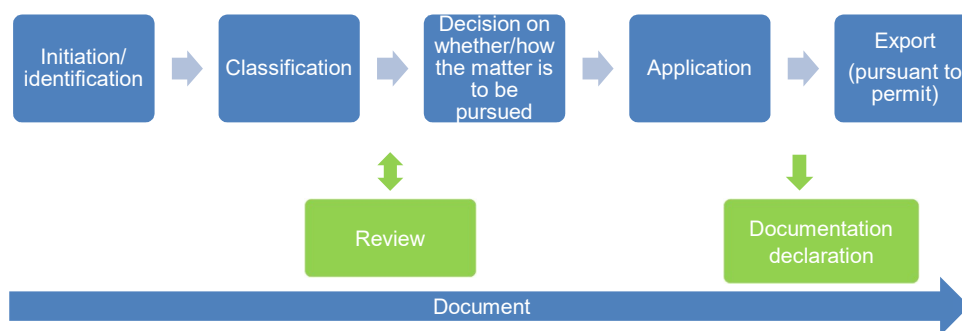


Figure 2. Export control process.

The export issue is to be considered already at the planning stage of collaborations and, for example, as soon as non-disclosure agreements (NDAs) start to be discussed. (Export also comprises the transfer of information through oral communication of technology.) No commitments are to be signed before initial controls have been conducted to determine whether the commitment is affected by restrictions linked to export control. No transactions (exports) are to take place before an export review has been completed and any necessary export permits have been applied for and granted.

Identification and initiation of an export control matter is done within the organisation (often a department/equivalent) where the export need arises. The export control function is to be informed about any export from Lund University that requires an export permit (the person responsible for ensuring that this is done is the person responsible for export control at the faculty/equivalent concerned in the matter).

The researcher/teaching staff member responsible reports to the head of department/equivalent concerned about the need regarding export control for the projects, courses, collaborations, work and supervision for which they are responsible. The researcher/teaching staff member responsible is also to communicate and ensure the information needed to investigate any export control issues; support is available in the form of a special checklist with questions to answer.

Export control matters are prepared by the researcher/teaching staff member responsible within the organisation (faculty/department/equivalent) where the exports are to take place, often with the support of locally appointed export control officers. The preparation comprises checks of the product classification and various checks according to a special checklist for export control. The head of department/equivalent is responsible for ensuring that export control matters are prepared and communicated to the export control manager. Prepared export control matters are reviewed where necessary by the export control function before a decision is taken as to whether the matter is to be pursued (the decision is taken by the export control manager).

The export control function assists the organisation with guidance on applying for export permits from the Inspectorate for Strategic Products (ISP) or the Radiation Safety Authority (SSM)³. The export control manager for the faculty/equivalent where the export is to take place decides whether to send a request for an advanced notification or permit application to the public authority concerned (ISP or SSM) in cases where the export permit is deemed to be required or cannot be excluded. A copy of the documents is to be shared with the export control function.

³ For product category 0 (nuclear material, facilities and equipment) linked to nuclear substance control, we refer to Lund University's management system for radiation safety.

Lund University reports annually to the ISP on its revenues from the sale of dual-use items. The export control manager (dean/equivalent) assists the export control function with documentation for the annual report. A description of the documentation required for the report and the date for submitting it, are to be made clear in the procedures established by the export control function. Any fees connected to the report are paid by the organisations concerned in the fee in question.

7. Review, revision, reporting and corrective measures

To ensure effective function, random checks of day-to-day compliance work are to be included, both of the entire internal compliance programme and of its parts, and through monitoring of the processing of export control matters from start to finish. The checks are to be documented and can lead to clarification or revision of the procedures if they lead to non-compliance. Smaller checks are conducted continuously by the export control function, while major checks and revisions are normally conducted by an external party.

In case of suspected or confirmed non-compliance in trade of dual-use items, the export control manager concerned (dean or equivalent) is to be notified. This person manages and investigates the matter together with the manager/head of department/equivalent responsible and with the support of the faculty's HR according to the procedure for dealing with negligence. The export control function is to be notified in cases of negligence regarding export control. The export control manager decides, in consultation with the manager/head of department/equivalent responsible, on corrective measures in cases where they are deemed necessary. Corrective measures aim to ensure that the internal compliance programme is adhered to and to remove any observed weaknesses in the programme. Suspected violations of legislation on the control of dual-use items and associated corrective measures are to be documented.

The export control function monitors developments in the field of export control that call for an update of the export control programme

and provides documentation and recommendations for any revisions to the vice-chancellor as required.

8. Registration and documentation

In the identification and continued preparation of export control matters, good documentation and archiving are to be ensured according to Lund University's records management plan. Formal contacts (exercise of public authority) with supervisory authorities linked to export control (ISP or SSM) are to be registered/logged. Registration of export control matters is done by the organisational unit (faculty/equivalent) concerned in the matter and the export control function is to be notified. In the case of initiated cases where it is observed early on that no export permit is required, a simplified documentation of the case can be completed locally at the organisational unit by the export control manager. Evaluation of information or its management in principle are not to be registered but processed separately.

The Legal and Record Management division can assist where necessary with support concerning registration and documentation.

9. Physical security and information security

Products subject to export restrictions such as dual-use items, which include software and technology, should be protected by appropriate security measures to prevent unauthorised access by employees, visitors, or other parties, so that the products cannot disappear, be stolen or exported without a valid export permit.

Measures which may be required could include various forms of physical security and information security, as well as the application of sanctions which may be aimed at people associated with certain countries or organisations. Examples of measures could be limited areas of access and entry and exit checks, as well as security measures for the safe storage of/access to software/technology in electronic form, such as antivirus checks, file encryption, verification chains,

access checks and firewalls. Protective measures for uploading of software and technology to cloud services or transfer via cloud services should also be taken into account.

The head of department/equivalent within the departments/equivalents that manage dual-use items (or other export-controlled products) are to assess which local security measures are required within their organisation. The assessment and implemented or planned measures are to be communicated to the export control manager and documented in writing and registered in compliance with Lund University's records management plan, and the export control function is to be informed.

In case of requests to disclose information in an official document, the usual confidentiality review is to be conducted pursuant to the Public Access to Information and Secrecy Act. Please contact the Legal Division at Legal and Record Management for support in this assessment.

10. Appendix – definitions and terms

Basic research	Experimental or theoretical work mainly conducted to obtain new knowledge of the fundamental principles of phenomena or observable facts that does not have a specific practical purpose or aim.
Blacklisting	Various types of block lists exist to impede or prohibit individuals, organisations and companies from dealing with goods and technologies e.g. from the USA.
Brokering	Negotiation or organisation of transactions for the purchase, sale or delivery of dual-use items from a third country to another third country.
Control list	List establishing which products are subject to restrictions and are to undergo a permit review before they can be sent abroad.
Dual-use items	Dual-use items are strategic products (including software and technology) that are used in civil contexts but which have properties that enable them also to have military applications. Dual-use items are also all goods that can be used both for non-explosive purposes and to contribute in some way to manufacturing nuclear weapons and other nuclear charges (i.e. that can be used to produce weapons of mass destruction and their vectors).

Embargo	Ban on trade. An embargo may be limited to export of a certain product or apply to all exports to the country in question. A weapons embargo entails a prohibition against exporting war materials to the country in question.
Export	This refers to physical products leaving the EU customs area and the transfer of software or technology via electronic media, telefax or telephone. Oral transfer of sensitive information or bringing documents, products or software in one's hand-luggage also counts as export.
Export control	Control of exports to prevent strategically sensitive products from ending up in the wrong hands or being misused resulting in reduced national and international security.
Export control programme	Summary of how the activities in the area of export control are handled within the organisation/company.
Export-controlled product	A product that is included on a control list and is thereby covered by export restrictions.
Export permit	Permission to carry out an export of an export-controlled product.
Generally available	Refers to a technology or software that has been made available without restrictions to its further dissemination.

ISP	<p>The Inspectorate of Strategic Products (ISP) is a public authority with assignments within Swedish foreign and security policy. Its focus is on the control and supervision of strategic products, the management of targeted sanctions, responsibility as the national authority for the Chemical Weapons Convention and international cooperation, support and assistance within these areas.</p>
Product classification	<p>Determination of whether a product is to be listed in a control list through comparison of its properties with properties described in control texts and classification on this basis.</p>
Sanction	<p>Limitations in trade freedom for a country, a group or an individual through a unilateral decision by a country or a collective decision by several countries. This is done because the countries wish to affect the behaviour of the sanctioned country, group or individual through various economic and political measures.</p>
SSM	<p>The Swedish Radiation Safety Authority (Swedish abbreviation SSM) is a public authority with overall responsibility in the areas of radiation safety, nuclear safety and nuclear non-proliferation.</p>
Technical support	<p>Technology regarding war materials.</p>

Technology	Specific information which is necessary for the development, production or use of dual-use items. This also includes certain information of a technical nature or which is sensitive in other ways. The information may take the form of technical details or technical assistance.
Transfer	Transfer in this context means that goods and associated services are sent within the EU.
Transit	Transport of dual-use items (that do not belong to the EU) that passes through the EU's customs area.
War materials	Materials designed for military use.