Date: 13 January 2015

Dear [name],

Thank you for your email of 11 December 2014 in which you requested the following information (I quote):

1. I would like to request copies of the Memorandums of Understanding between BIS and Clarion Events relating to Defence and Security Equipment International (DSEI) 2013 and DSEI 2015.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

I can confirm that the Department holds some of the information you have requested. The Memorandum of Understanding relating to DSEI 2013 is attached at Annex A.

Please note that Mr Porter’s signature has been redacted because it is exempt from disclosure by virtue of section 40 (personal information) of the Act. Section 40 of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data (in this case, Mr Porter’s signature) of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release Mr Porter’s signature and do not think that any of the relevant conditions apply.

The Memorandum of Understanding relating to DSEI 2015 has not been drafted or agreed yet and therefore this information is not held by this Department at the current time.

Appeals procedure
If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be sent to the Information Rights Unit at:

Information Rights Unit  
Department for Business, Innovation & Skills  
1 Victoria Street  
London  
SW1H 0ET  
E-mail: foi.requests@bis.gsi.gov.uk

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours Sincerely

[Redacted]
Head of the Export Control Organisation
Memorandum of Understanding between Clarion Defence and Security Ltd and the Export Control Organisation on the issue of compliance with UK Export Control Legislation in relation to activities of all UK and international exhibitors at DSEI

Clarion Defence and Security Ltd own and operate the DSEI (Defence and Security Equipment International) exhibition and are responsible for all aspects of its delivery.

In organising DSEI Clarion enter into contracts with some 1,300 individual companies, permitting to sub-let space within the ExCeL exhibition facility for the purposes of exhibiting defence, security and dual use equipment to a UK and international audience comprised of defence industry professionals attracted by Clarion's promotional activities, and the activities of other stakeholders including UKTI DSO. The listing of the companies represented is provided in the form of the Exhibition Catalogue.

Clarion also work with and act in support of the activities of a number of government licensing and compliance authorities and agencies to ensure that all exhibitors at DSEI are exhibiting in compliance with relevant UK, EU and international laws and regulations related to the export of defence, security and dual use equipment. These agencies include ECO, HMRC, The Metropolitan Police and FCO and Clarion will ensure that all these government agencies are represented at any pre-planning meetings related to the compliance regime at the event.

Most of the relevant UK legislation on strategic export and trade controls is made under the powers of the Export Control Act 2002. The Export Control Order 2008, which is made under the Export Control Act 2002, covers trade of military equipment between overseas countries where any part of the activity takes place in the UK or by UK persons, wherever they are in the world. This area of legislation encompasses controls on trade on marketing and promotion activities at UK trade shows for items controlled on the Military List. These controls are structured in a three-tier category basis - Categories A, B and C depending on the inherent risk associated with the goods.

The Export Control Order 2008 lists in Schedule 4 UN, EU and OSCE arms embargoed destinations and destinations in respect of which stricter export or trade controls are imposed. Exporters or traders on items falling within Categories A, B and C in Schedule 1 to the Export Control Order 2008 must apply for Licence for export or trade of these goods to these destinations. Exporters or traders of strategic goods should also be aware of the wider list of destinations subject to UN and EU sanctions and the need to have the relevant licenses in place.

The functions Clarion undertake to create and deliver DSEI, and how these functions are managed to support the activities of licensing and compliance authorities and agencies are as follows:

Exhibit and Sponsorship Sales to exhibitors

Support for Licensing Authorities
• Categories of exhibits which require licensing prior to being permitted to exhibit at DSEI currently fall into the following categories:
  o "Category A Goods" requiring ECO licensing (see Annex 1)
  o Firearms, requiring Met Police Section 5 licensing

• Ensuring that the contract between exhibitors and Clarion states that the exhibit or promotion of any item falling into either of the above categories is prohibited unless explicitly authorised by;
  o In the case of Category A Goods, a valid Standard Individual Trade Control Licence, which must be obtained from BIS Export Control Organisation by the exhibitor or agent,
  o In the case of Section 5 goods, a relevant Section 5 license issued by Met Police

• And in both cases including contractual provisions to allow bookings to be rejected, or companies to be ejected from the event should any such unlicensed activity be identified and/or to inform the enforcement authorities (HMRC or Home Office) of any potential breaches.

• Putting in place a robust vetting regime in advance and during the open period of the show to identify companies who will / may / have previously engaged in promotion of the above licensable items, with a view to informing them of the requirement for licensing and, if necessary, preventing their attendance through enforcement of the contractual terms in their contract to exhibit.

• Sharing all information on potential and actual licensable exhibits with relevant government licensing and compliance authorities and agencies in a timely manner

• Clarion will ensure that exhibitors are made aware that any material relating to the trade of Category A goods is prohibited unless explicitly authorised by a valid Standard Individual Trade Control Licence, which must be obtained from BIS Export Control Organisation by the exhibitor or agent.

• Clarion will provide ECO officials with reasonable access during pre-set up and during the open period of the event for the purpose of undertaking inspections of stands and monitoring of the above activities

• Clarion will also ensure that exhibitors are made aware of their responsibilities in ensuring they are aware of licence requirements for trading in arms embargoed and sanctioned destinations.

Marketing and Promoting the event to attendees

Support for Licensing Authorities
Annex 1

Items currently listed as being controlled under Category A of the trade controls include:

- Goods designed for the execution of human beings - such as gallows and guillotines, electric chairs, air-tight vaults designed for the purpose of execution by the administration of a lethal gas or substances, automatic drug injection systems designed for the purpose of executing human beings by the administration of a lethal chemical substance
- Restraints specially designed for restraining human beings - leg-irons, gangchains, shackles and individual cuffs or shackle bracelets except those that are 'ordinary handcuffs' (handcuffs which have an overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, between 150 millimetres and 240 millimetres when locked and have not been modified to cause physical pain or suffering), restraint chairs unless designed for disabled persons, shackle board, thumb-cuffs and thumb-screws, including serrated thumb-cuffs, electric shock belts
- Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock - such as electric-shock batons, electric-shock shields, stun-guns and electric-shock dart-guns - components specially designed or modified for the aforementioned
- Hand-held, spiked batons
- Cluster munitions, explosive sub-munitions and explosive bomblets
• Ensuring that all attendees are informed that the purchase, procurement or brokering of any exhibit or promoted item on display at DSEI may require the granting of a strategic export license from the relevant UK government organisation, and that export of any such items, or any activity related to the brokering of a deal involving such items either from the UK, or between any two other countries, which is conducted at DSEI is prohibited unless a relevant license has been granted by the relevant UK government organisation.

• Including within the general admission terms a contractual provision to allow individual applications to visit to be rejected, or attendees to be ejected from the event should any such unlicensed activity be identified.

Seminars and Content

Support for Licensing Authorities

• Creating conference programmes, and securing appropriate speakers which do not promote topics subject to licensing restrictions (currently “Category A” goods)

Signed

ON BEHALF OF EXPORT CONTROL ORGANISATION
DATE 5/9/2013

Signed

ON BEHALF OF CLARION DEFENCE AND SECURITY LTD
DATE 5/9/13