

## **EGAD Guide on Licensing Requirements for Exhibitions**

1. **Import Regulatory Requirements**: Please contact the following, who is EGAD's HM Revenue & Customs consultant, and can provide the information needed on what is required to satisfy the UK's import regulations:

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**Naturally, every import is someone else's export! So, the relevant national export regulations must be abided by to get the equipment in to the UK, in the first place!**

2. **Regulations at the exhibition**: if your products are not WMD/CBRN-related (including means of detection and identification or missiles capable of the delivery of WMDs), you only need to abide by the UK's Trade Controls. Any foreign exhibitors or visitors at the exhibition in the UK will require British Trade Control Licences to undertake certain clearly defined activities at the Airshow under the terms of the UK's Export Control Order 2008.

The goods involved will have to be on the British Military List and the activities that attendees are going to have to undertake at the exhibition in the UK to be caught by the regulations are set out in the above Order.

There follows a copy of the relevant sections of the Export Control Order 2008 outlining those activities and what involvement in "trade" type movement that would be needed for that that movement to be caught by the UK's Trade Controls:

### **Category A goods**

*21.—(1) This article applies to—*

- (a) persons carrying out activities in the United Kingdom; and*
- (b) United Kingdom persons.*

*(2) Subject to articles 24, 25 and 26, no person to whom this article applies shall directly or indirectly—*

- (a) supply or deliver;*
- (b) agree to supply or deliver; or*
- (c) do any act calculated to promote the supply or delivery of*

*any category A goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.*

### **Category B goods**

*22.—(1) This article applies to—*

- (a) persons carrying out activities in the United Kingdom; and*
- (b) United Kingdom persons.*

*(2) Subject to paragraphs (3), (4) and (7) and to articles 25 and 26, no person to whom this article applies shall directly or indirectly—*

- (a) supply or deliver;*
- (b) agree to supply or deliver; or*

*(c) do any act calculated to promote the supply or delivery of*

*any category B goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.*

*(3) Nothing in this article shall be taken to prohibit the provision of—*

*(a) financing or financial services;*

*(b) insurance or reinsurance services; or*

*(c) general advertising or promotion services*

*by a person whose only involvement in the activities described in paragraph (2) is to provide or agree to provide such services.*

*(4) A person (“the transporter”) whose only involvement in the activities described in paragraph (2) is to provide or agree to provide transportation services in relation to category B goods (“the relevant goods”) only contravenes the prohibition in this article if paragraph (5) or (6) applies.*

*(5) This paragraph applies if the transporter arranges the removal of the relevant goods from one third country to another third country.*

*(6) This paragraph applies if the transporter, otherwise than in the course of providing services to another person—*

*(a) to whom this article applies; and*

*(b) who has agreed to provide transportation services in relation to the relevant goods,*

*removes or agrees to remove the relevant goods from one third country to another third country.*

*(7) Nothing in this article shall be taken to prohibit any contract promotion activity that is carried out otherwise than for payment.*

### **Category C goods**

**23.—***(1) Subject to paragraphs (2) and (3) and to articles 24, 25 and 26, no person shall directly or indirectly—*

*(a) agree to supply or deliver; or*

*(b) do any act calculated to promote the supply or delivery of*

*any category C goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.*

*(2) Nothing in this article shall be taken to prohibit the provision of—*

*(a) transportation services;*

*(b) financing or financial services;*

*(c) insurance or reinsurance services; or*

*(d) general advertising or promotion services*

*by a person whose only involvement in the activities described in paragraph (1) is to provide or agree to provide such services.*

*(3) Nothing in this article shall be taken to prohibit any contract promotion activity that is carried out otherwise than for payment.*

Mostly the only activities which would be caught would be the actual signing or negotiation of contracts at an exhibition here in the UK, and the vast majority of normal exhibition-related commercial and promotional activity will **NOT** be caught or affected by the new regulations; however, companies should read the details of the activities which are caught from the relevant Order very carefully to get a full understanding of the activities which will be affected.

In almost all cases of those activities which would be caught the foreign companies will only need to register to use an Open General Trade Control Licence to be covered. This can be done, after those companies have very carefully read the terms and conditions of the OGTCL to ensure that it is relevant to them and the coverage that it has, by simply contacting the Export Control Organisation (ECO) at the Department for Business, Innovation & Skills (BIS) via: <http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1084228483> and using the SPIRE System (<http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1084338457>) to ask to be registered to use the appropriate Open General Trade Control Licence (OGTCL).

As a general rule it would be highly recommended that all foreign participants (and UK companies exhibiting foreign equipment on their stands) at an exhibition here in the UK should, as a minimum, register to use an appropriate OGTCL to cover any activities that may be caught by the regulations that will or may be taking place there. Other activities, outside the scope of an OGTCL, and which can be predicted in advance, should be covered by applying to the ECO for either an Open Individual Trade Control Licence or a Standard Individual Trade Control Licence – it is advisable that before anyone starts completing such an application for submission to ECO, that they first make contact with the relevant department (the ECO Helpline on 020 7215 4594 or [eco.help@bis.gsi.gov.uk](mailto:eco.help@bis.gsi.gov.uk)) to discuss their licensing needs with them, and also see the ECO's advice available in its guidance notes (which are available from: [www.businesslink.gov.uk/bdotg/action/layer?topicId=1084228526](http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1084228526), and, especially relevant for exhibitions, [www.businesslink.gov.uk/bdotg/action/layer?topicId=1084624707](http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1084624707)).

It must be remembered that the Trade Controls relating to the supply of Category A Goods or of any Military List goods to specifically identified “embargoed destinations” are much more restrictive and wide-ranging in their scope, and **anyone involved in any way with any of this type of activity at a UK exhibition MUST seek guidance.**

Another aspect which also needs to be borne in mind is non-exhibition-specific related activity which is caught by the regulations and which is undertaken whilst the exhibitors (and visitors) happen to be over here in the UK attending the event (e.g. dealing with other contractual/negotiating/delivery queries on the telephone or by e-mail or fax). Sight must also not be lost of these. Detailed advice from the ECO Helpline on 020 7215 4594 or [eco.help@bis.gsi.gov.uk](mailto:eco.help@bis.gsi.gov.uk), or EGAD (E-Mail: [Brinley.Salzmann@adsgroup.org.uk](mailto:Brinley.Salzmann@adsgroup.org.uk)) should always be sought if there are any doubts.

Another non-trade control-related important issue which must not be over-looked by those companies affected will be that of the controls on the transfer of technology by any means related to “weapons of mass destruction” – i.e. for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons. Whilst it is not anticipated that this would affect many, if any, firms attending most exhibitions here in the UK, this will present potential difficulties for any firms who are affected, and any such companies are very strongly advised to make contact with the ECO Helpline on 020 7215 4594 or [eco.help@bis.gsi.gov.uk](mailto:eco.help@bis.gsi.gov.uk) to discuss their licensing needs with them as soon as possible.

Similarly, any company which may be intending to market or promote cluster munitions and/or anti-personnel landmines, or their components **MUST** seek immediate guidance from the ECO Helpline on 020 7215 4594 or [eco.help@bis.gsi.gov.uk](mailto:eco.help@bis.gsi.gov.uk).

3. **Taking the Equipment back again after the Exhibition:** You need to register, via SPIRE, to use either the OGEL (Export After Exhibition: Military Goods) or the OGEL (Export After Exhibition: Dual-Use Items). It is important to mention that, if you want to make use of these licences, the goods have to have been imported as a temporary import or under a carnet. Anything outside of the scope of these OGELs can only be shipped under a Standard Individual Export Licence from the ECO. For any queries which may crop up on site, EGAD would be more than happy to give **FREE** help and advice to any companies or individuals on export and/or trade control matters.

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