



University of Bristol

Policy on Export Controls, Sensitive Technology Transfers, and Sanctions

Contents

Compliance Statement.....	2
1. Export Control – does this policy apply to me?.....	2
1.1 Introduction.....	2
1.2 Am I going to export?	3
1.3 What are Controlled Items?.....	4
1.4 Exemptions: “In the public domain”	4
1.5 Exemptions: “Basic scientific research”.....	4
1.6 Exemptions: Patent Applications.....	5
1.7 US Export Controls	5
1.8 Further information	5
2. Who is Responsible for this Policy and Responsible Personnel	5
3. Export Control Procedure: (A) Due Diligence	6
3.1 Staff and students: ATAS.....	6
3.2 Partners: sanctions screening.....	6
3.3 Research Proposals, Material Transfer Agreements (MTAs), Transnational Education (TNE), IP Licensing	6
3.4 US Export Controls	7
4. Export Control Procedure: (B) Export Licences.....	7
4.1 Licence Applications	7
4.2 Using a licence	8
4.3 Record Keeping.....	8
4.4 Information and Training.....	8
4.5 Audits and Breaches	9
4.6 Relevant Documents and Forms	10
Annex A: Export Controls Enquiry Form.....	11
Annex B: Export Controls Due Diligence Flowchart	16
Annex C: Enhanced Contractual Provisions.....	17

External Compliance Statement

UK, US and European export control legislation restricts certain types of information, technologies, and goods that can be transferred or exported overseas, or made available to foreign nationals in the UK. Although most of the University's activities are exempt from export control laws, some scientific and technical activities may be restricted.

This policy and procedure details how the University will comply with export control legislation. The nominated Export Control Director (Alison Evans, Director of Post-Award, DRE&I) has overall responsibility within the University for export control matters, assisted by the nominated Export Control Manager (Oliver Geidel, Head of Research Contracts and Research Compliance, DRE&I). Their contact details are at research-compliance@bristol.ac.uk. It is, however, the responsibility of all staff to be aware of and comply with these laws and the University's written instructions and procedures.

Professor Judith Squires
DVC and Provost

1. Export Control – does this policy apply to me?

1.1 Introduction

Legal controls on transfers of sensitive technology, equipment and software are intended to manage the risks of their being misused to fuel conflict, threaten national security, support terrorism and crime, violate human rights or proliferate Weapons of Mass Destruction (WMD – nuclear, chemical and biological weapons, and missiles capable of delivering them). They include economic sanctions, designed to constrain the activities of target governments, organisations or individuals and pressure them to change their behaviour.

This policy applies to all academic staff, researchers, research students, research support staff, research managers, support staff and administrators. Failure to comply is a disciplinary and legal offence. Penalties range from unlimited fines to 10 years imprisonment, compounded by reputational damage which could have a serious impact on the University's overseas research links and numbers of overseas students.

This policy does not form part of any member of staff's contract of employment and it may be amended at any time. You will be notified of any changes to this policy by the placing of the updated

versions of it on the University's website so please refer to the website for the most up to date version.

There is a two-stage test to assess if your work for the University will result in you having to consider the impact of export control:-

- Will an export be taking place?
- If so, does it involve the export of strategic goods or technology ("Controlled Items")?

1.2 Am I going to export?

The controls apply to:

- Physical exports**, permanent or temporary, out of the UK of controlled equipment, components, materials, samples, chemicals and biological agents, and of software or technology stored in a physical format;
- Electronic transfers or sharing** out of the UK of controlled software and technology by email, video conference, online learning, downloading or accessing of documents by a person located overseas, and by telephone if information is communicated so as to achieve substantially the same result as if the recipient had read it;
- Hand carrying** out of the UK controlled software or technology on paper or saved on a laptop, mobile phone or memory device;
- Transfers within or outside the UK** of any item if you have been informed, you know or you suspect that it is intended to be used in a WMD programme. This includes technology transferred to overseas students during a course in the UK;
- US-controlled items**: US restrictions apply to hardware, software and technology that is located in the UK if it is: (a) US-origin; (b) UK-made incorporating more than a certain proportion of US-controlled components; or (c) UK-made directly from US-controlled technology. Although there are exceptions, a US licence may be required to transfer such items to anyone in the University who is a foreign or dual national, or to anyone outside the University, in the UK or overseas;
- Sanctions**: the transfer of any item or other economic resources to, or for the benefit of, a sanctioned individual or organisation. US sanctions extend in some case to supplying any US-origin or US-controlled item to sanctions targets in the UK and worldwide. Trade sanctions restrict the supply of certain items, primarily military, to target countries.

Controlled technology is the information required for the development, production or use of controlled goods (nb a broader definition applies to nuclear technology which covers all technology directly associated with any goods controlled in the category on nuclear materials, facilities and equipment). It includes data, research papers, designs, manuals, formulae, etc. Controlled software is generally software that is specially designed for the development, production or use of controlled goods.

If you are going to export you now need to consider whether the item is a Controlled Item.

1.3 What are Controlled Items?

University activities potentially affected are primarily post-graduate work involving:

- a) **'Dual use'**: nuclear engineering; viruses, pathogens, vaccines; chemicals with toxic properties; high strength materials; high specification electronics, computers, and telecommunications; automation; cryptography; optics and sonar; navigation; submersibles; aerospace; and space. The controls apply to certain items in these disciplines that meet technical criteria defined in the [UK Dual-Use Lists](#);
- b) **All military-related work**: any item is subject to control if it is specially designed or modified for military use, or if it is intended for military use in a country subject to an arms embargo (for further information visit the [DiT website](#));
- c) **WMD end-use**: any item, of any sort, if you have been informed, you know or you suspect that it is intended to be used in a WMD programme.

1.4 Exemptions: "In the public domain"

Controls do not apply to software or technology that is *"available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright)"*.

The main considerations are:

- a) the software or technology must already be available to anyone without restriction e.g. on a website, at an exhibition or a conference open to the public;
- b) it is not exempt if access to it is in any way restricted, except if it is available to anyone in return for payment, in which case it is exempt;
- c) research intended to be published is not exempt until after it is published. Sending unpublished research work overseas e.g. in the course of teaching, research collaboration or for peer review is not exempt;
- d) the act of publication is not itself subject to licensing unless the technology is otherwise restricted e.g. it contains official classified information.

1.5 Exemptions: "Basic scientific research"

Controls do not apply to technology that is *"experimental or theoretical work undertaken principally to acquire knowledge of the fundamental principles or phenomena or observable facts and not primarily directed towards a specific practical aim or objective"*.

The main considerations are:

- a) Technology is exempt if it concerns purely experimental or theoretical work, undertaken to solely obtain new knowledge of the fundamental principles of phenomena or observable facts;
- b) It is likely to be basic scientific research if the sole intended output is a published article in a peer reviewed scientific journal;
- c) Technology Readiness Levels (TRL) 1-3, but TRL 3 is borderline and needs to be considered case-by-case;

- d) It is not directed towards a specific short-term practical aim nor addressing a specific technical problem;
- e) This exemption does not apply to software.

1.6 Exemptions: Patent Applications

Except for nuclear dual-use technology, the controls do not apply to the minimum technical information required to support a patent application.

1.7 US Export Controls

US legal restrictions apply to items and technology in the UK if they are: (a) US-origin military or dual-use; (b) made outside the US but incorporate any US-origin military components or over 25% (in most cases) by value of US-origin dual-use components; or (c) made outside the US on the basis of US-controlled technology. Although US law provides for a wide range of exemptions, a US export licence may be required to transfer such items or technology either within or out of the UK, or to allow access to it to a foreign or dual national within the University, including staff, students or visitors.

Some US sanctions also prohibit the supply of all US-origin items (e.g. US-made laboratory equipment, laptops) to US sanctions targets, which include some organisations and their staff operating in the UK, and some foreign research institutions (notably in China) that may seek collaboration with UK universities, including sending staff or students to the UK.

1.8 Further information

- Introductory information on UK export controls: [export controls: an introductory guide](#).
- Consolidated list of 'controlled' military and dual-use items that require an export licence issued by the Export Control Organisation: [UK strategic export control lists](#) • [Export controls applying to academic research](#)

2. Who is Responsible for this Policy and Responsible Personnel

The University's Export Control Director (ECD) has overall responsibility for ensuring compliance with this policy, including overseeing internal self-audit and approving each export licence application.

The responsibilities of the Export Control Manager (ECM) shall include:-

- Working with the member of staff to identify whether an export licence is required and what type of licence to apply for;
- Applying for export licences;
- Managing the export process;

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- Record keeping;
- Identifying relevant staff and ensuring they are aware of export control and this policy;
- Delivering training; and
- Coordinating audits.

3. Export Control Procedure: (A) Due Diligence

3.1 Staff and students: ATAS

The risk of a transfer of sensitive technology that might be used in a WMD programme occurring in the course of teaching or research in the UK is primarily managed by the government's Academic Technology Approval Scheme (ATAS). Students and researchers from certain countries applying to study or work in the UK at postgraduate level in certain sensitive subjects require an ATAS certificate before they can be granted a visa. A new ATAS certificate may be required if a student changes course while they are in the UK. Compliance with ATAS is managed by [Student Visa Services](#) for students, supported by the Employee Services Hub for employed staff, and supported by the local Faculty or School for honorary or visiting staff.

3.2 Partners: sanctions screening

All prospective institutional and commercial partners - including those in the UK- shall be screened against the UK, EU and US sanctions lists, and against the UK trade sanctions list. It is also recommended to screen current overseas partners routinely on a monthly basis (or more or less frequently, depending on the level of risk) in case they become newly subject to sanctions. Work with some sanctioned organisations may not be prohibited but may require enhanced compliance measures, for example to prevent the supply of any US-origin or controlled items. In the event of any concerns, an enquiry should be submitted by the ECM to the Department for International Trade's 'End-User Advice' service.

All proposals for collaboration with any individual or organisation based in Cuba, Iran, the Crimean Region of Ukraine, Syria or North Korea shall be referred to the ECM who shall consult the ECD. No contacts with such prospective partners, including initial contacts, shall proceed without prior written approval from the ECD.

Any MoU, research contract or other engagement with an overseas partner should only be concluded with confirmation that no sanctions apply or, if sanctions apply but do not prohibit the engagement, without an approved plan in place to ensure compliance with the applicable restrictions. The academic should confirm compliance by recording this on the project file.

3.3 Research Proposals, Material Transfer Agreements (MTAs), Transnational Education (TNE), IP Licensing

The process of approving a research proposal, MTA, education involving any person located outside of the UK, and IP licensing shall include a check on whether the work will involve military or dual use items or technology. This shall be focused on applications for research in any of the relevant disciplines listed under Section 1.3 above; and

- a) any item related to the research/agreement (including unpublished research findings) may be transferred out of the UK; and/or
- b) may involve any items that are subject to US military or dual-use export controls.

Such applications shall be accompanied by an Export Controls Enquiry form (Annex A) completed by the Principal Investigator (PI) or proposer. This form shall be checked by the ECM or their delegate in consultation with the PI/proposer to determine whether any controls are applicable. In cases of doubt, an enquiry shall be submitted by the ECM to the 'Classification Advice' service of the Department for International Trade.

All applications, whether or not accompanied by an Export Controls Enquiry form, shall be routinely assessed by staff for the potential applicability of export controls and, wherever necessary, the PI/proposer shall be required to provide a completed form.

All items that have been identified as subject to controls shall be flagged as such in documents, records and labels associated with the items. The process is summarised in the flowchart in Annex B. Research contracts and MTAs involving work with controlled items, or that might involve such items, shall include enhanced contractual provisions (Annex C) or provisions of at least equal strength.

3.4 US Export Controls

No activities of any sort related to items or technologies restricted by US laws may proceed without the written prior consent of the ECD. The procedures set out above should identify any prospective partner subject to US sanctions and any items or technology liable to come into the possession of the University that are subject to US controls. If any US sanctions or controls are or may be applicable, the ECM shall consult with those concerned, if appropriate seek external expert advice, and prepare a compliance plan for the approval of the ECD.

4. Export Control Procedure: (B) Export Licences

4.1 Licence Applications

If the due diligence procedures determine that an export licence is required, the ECM, with the approval of the ECD, shall:

- a) consider whether an Open General Export Licence (OGEL) is applicable and its conditions can be met; if so, they shall register for the licence (if the University is not already registered). An OGEL authorises the export of an unlimited quantity and value of certain items to certain countries (as listed in the licences, which are published [online](#));
- b) if an individual licence is required, they shall complete the licence application in consultation with the PI or proposer and have the End-User Undertaking signed by the end-user. A Single

Individual Export Licence (SIEL) authorises the export of a defined quantity and value of items to the end-user stated in the licence.

4.2 Using a licence

When a licence is obtained, the ECM shall provide a copy to the PI or proposer and agree with them on how – subject to the approval of the ECD - the conditions of the licence will be fulfilled, in particular:

- a) In all cases: ensure that the items to be transferred and their destination country and recipients (consignees, end-users) are covered by the licence;
- b) For physical exports: ensure that the licence title and number are referenced on the shipping documents and on the export declaration by the freight forwarder.

4.3 Record Keeping

When an export enquiry is received, the ECM will log the enquiry in the F2 case management system and ensure that the enquiry has a related ID number. All electronic information will be stored in the related project folder. This will include:-

- The completed Export Controls Enquiry Form;
- 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 Undertaking (if one was required for the licence);
- 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. (Note that associated emails which may relate to the transfer but do not add to it do not need to be recorded); and
- Any other records which either the export licence or the ECM specifically requires to be stored.

The records will be kept for a minimum of 4 years from the end of the year in which the export took place.

4.4 Information and Training

The Export Control Joint Unit issues periodic updates about changes in legislation, introduction to new licences and other changes in export controls. Current Notices to Exporters are published [online](#). The ECM is responsible for maintaining up to date information on regulations and has registered to receive electronic updates from the ECO website.

The ECM will attend relevant courses held by the ECO on export control. A record of the training received by the ECM will be maintained.

The ECM will review annually which members of staff work in areas that could be subject to export control (e.g. Quantum Information, Cryptography) and will have meetings with these staff members on an annual basis to ensure that they understand this policy.

Information on this policy will be introduced into RED's new starter induction presentation. Information will be provided on the University website for staff members.

The ECD and ECMs shall undertake a proportionate and targeted set of actions to provide relevant staff with the appropriate level of awareness and understanding to enable them to comply with the law. These may be modified as necessary but may include the following:

- a) A short e-learning module, mandatory at induction and annually for research staff, postgraduates and administrative staff working on the relevant disciplines as listed in section 3 above;
- b) All Faculty Deans/Faculty Research Directors shall establish effective means of ensuring all staff and students are aware of the restrictions and their responsibilities for compliance. This shall include appointing a faculty contact point to assist with questions and liaison with the ECM;
- c) Heads of School shall put export control issues on their school risk registers to ensure that the issue is included in routine reviews of their work;
- d) Using the Annual Staff Review process to assess whether relevant staff require training in export controls and how effectively they are implementing this policy;
- e) Delivering training courses for relevant staff and sending staff most closely concerned to attend external courses;
- f) Using appropriate means to raise awareness of areas where there may be a risk of noncompliance such as: failure to use MTAs (e.g. informal exchanges of materials or equipment with overseas collaborators or former students); pre-contract collaborative work (e.g. of a 'pump-priming' nature); private consultancy and activities by spin-off institutes and companies, to the extent that the University retains legal or reputational responsibilities; overseas travel involving staff or students carrying out of the UK controlled technology on their laptops or phones, or accessing/downloading it remotely while they are outside the UK;
- g) Brexit: similarly, using appropriate means to raise awareness of the fact that exports or transfers of dual-use items and technology from the UK to the EU now require an export licence.

4.5 Audits and Breaches

If the University obtains one or more export licences, the University will become subject to external audits by the Export Control Joint Unit (unless the licences are only individual licences for physical exports), to check compliance with the conditions of the licence(s) and that no items requiring a licence are being exported without a licence.

The following staff will be involved in the audit:

- The ECD
- The ECM
- The lead academic staff member involved in the export process.

An annual internal self-audit will also be undertaken by the ECM and logged electronically. The results of the annual internal audit will be reviewed by the ECD who shall consider if any changes are necessary to this policy as a result of the internal audit.

If an external or internal audit finds any failures of compliance, or if these come to light in the course of routine business, the ECD and ECM shall be responsible for immediate investigation and corrective action, and submitting a disclosure to HM Revenue and Customs.

4.6 Relevant Documents and Forms

The following are available:

- [Export Controls Enquiry Form](#) (Annex A)
- Export Controls Due Diligence Flowchart (Annex B)
- Enhanced Contractual Provisions (Annex C)

Annex A: Export Controls Enquiry Form

This form should be completed for all applications or proposals for research projects, material transfers, transnational education or IP licensing that concern work at post-graduate level in a ‘Relevant Discipline’: nuclear engineering; viruses, pathogens, vaccines; chemicals with toxic properties; high strength materials; high specification electronics, computers, and telecommunications; automation; cryptography; optics and sonar; navigation; submersibles; aerospace; and space; and

- a) may involve the transfer of sensitive technology or other items out of the UK; and/or
- b) may involve any items that are subject to US export controls.

Before completing this form, please refer to the Policy on Sensitive Technology Transfers, Export Controls and Sanctions. For the purposes of this form:

- ‘Item’ includes technology or technical information in any form (e.g. research results, data, models, designs, plans, formulae, etc.), and equipment, components, materials, biological agents or software.
- ‘Transfer’ includes physical export, carrying in personal luggage, sending by email, video conference, online learning, downloading or accessing of documents by a person located overseas, and by telephone if information is communicated as if the recipient had read it.

If you have any questions, please contact the Export Control Manager / Research Compliance Team at research-compliance@bristol.ac.uk

Section 1: Project Information	
Project Title	
Research Compliance case reference	<i>[Research Compliance to complete]</i>
PI or Proposer	
Collaborators, Co-investigators	
Department	
Telephone Number	
Email Address	
Funder (if any)	
Date	
Section 2: Item Information	
Description of the item(s)	
Intended overseas recipient(s) (person, organisation, address). If publishing technology in an academic journal, please specify here:	
How will the items be transferred or exported (e.g. digitally, physically)?	

Section 3: End-Use				
1.	What is the item(s) intended end-use?			
2.	Are you aware if any further onward export will take place from the intended overseas recipient?			
		Yes	No	Unsure
3.	Have you been informed, do you know or do you suspect that the items are intended to be used in a programme related to Weapons of Mass Destruction i.e. nuclear, chemical or biological weapons or missiles capable of delivering them?			
4.	Have you been informed, do you know or do you suspect that the items are intended to be used for any military purpose?			
Section 4: US-controlled items				
		Yes	No	Unsure
1.	Will any material, item or component be received physically or digitally from any country outside the UK? If so, please state which:			
2.	Will any material, item or component be directly received physically or digitally from the US?			
3.	Are you aware if the material, item or component received has, or could have a US origin?			
4.	If yes to 2) or 3), please explain the nature and purpose of this import, its intended use, and whether it will be subject to any further onward export from the point of receipt here:			
5.	Will the import be controlled under the E.A.R list, classified under the I.T.A.R regime, or subject to any other export control lists under the C.F.R? (Please ask the supplier for clarification if necessary)			
6.	If the US Export Control Classification Number is known, please provide it here:			
Section 5: Exemptions				
		Yes	No	Unsure
1.	Does all the technology related to this proposal meet the definition of 'basic scientific research'? This is defined as " <i>experimental or theoretical work undertaken principally to acquire knowledge of the fundamental principles or phenomena or observable facts and not primarily directed towards a specific practical aim or objective</i> ". It is likely to be exempt if: <ul style="list-style-type: none"> it concerns purely experimental or theoretical work, undertaken solely to obtain new knowledge of the fundamental principles of phenomena or observable facts; 			

	<ul style="list-style-type: none"> the sole intended output is a published article in a peer reviewed scientific journal; it is Technology Readiness Level (TRL) 1-3, but TRL 3 is borderline and needs to be considered case-by-case; <p>TRL 1 Basic principles observed and reported.</p> <p>TRL 2 Technology concept and/or application formulated.</p> <p>TRL 3 Analytical and experimental critical function and/or characteristic proof-of-concept.</p> <p>TRL 4 Technology basic validation in a laboratory environment.</p> <p>TRL 5 Technology basic validation in a relevant environment.</p> <p>TRL 6 Technology model or prototype demonstration in a relevant environment.</p> <p>TRL 7 Technology prototype demonstration in an operational environment.</p> <p>TRL 8 Actual Technology completed and qualified through test and demonstration.</p> <p>TRL 9 Actual Technology qualified through successful mission operations.</p> <ul style="list-style-type: none"> It is not directed towards a specific short-term practical aim nor addressing a specific technical problem. 			
2.	<p>Does all the software and technology related to this proposal meet the definition of ‘already in the public domain’? This is defined as <i>“available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright)”</i>. It is likely to be exempt if:</p> <ul style="list-style-type: none"> It is available to anyone without restriction e.g. on a website, at an exhibition open to the public; access to it is in no way restricted (except if it is available to anyone in return for payment); it has been published. But research intended to be published is not exempt until after it is published. Sending unpublished research work overseas e.g. in the course research collaboration or for peer review is not exempt; the act of publication is not itself subject to licensing unless the technology is restricted e.g. official classified information. 			
Section 6: Military and Dual-Use Controls				
		Yes	No	Unsure
1.	Is any item specially designed or modified for military use? If yes, please refer to the ‘ Goods Checker ’ tool, check all relevant key terms, and provide your best estimation of the item’s classification (e.g. “ML22.a” for most forms of technology required for military items):			
2.	Is any item listed in the UK’s Dual-Use lists? Please refer to the ‘ Goods Checker ’ tool, check all relevant key terms and, if any item may meet the criteria, provide your best estimation of its classification (e.g. “9E001” for technology required for the development of certain aircraft engines):			

Please submit this form to research-compliance@bristol.ac.uk

For completion by the Export Control Manager				
		Yes	No	Unsure
1.	Will any item be transferred/exported out of the UK?			
2.	Are there any WMD end-use concerns?			
3.	Will any US export controls apply?			
3(a).	- If so, is a compliance plan in place?			
4.	Do Public Domain or Basic Scientific Research exemptions apply?			
5.	Do any UK, EU or US sanctions apply?			
5(a).	- If so, state which sanctions are applicable and their effect			
5(b).	- If an activity is restricted, is a compliance plan in place?			
6.	Do UK military or dual-use export controls apply?			
6(a).	- If so, what are the export control classifications of the item(s) concerned:			
6(b).	- State the title and reference number of the export licence(s) to be used:			
7.	Case Summary (including details as to how a decision/judgement has been reached):			
8.	Any other comments or observations:			
<p>Completed by Research Compliance Manager</p> <p>Name:</p> <p>Date:</p> <p>Signature:</p>				

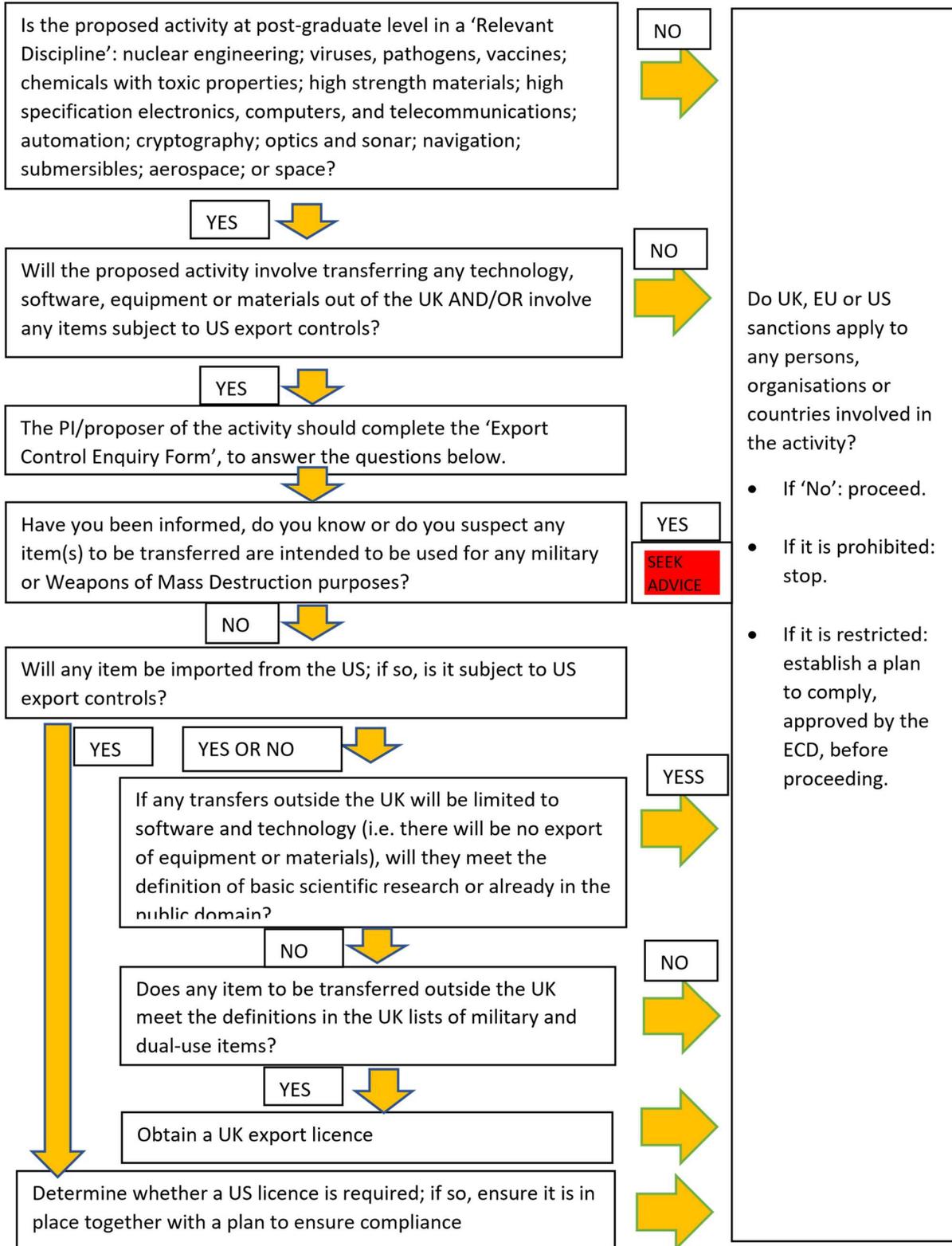
Approved by Head of Research Compliance

Name:

Date:

Signature:

Annex B: Export Controls Due Diligence Flowchart



Annex C: Enhanced Contractual Provisions

The following provisions should be included in all contracts to which export controls apply or to which there is judged to be a heightened risk.

Research Contracts

The Parties shall comply with all sanctions and export control laws to which they are subject and which are applicable to any items, including but not restricted to goods, materials, biological agents, software, data or technology transferred between them. Each Party shall specifically inform the other Party, before the transfer of any such item, of all sanctions and export control conditions applicable to the transfer and the item. Each Party may terminate this contract immediately, without incurring any liability, if it reasonably apprehends that continuing to service this contract would be in breach of any applicable sanctions or export control laws. *[In the event that an application by a Party for an export licence is denied, the other Party hereby indemnifies and shall hold harmless that Party against all and any liability resulting from the licence denial.]*

Note: We should not generally accept an obligation to assign/licence/transfer IP to any third party as it is the exporters responsibility to be aware of the end-use of an export (including cloud-based storage and downloading by a person not in the UK). If an affiliated party requires use of the IP (and this is acceptable from a project perspective) then we should only licence the IP to the party we are contracting with, and we can then grant that party the limited right to sub-licence. We should not send IP to an unknown third party.

Material Transfer Agreements

Both Parties shall comply with all sanctions and export control laws to which they are subject and which are applicable to any items, including but not restricted to goods, materials, biological agents, software, data or technology transferred between them. The Provider shall verify whether the supply of the Materials under this Agreement requires any export licence and shall obtain any such licence before the Materials are transferred. The Provider shall specifically inform the Recipient, before the transfer of any such item, of all and any sanctions and export control conditions applicable to the transfer and the Materials. The Provider may terminate this contract immediately, without incurring any liability, if it reasonably apprehends that continuing to service this Agreement would be in breach of any applicable sanctions or export control laws. *[In the event that an application by the Provider for an export licence is denied, the Recipient hereby indemnifies and shall hold harmless the Provider against all and any liability resulting from the licence denial.]*