



Department for International Trade

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Dear [REDACTED]

Thank you for your email of 10 May where you requested information concerning six Standard Individual Trade Control Licences (SITCL) applications, rejected in 2016, related to a UK firm brokering the sale of ammunition from Bosnia to Saudi Arabia.

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 require. Your questions and our response are set-out below:

1) Can you confirm that the End User of this ammunition was the Saudi Arabian state/military (private gun ownership is illegal in Saudi Arabia)? Can you provide the specific End User?

The End Users specified on the brokering licence applications were departments of the Government of Saudi Arabia.

The information contained within export licence applications was provided to us under an implied duty of confidence. Disclosure of the information would constitute an actionable breach of confidence. There is a strong public interest in protecting that confidence and there are no public interest considerations in relation to this information requiring us to set the duty of confidentiality aside. The specific end users are therefore exempt from disclosure under section 41 of the FOIA.

2) The SITCLs appear to be two sets of identical requests - can you explain why this is? Can you please provide the date these were submitted and rejected?

Applications were submitted by two different licensees. The licence applications were submitted on 19 November, 10 December (x2), 12 December, 19 December and 22 December 2014. All the applications were refused and the application processes were completed on 9 March 2016.

3) Having checked the Campaign Against the Arms Trade's online database of licences granted by the UK government, these appears to be the first SITCLs to have been rejected for export to Saudi Arabia. Is this correct? Was this as a result of a change in policy? If so, please provide a copy/summary of the new policy?

We generally retain records for a period of 10 years. These are the only SITCL applications in which the goods intended to go to Saudi Arabia were refused. Our policy remains unchanged in that all licence applications are assessed on a case-by-case basis against the Consolidated EU and National Arms Export Licensing Criteria, known as the Consolidated Criteria. A licence would not be granted if to do so was inconsistent with any of the Criteria.

4) Given that these SITCLs have been rejected on the basis that the ammunition may be diverted, can you say where the UK government feared the ammunition would be sent and to whom? The ammunition includes NATO and non-NATO standard ammunition, did you consider this when rejecting the SITCLs and how did this influence your conclusion that there was a risk of diversion?

When considering export and brokering licence applications, we draw on all available information, including reports from NGOs and our overseas network. For these applications we determined the stated end user was not the intended recipient. We consequently concluded there was an unacceptable risk that the items would be diverted within the buyer country or re-exported under undesirable conditions. We will not speculate on where the ammunition might have ended up.

5) The rejection of these SITCLs indicate that the UK government does not trust the Saudi authorities to honour their End User Certificates, guaranteeing that the equipment will not be diverted. Is this a fair assessment?

No, Saudi Arabia is a valued trading partner of the UK. An End User Certificate is only one element in the assessment of an export or brokering licence application: the provision of such a document is no guarantee that a licence would be granted.

6) Given this question mark over the Saudi authorities' adherence to End User Certificates, is it safe for any export or brokering licences to be issued for military equipment to be sent to Saudi Arabia?

All export and brokering licence applications are assessed on a case-by-case basis against the Consolidated Criteria. A licence would not be granted if to do so was inconsistent with any of the Criteria.

7) Did you inform the Bosnian authorities of your decision given the risk that the ammunition would be exported to Saudi Arabia through a different route?

Bosnia-Herzegovina is not party to the European Union mechanism of denial notifications. Consequently, there is no established mechanism through which the Export Control Organisation could have informed the Bosnian authorities.

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 40 working days of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET
Email: FOI.Requests@beis.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,

Export Control Organisation