



Committees on Arms Export Controls

Oral evidence: Arms Export Controls: Initial Review, HC 965

Tuesday 10 November 2020

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Members present: Mark Garnier (Chair); Neil Coyle; Mr Tobias Ellwood; Mrs Emma Lewell-Buck; Lloyd Russell-Moyle; Martin Vickers; Claudia Webbe.

Questions 1-70

Witnesses

I: Amanda Brooks CBE, Director General, Trade Relations and Implementation, Department for International Trade; Chris Chew, Head of Export Control Policy, Department for International Trade; and Rebecca Peer, Senior Lawyer, Export Control and Sanctions, Department for International Trade.

Examination of witnesses

Witnesses: Amanda Brooks CBE, Chris Chew and Rebecca Peer.

Chair: Good morning to everybody and welcome to the first public evidence session of the Committees on Arms Export Controls. We have with us three witnesses from the Department for International Trade. If they will please introduce themselves briefly, we can get going. Let's start with Amanda.

Amanda Brooks: Good morning, Mr Garnier, and good morning to the rest of the Committee. My name is Amanda Brooks, interim director general for trade relations and implementation in DIT. My portfolio includes export controls.

Chris Chew: Good morning. My name is Chris Chew, head of policy in the export control joint unit.

Rebecca Peer: Good morning. My name is Rebecca Peer. I work for the Government Legal Department, and I am a resource within DIT legal advising the export control joint unit.

Q1 **Chair:** Thank you all very much for coming in. My apologies for the delay—we were trying to get quorate—but we are now officially under way. Amanda, can I open the questioning with you? The Committees were originally set up to scrutinise the annual report. We are now long



HOUSE OF COMMONS

overdue on the 2019 annual report. Can you talk us through what is going on with it, why it is so overdue and when we are going to get it?

Amanda Brooks: Thank you, Mr Garnier. First and foremost, my apologies that the annual report for 2019 has not yet been published. Work is progressing on it very well, and we are on track to publish it before the end of the calendar year. I know Ministers are very focused on ensuring that that is the case. It has been delayed this year predominantly due to the covid pandemic. We deprioritised work on the annual report while ensuring that we were able to continue to deliver our licensing services to the best of our ability during the rather different times in which we have been operating this year.

Q2 **Chair:** You talk about the licensing services, but there was obviously a backlog because of the Saudi Arabia problems. Has that backlog been partly responsible for the delay in the report?

Amanda Brooks: Not directly, Mr Garnier. We have been clearing the backlog since the Secretary of State made her statement to Parliament in July, and we have now cleared over 500 of those cases from the backlog. Predominantly, we were ensuring that we were able to continue to deliver all our export licensing services during this challenging time.

Q3 **Chair:** Can you give us a clue as to what you have been seeing in the work you are doing? Are there any strategic trends or anything that will surprise us when the report comes out?

Amanda Brooks: No. First and foremost, I should say the format of the report follows a very similar format to that which you saw in 2018, so I hope there will be no surprises. Of course, in terms of the substance, as well as the usual information that we provide on performance and so forth, it will cover issues that arose during 2019—for example, updates on the court case that was proceeding, the Court of Appeal judgment, the court undertaking and action that followed that, so I do not think there should be any surprises in the report to you, but time will tell.

Chair: I think Tobias Ellwood wanted to come in quickly.

Q4 **Mr Ellwood:** Could I just pursue the report's publication? You say by the end of the calendar year. Will that be in time for scrutiny to take place in the House of Commons as normal, or are you saying that Parliament could have moved into recess when the report is published?

Amanda Brooks: At this point, I do not have a confirmed date by which it will be published, although that is the intention. I am sure that Ministers would want it to be published before the parliamentary recess, but I am unable to be clear one way or the other at this time.

Q5 **Mr Ellwood:** If I could pursue that for a second, I hope you will take this back to your team and say it would be very advantageous and proper for us to have an opportunity to discuss this. If it is going to be the case that we will not have that chance to discuss it, this Committee and, indeed, Parliament should be informed as soon as possible.



Amanda Brooks: I will indeed take that back, but I would like to repeat the intention that it will be published during this calendar year.

Q6 **Chair:** That would be fantastic. Can I urge, on behalf of the Committees, that this is an important issue for clarity and transparency? When the Committees were set up, that was specifically to analyse this report, and it is something that should be timely and should give a lot of information. I was also going to ask, as a supplementary, what major events and trends have been affecting export control in 2020, particularly arms export control? Obviously, we have the pandemic, but we also have Brexit. You can talk about both of those, but is there anything else as well that is causing—

Amanda Brooks: Sure. Obviously, the annual report is focusing on 2019. On trends we have seen during 2020, you are absolutely right to highlight two issues that have been particularly dominant. In terms of the pandemic, as I have already indicated, we ensured that this was maintained as a service during the pandemic; it was designated a business-critical operation inside the Department, and therefore we were tasked and resourced on that basis. On what we saw regarding licensing applications, we did see a drop in licensing applications being received by the units during March, April and May in particular. The pre-covid level in February, for example, was about 1,400 applications. We saw that drop to around 1,000 applications a month for a number of months, but that has begun to climb back up.

Q7 **Chair:** Is that the whole of the Department? Obviously, there is a lot of licence stuff that goes out from that Department as well as the military stuff and the—

Amanda Brooks: That is all licence applications, whether for military or dual use. We are now pretty much back at pre-covid levels. On processing, we have been able to maintain our processing service overall, including, as you alluded to, working on clearing the Saudi backlogs, since we have been able to tackle that after the court undertaking fell in July. We have in practice been able to process more of those applications than we receive. I am really proud of everything the team has done during the covid pandemic. People have travelled into the office on a rota throughout the pandemic to ensure that we have been able to continue to deliver that service day in, day out. That is the trend we have seen there. Work on Brexit has also continued. Of course, during the transition period there are not any significant changes to the export licensing system. We have, however, been working with business and raising awareness on the licensing system as a whole and on changes that are a result of the end of the transition period. We have been running a series of webinars and awareness-raising events to ensure that businesses are as well informed as they can be in preparation for that.

For example, as you know, we run a notice to exporters service, which has over 3,000 businesses through which we are able to communicate very simply and straightforwardly on a regular basis. We have continued to use that service to promote and raise awareness of the services that we



provide. We have also run a series of awareness events that have reached over 2,700 businesses during the course of the pandemic to help prepare them and raise their awareness more generally on export licensing. We are in a decent place, but there is always more to do.

Q8 Chair: We will have some technical questions a bit later about the technicalities of Brexit, but have you seen any indication that people are rushing in their exporting before Brexit happens, or is it just business as normal?

Amanda Brooks: As I say, we saw a dip in licence applications at the start of the pandemic, and we are now back to levels that we consider to be usual, in terms of the volume of applications. Certainly, we are not seeing any peaks. We have, however, been seeing registrations for the licence for businesses based in Great Britain to export into the EU. We have had about 900 registrations for that to date. Other than that, no, we are not seeing any peaks.

Chair: Fantastic. I will hand over to Claudia Webbe.

Claudia Webbe: Thank you, Chair. I have some questions to—
[Inaudible.]

Chair: Claudia, we can barely hear you. Could you get closer to the microphone?

Claudia Webbe: Can you hear me now?

Chair: It is a bit intermittent. Perhaps a touch closer, but we are nearly there.

Claudia Webbe: I hope you can hear me now. I will project a bit more.

Chair: You are coming in and out. I think if you were just three or four inches closer, we would be fine. Sorry—I don't want to make you too uncomfortable.

Claudia Webbe: Okay. Can you hear me now?

Chair: Ish.

Claudia Webbe: Can you hear me now?

Chair: Yes.

Claudia Webbe: I'm not sure—

Chair: But not now.

Claudia Webbe: I am not sure there is anything more I can do to enable you to hear me. I will just check that my speaker is as loud as possible. I think it is. Can you hear me okay now?

Chair: We can just hear you, but not okay. If you speak up a bit, it is fine—it is perfectly clear. Could you project?



HOUSE OF COMMONS

Claudia Webbe: Okay. My question is No. 3. Could you give a brief overview of the work undertaken by the Department—*[Inaudible.]*

Chair: Claudia, I don't think this is going to work. As I say, you are occasionally perfectly clear like a mountain stream, and sometimes—

Claudia Webbe: Is it the internet connection breaking?

Chair: No, it's not. I think it is your microphone. I think you need to get a bit closer to your microphone, sorry.

Claudia Webbe: I am very close to the microphone. Can I get any closer? Can you hear me now?

Chair: Ish.

Mr Ellwood: Mark, can I suggest that you just take the question?

Claudia Webbe: Can you hear me now?

Chair: I can. Give it another whirl. If we cannot get it to work this time we will have to move on.

Q9 **Claudia Webbe:** Can you give a brief overview of the work undertaken by your Department, and the ensuing processes, following the Court of Appeal judgment in June 2019?

Chair: Did you get that, Amanda? It is basically a brief overview of the work undertaken by the Department, the change in the processes following the Court of Appeal judgment in 2019.

Amanda Brooks: Yes, I did. Sorry, I am just turning something off that was pinging in the background. In terms of the work that we did, at the point at which the Court of Appeal handed down its judgment in June 2019, we then began to put in place a series of processes that would enable us to assess the licence applications in front of us in line with that court undertaking.

First, we spent some time identifying the applications that were captured by the scope of the undertaking and separated those from licence applications that were not covered by that court undertaking and also by the parliamentary statement that was made by our then Secretary of State, extending the commitment of the court undertaking to the wider coalition. We then brought together a team through which we considered the processing, making that assessment and processing those licences against the commitment made in terms of the court undertaking and the parliamentary statement, but also continuing to do our work as normal against the consolidated criteria against which all licensing applications are assessed. In broad terms, that was the key. We separated out those licence applications that were caught and were treating those slightly differently to ensure that the court undertaking was maintained.

Q10 **Claudia Webbe:** Are you confident there will be no further—. What has been the impact on the ECJU and Government Departments of the



conclusions of the Mills report?

Amanda Brooks: I did not go on to explain the processes that we put in place after the breaches were discovered and reported to Parliament. In that case, we introduced some further assurance steps at the time. First and foremost, we introduced a regular senior officials' meeting—it met weekly—to discuss licence applications that the constituent departments of the ECJU thought were ready for recommendation to Ministers for approval. Senior officials considered those applications on a weekly basis. We considered whether any information had come to light that meant that any of the applications needed to be considered further—for example, if there was a change in the nature of the activities happening or, indeed, the parties involved in the conflict in Yemen. That was regularly reviewed, and that senior officials' meeting made recommendations to Ministers each week on cases for approval. The final decision point sat with the ministerial team.

In terms of the other actions immediately after the breaches, first, we ran a series of internal reviews to ensure that we had identified all of the relevant licences that we needed to consider and whether there were any further breaches, which got us to the total of five, as you know. Then, as you have referred to, the permanent secretary commissioned on behalf of the Secretary of State an independent investigation led by Jonathan Mills, the director general at the Department for Work and Pensions. He considered the work that we had done on the internal review and the evidence that had been found. At the time, his report was laid in Parliament and I am sure you will have seen it. His findings pointed to a number of issues. First, he was clear in his report that there was no deliberate or knowing contravention of the commitments made, nor, indeed, was there any failure to follow agreed processes or procedures. However, he identified some shortcomings in our procedures, which meant that information that was pertinent to cases being processed was not shared in the way that would have been appropriate.

In the light of that, we introduced a number of additional changes. We introduced greater governance across the three Departments, to ensure that that is given regular scrutiny. One of the particular points that Jonathan Mills highlighted was whether the risk was captured well enough in departmental risk registers, and that is of course now the case for the DIT. We also introduced a further process around understanding when a change of circumstances comes into play, which might impact on our licensing—how that information gets shared to address in particular the point about a shortcoming in the sharing of information.

Q11 **Claudia Webbe:** Thanks for that. Does your Department accept that the threshold for refusing arms transfer under criterion 2c of the consolidated criteria does not require evidence of a pattern of international humanitarian law violations? Isolated incidents can be grounds enough.

Amanda Brooks: I will ask Rebecca to add to my reply in a moment. Obviously, each licence application that we receive is assessed against the criteria case by case on the basis of the information that is available from



HOUSE OF COMMONS

all sources to the Government before a decision is reached and any recommendation made. That is the key: that each licence application is judged on its own merits against the circumstances at the time. Rebecca, is there anything you wish to add to that answer?

Rebecca Peer: I was trying to turn my video on, but it has been stopped by the host, so I will just give an oral answer. The question related to whether the criterion 2c assessment does not require evidence of a pattern.

I think it might be helpful to focus on the fact that the 2c assessment is a prospective and future risk assessment. The IHL analysis, the new component of our revised methodology, is looking at past incidents. It then assesses whether there is considered to be a pattern of violations of IHL. That is just one component of the overall criterion 2c assessment.

The decisions that the Secretary of State announced on 7 July set out in a lot of detail the revised methodology and the determination or assessment that there was no pattern of violations, and that those possible violations that were treated as established violations for the purpose of the analysis did not form any pattern. That is to say, the assessment was that the incidents assessed as possibles and treated as established violations have different features, occurred at different times and were in different circumstances. As such, they were considered to be isolated incidents and there was not considered, in the assessment, to be a pattern.

Q12 **Claudia Webbe:** Let me try to understand that definition of a pattern of airstrikes, in the context of Yemen, by the UK-armed Saudi air force, as opposed to isolated incidents. Could you provide an example of an individual incident that would trigger a withdrawal, suspension or denial of an arms export licence?

Rebecca Peer: I don't think it is my place to provide a specific or theoretical example. My role is to provide legal risk advice; I am not a decision taker. I will say that the decision and the assessments reached have been communicated clearly and openly in the public domain. As to whether examples could be provided that were considered in our assessment, we have also been quite clear in the public domain that we cannot release details of the individual assessments, because they are confidential.

Amanda Brooks: Just to add to that, as is well established on the record by my Ministers, over 310 incidents were assessed as part of the revised methodology and assessments that Rebecca has just carefully set out. A small number of those were assessed as being a possible breach of international humanitarian law and therefore they were treated as a breach for the purposes of that assessment. But we cannot provide further details of that and, given the complexity of these kinds of incidents, I think it would be inappropriate for us to speculate on what an example could or might look like.

Q13 **Claudia Webbe:** Well, it is not speculation or a hypothetical in relation to



HOUSE OF COMMONS

the bombing of freshwater wells in western Yemen in 2016 or of a water treatment plant that supplied over 10,000 people with water during the cholera epidemic of 2018. Wouldn't this lead to a suspension of licences?

Amanda Brooks: I am afraid I cannot comment on individual incidents of this nature, for the reasons that Rebecca has just set out. Ministers have explained, in response to a number of parliamentary questions, the reasons why we cannot reveal all the information that we hold on individual incidents. I am afraid I cannot go further on that.

Q14 **Claudia Webbe:** Data from civilian impact monitoring projects of the cluster bombing in Yemen suggests that civilians or civilian objects have been attacked in airstrikes on average once every two days since the Secretary of State decided to resume licences on 7 July 2020. According to data compiled by Oxfam, medical and water infrastructure in Yemen has been attacked by airstrikes on average once every 10 days since March 2015. Could you explain how your Department has concluded that there is no pattern in the bombings on civilian targets by the Royal Saudi Air Force, which your Department is signing off arms export licences for?

Amanda Brooks: First, as the courts have referred to, DIT, which is the Department I am here to represent, relies on the expert advice that is provided by advisory Departments, primarily FCDO and the MoD, who undertake the assessments. They have access to a wide range of material and sources, and draw on material from all sources in reaching their assessments and giving us our advice. It is not, as the court has made clear, the Secretary of State's responsibility to second-guess that advice; she is bound to rely on that expert advice and that is what she does. I am afraid that I do not think I can answer this question in any more detail, given that we rely on other Departments providing us with advice and making these assessments.

Q15 **Claudia Webbe:** And therefore, could I ask this very clearly: are you confident that there will be no future breaches of court undertakings in respect of export licences and licence applications?

Amanda Brooks: The court undertaking that was given at the time at which the Court of Appeal judgment was handed down has now fallen with the decision and announcement made to Parliament by my Secretary of State on 7 July. That court undertaking is no longer in place. Therefore, there is nothing for us that we can breach at this current time, as we are not operating under any other court undertaking.

Should we face a court undertaking in future, of course we have learnt the lessons of the past 12 months and have built in extra layers of assurance and indeed of governance for ensuring that we do the best job that we possibly can. But each court undertaking will have its own circumstances and its own challenges, and to speculate on that is not very helpful at this time.

Q16 **Claudia Webbe:** For our understanding as a Committee, are all recommendations to grant licences for the export of items to Saudi Arabia and its coalition partners referred to Ministers?



HOUSE OF COMMONS

Amanda Brooks: Ms Webbe, I am finding you very difficult to hear again.

Claudia Webbe: For the purposes of this Committee, are all recommendations to grant licences for the export of items to Saudi Arabia and its coalition partners referred to Ministers?

Amanda Brooks: All licence applications for positive decisions were referred to Ministers until the middle of October. Since the middle of October, we have been operating on a delegated basis, whereby Ministers have delegated the responsibility to officials for future licensing decisions.

Q17 **Claudia Webbe:** You have mentioned the backlog of Saudi licence applications. The question is, has it all been cleared? I think you have answered that, but you may want to comment further. The Government has withdrawn its appeal to the Supreme Court, but can you update us on the NGO's appeal to the Supreme Court?

Amanda Brooks: First, on the backlog, we have cleared over 500 cases, as I have said. There does remain a backlog, some of which is applications on which we are unable to reach a decision at this time, for issues unrelated to criterion 2c, which was obviously in relation to the court undertaking. There will continue to be a backlog for some time, but for reasons that are unrelated to the court judgment.

On the appeal to the Supreme Court, you are indeed correct. The Government has asked permission to withdraw its appeal. To date, that has not been agreed with the Campaign Against Arms Trade.

Q18 **Claudia Webbe:** This is probably the final question from me. Can you outline for us how you access legal advice for arms export control? Have you made any changes on that front since the court case? Do you ever seek external advice? Finally, is this on the basis of advice by Government lawyers?

Amanda Brooks: Obviously I am supported today by Rebecca, who is one of the primary legal advisers in the Department on export controls. I hope very much that you will take that as a signal of how closely the team and I work together with our legal advisers across DIT, but MoD and FCDO colleagues will also work with their legal advisers on the criteria assessments that they are making and on the recommendations that they are supplying to the DIT team. Other than that, we have worked extremely closely with Her Majesty's First Treasury Counsel in the context of pursuing the legal case—responding to the judicial review—and we have had a close and good working relationship with all our legal advisory teams.

Claudia Webbe: Thank you for that. That is all from me for now.

Q19 **Chair:** We are going to come to Martin Vickers in a second, but can I ask you for one important point of clarity, Amanda? Under the consolidated criteria, various different Departments have had their say. You have the Ministry of Defence, the Department for International Development—now the FCDO—and obviously the Foreign and Commonwealth Office. Those



HOUSE OF COMMONS

three Departments—two now—could potentially have come up with a unanimous decision that an export licence application was one that should be granted. In what circumstances would DIT overrule that unanimity in order to impose its own view over and above those other Departments?

Amanda Brooks: I think that is an extremely unlikely circumstance, first and foremost. It would be a decision for Ministers if that were to be the case, rather than for Chris, Rebecca and me, or indeed any others of our team. We do have some robust conversations among officials to ensure that we feel that the advice is robust and discussed and, where we have questions, that those are explored thoroughly, but I think it would be a very unusual circumstance for that to be the case. Certainly, I am not aware of one in my time working on export controls.

Q20 **Chair:** As you know, when I was at the Department, I was a Minister looking after exactly this, and it always struck me as being one of those slightly peculiar jobs. For a DIT Minister to reject the advice of two or, in my case, three other Government Departments would be a Cabinet-level decision, particularly when we are talking about doing a rejection for something where we have an ally in the middle east, such as Saudi Arabia. From what you have just described, and from my experience of this, it almost feels that DIT is slightly redundant in terms of the policy piece, but it provides a very useful function in terms of the collation and the process in gathering all these things together. How do you see it? Do you see DIT as part of the policy or do you see it merely as an executive function?

Amanda Brooks: Chris is the head of the policy team, so we do have a very important policy function in terms of operating the statute on which the export licensing system is based. Of course, how that policy is formulated is subject to input and challenge from many Government Departments, as is always the case with any policy development, not least because we need to sit alongside and aligned with decisions that may be the primary need of another Government Department—for example on sanctions policy, which is of course led by FCDO.

However, DIT does more than just consolidate everybody's advice. As I have already referred to, the court judgment was very clear that the Secretary of State needed to rely on the expert advice that she receives from other advisory Departments. Of course, DIT also plays a very important role in interacting with those businesses that are applying for licences, to make sure we have the information that is needed so that expert advisory Departments can provide the correct advice, based on the right and full information. The conversations that we may have with individual businesses to make sure that we have all the information that is required to make those assessments is every bit as important a part of the process as receiving those assessments from the other Departments.

Chair: Fantastic. Martin Vickers, sorry to have kept you.

Q21 **Martin Vickers:** Turning to the merger of DFID and the FCO, has that



HOUSE OF COMMONS

changed the way the export licences are assessed? Are DFID staff now embedded in ECJU?

Amanda Brooks: First and foremost, from a DIT perspective, that change has not made a significant difference to us. We still rely on advice for criterion 8, on which DFID formerly advised, but from our perspective, we now receive advice on that criterion from FCDO rather than via DFID. To us, it does not look or feel very different, certainly at this point. In terms of the explicit question of whether we now have embedded DFID staff inside ECJU, the answer is not at this time. That would be a decision for FCDO whether they wished to do that, but obviously the FCDO staff who are embedded in the unit will be working closely with their colleagues more widely, just as they work across the whole of the FCDO network already.

Q22 **Martin Vickers:** Has that led to some of the expertise that other members of staff had being lost?

Amanda Brooks: I am afraid I am not best placed to answer that. Probably FCDO colleagues are better placed to answer it. From our perspective, we continue to receive the advice that we need against that criterion.

Q23 **Martin Vickers:** Would it be fair to say that the system is now better integrated than it was? It was rather disparate, with three Departments involved.

Amanda Brooks: It is more integrated, in that there is one less Department involved. For clarity, DFID was the sole Department advising on criterion 8. From a DIT perspective, we just need to have the assessments made against the criteria, and obviously we will manage whatever complexity arises or whichever Government Departments may need to be involved in providing that advice.

Martin Vickers: Thank you, Chairman. Apologies, I now have to dash off to my next Zoom meeting.

Chair: Thank you very much.

Q24 **Mr Ellwood:** On the same subject of the merger between the FCO and DFID, in the past there were criticisms that DFID could use criterion 8 to assess only the economic capacity of the recipient country itself, but not the development impact on the neighbouring countries, which might be on the receiving end of the arms exported there. Has the Department managed to resolve that through the merger? If so, how and has it come into force yet?

Amanda Brooks: I'm afraid I am unable to answer that question. That is a question for colleagues from FCDO.

Q25 **Mr Ellwood:** Okay, but I am surprised to hear that. Ultimately, this is important. This is the export of military-grade weapon systems, and we need to be able to track where they are going. If they fall into the wrong hands because of the limitations of the criterion, shouldn't we be looking



to update it?

Amanda Brooks: The criteria are unchanged at this moment in time, as you know. Therefore, the assessments that are made by teams in all the relevant Government Departments are against the criteria that exist. Clearly, if there were to be revisions to those criteria, we would need to amend working practices accordingly. Of course, there is always an assessment made under the criterion of diversion risk from the intended end user, and the possibility of use by others. That is already part of the process.

Q26 **Mr Ellwood:** But you are going back to the fact that the criteria are there are have not changed. I am saying to you that they should change, but you are saying that you are not willing to look at them.

Amanda Brooks: That is a decision for Ministers, not for me.

Q27 **Mr Ellwood:** Yes, but they are not experts. I can tell you this from having been a Minister myself. They are not experts in this field; you are the experts. No disrespect to our Chair, who was a Minister here, but ultimately, they receive recommendations from you, from which they are informed and can make a decision. That is how our system works. Unless they come across the information themselves, they rely on the advice of the Department and civil servants to guide them and make recommendations. Is this not a recommendation that you would want to make?

Amanda Brooks: I do not think that would be a recommendation from DIT, which is the Department I am representing. That would need to be a discussion led by FCDO with their Ministers, and then engaging us. I am therefore unable to comment further. Of course, I completely recognise the description of the system that you have just given.

Q28 **Mr Ellwood:** Okay. On a specific example of that, we sell very accurate sniper rifles around the world. There is a company called Accuracy International, which I think is based down in Portsmouth. Some of these weapon systems have now ended up in the hands of some of the Russians who are working in eastern Europe, and they are being aimed at British soldiers, who are also based in support of the Baltic countries and the NATO operations that are being conducted there. Is that something that you would want to investigate and look into?

Amanda Brooks: First, we are fully aware of the reports of Russian sniper weapons being used. Of course, there is an arms embargo in place for Russia, and therefore nothing has been licensed that would contravene it. However, we are aware that there were some sniper rifles—they were sporting rifles—that were licensed either to individuals or to dealers for sporting purposes only before that arms embargo was in place. That may be the source of those, but we have not issued any licences in contravention of that arms embargo.

Q29 **Mr Ellwood:** Correct me if I am wrong, but this arms embargo came in in 2014, is that correct?



HOUSE OF COMMONS

Amanda Brooks: I am double checking as we speak. Bear with me.

Chris Chew: If I can jump in, we know that some sniper rifles were licensed to Russia in the late 1990s. We do not have complete records of those, given how long ago it was, but we know that some quantities were licensed, so it is likely that is those weapons that are being featured in the most recent reports. We have not licensed those types of rifle to the Russian military or security forces since at least 2000, I think, so these are some historical licences that have been granted.

Q30 **Mr Ellwood:** I am afraid I would disagree with you. I do not believe that these are 1990s weapons systems that are being used. That would suggest that these weapons are 30 years old, and I do not think that is the case here. The evidence suggests that these are much more modern weapons systems. You touched on the dual use purpose from sports. There is a difference between sports sniper rifles and those that are designed for Arctic warfare, which is what this company sells. They are not designed to shoot animals; they are designed for military purposes. These weapons are not from three decades ago; these are systems that have probably been sold elsewhere and ended up in the hands of people taking aim at British soldiers. I would be more encouraged if you said to us, "Yes, we are concerned about this and we are investigating it," rather than glibly dismissing this as something to be blamed on weapons systems sold in the 1990s.

Amanda Brooks: I certainly did not wish to come across as glib. I apologise if I did so. However, we have investigated the information that we hold on the system in terms of what has been licensed to Russia in recent times. I take your point that these goods may have been diverted from other places, but we have not been able to identify that.

Q31 **Mr Ellwood:** I do not want to take any more of the Chair's time. Perhaps you could write with your full assessment of where you believe these weapons came from and how they ended up in the Russians hands—what is the explanation, essentially. Perhaps you could write to the Committee with a full answer. I would very much appreciate that.

Amanda Brooks: Happy to do so.

Q32 **Chair:** In your letter, just to add to that, please talk about how the process would then work. With DIT, do you then refer to the other contributing Departments and tell them that their systems are not up to scratch? Please detail how that works in terms of how it feeds back to the contributing Departments.

Q33 **Neil Coyle:** Amanda, I think you touched on this earlier. With the Brexit transition period ending very soon, what plans are in place on 1 January? Please say more about how you are working with the sector on this issue, given how many UK jobs are at stake.

Amanda Brooks: Thank you, Mr Coyle. I will bring Chris in on this question shortly. As I referred to earlier, we introduced a new open general export licence for companies exporting from Great Britain to the EU. We introduced that last year, and to date we have had 900



HOUSE OF COMMONS

registrations for that licence. The systems and processes for exports to other destinations around the world outside the European Union are unchanged and therefore represent a considerable amount of continuity for businesses.

I also referred to the series of activities, events and communications that we have done to raise awareness across the British business community of the new requirements that they may now face for exporting from Great Britain to the EU, to try to ensure that we have reached as many businesses as we can, so that they are aware of what the changes mean for them and what action they need to take as a result.

Neil Coyle: You said Chris was coming in as well, did you?

Amanda Brooks: I am not sure that I have left him much to say, but he is welcome to add if he wishes to.

Chris Chew: You have said most of it, but just to emphasise, the main difference at the end of transition will be that goods that currently move licence-free from GB to the EU because they are moving in the single market will require a licence. For that, we have introduced the open general export licence, which has a simple 10-minute online registration process, and businesses can sign up for that and will be able to use it straight away from 1 January. As Amanda said, about 950 businesses have signed up for it.

For companies exporting dual-use or military equipment to the rest of the world, those rules remain unchanged at the end of transition, so there will be no change in terms of exports to the rest of the world. The rules change just for the GB to EU dual-use civilian firearms and equipment useable for capital punishment or torture, because they are the ones covered by the EU regulations.

Q34 **Neil Coyle:** You mentioned a figure for how many businesses have been involved in the awareness-raising work, but how many, as a percentage of UK arms manufacturers affected, have you reached so far?

Amanda Brooks: The challenge is very much to understand quite how big the audience for this is. Obviously, for all the businesses with whom we have had an existing interaction, we have been communicating to them through notices to exporters, as I explained earlier; that list has over 3,000 individuals and organisations on it. Of course, whether they choose to participate in our wider seminars and so on is a choice for them, but we have certainly encouraged them to do so.

One of the challenges for us is those businesses that have perhaps only exported goods that would now be captured by the licensing requirement with the EU, and that have only exported to the EU. If we do not know who they are, it is much harder for us to reach them, which is why that has been part of the Government's wider communications campaign. We are doing everything we can to reach as many businesses as we can.

Q35 **Neil Coyle:** Amanda, you said 900; Chris said 950—it has gone up in the



HOUSE OF COMMONS

course of this meeting. How many companies are potentially affected and what work is left to do before the end of December?

Amanda Brooks: We do not have a precise number, not least because the list on notices to exporters is not just organisations and businesses; it may be multiple people from a single business, so it is about continuing to do that. We will continue to raise awareness, run events and ensure that people are directed to the gov.uk website so that they can check the latest guidance and ensure that they are up to date. We will maintain that effort, not just as we head towards the end of the transition period, but throughout 2021, just as we continue to work on raising awareness on export licensing requirements more generally.

Q36 **Neil Coyle:** So, there is a flurry of activity now, from what you are saying. What does a trade agreement mean to manufacturing in the UK, and if there is none, what does that mean for those who have not yet registered for the open general export licence?

Amanda Brooks: I will get Chris to add to this in a second. There will be no difference, regardless of whether there has been a reached and negotiated outcome with the EU. The requirement to have a licence to export dual-use goods from GB to the EU will be required.

Chris Chew: That's right. Any free-trade agreement would not remove the requirement for an export licence, so in this narrow context of controlled goods, whether there is a deal or not, and what that deal looks like, is irrelevant in terms of the export controls that we are responsible for.

Q37 **Neil Coyle:** But those who export into the European Union who do not yet have the open general export licence could face difficulties on 1 January? From what you have said, you do not even know if there are companies in that position right now.

Amanda Brooks: I very much hope that all the businesses that need to have the open general export licence have now registered for that, or indeed, do register over the remaining time or before their next export order is ready to be exported. But yes, they will need to do that, and we will continue to work to raise awareness and drive up registrations as much as we can.

Q38 **Neil Coyle:** You have said a lot of the businesses affected are in this international agreement rather than the EU agreement, to cover exports that go beyond the EU. How will you be seeking to sustain UK influence in international arms trading after we have left the European Union?

Amanda Brooks: We are a member of the international treaties in this area in our own right. We will continue to utilise our membership of those treaties, organisations or agreements to wield the influence that we have wielded to date.

Q39 **Neil Coyle:** But without our voice in the EU, we are somewhat diminished, are we not? My point is, what extra resource is being given to the UK to ensure that we do not lose our voice, and that we are not



HOUSE OF COMMONS

diminished on the international stage in a sphere where we have a considerable stake?

Amanda Brooks: We have increased the resource supporting Chris and the wider policy team, and of course, we will continue to work with FCDO and MOD colleagues to ensure we maximise our impact in these organisations and through these agreements.

Neil Coyle: Chris?

Chris Chew: Our influence in the EU is diminished by our departure from the EU, but our influence in the rest of the world and with other major international partners is not diminished. We will still be having the same conversations in the same international fora with those other partners, as we always have done.

Neil Coyle: Albeit in a reduced capacity, as we are not an equal partner compared with the European Union. I think Tobias wants to come in Chair, and that is all from me, thank you.

Chair: Yes, and Claudia after Tobias.

Q40 **Mr Ellwood:** On the subject of international treaties, following the US elections, we are clearly on the dawn of a new era of Western leadership. A Biden Administration will seek to repair alliances, upgrade international organisations and treaties as well: many of which are looking very dated indeed. So, as a trusted and valued ally of the US, equally committed to upholding international standards, how might we be embracing this fresh opportunity to work with our closest ally?

Amanda Brooks: You are right, there is a really important opportunity for us to consider and discuss with our US counterparts how we might work together in this important field and to strengthen the international rules-based system. I am sure that our Government Ministers will be keen that we take that forward, so we will be doing so.

Q41 **Mr Ellwood:** This needs to be done now, otherwise we will be Johnny-come-lately, because other nations will want to add their tuppence in as the Biden Administration seeks to consolidate the direction it wants to go in come 20 January. There is clear evidence that Russia, for example, is procuring chemical weapons. The chemical weapons convention lacks teeth and is out of date; that is something that perhaps Britain could look at. The international treaty governing incendiary weapons is decades old; that needs updating because many of the weapons systems used were not even invented then. And of course, the intermediate-range nuclear forces treaty—the IRNF treaty—is now redundant. The US has pulled out of that; Russia is in breach of that treaty, as, indeed, is China, which is not even participating in that. This is all the sort of thought leadership I encourage this Government to consider looking at, because that would be very much appreciated by our closest ally.

Amanda Brooks: I will make sure Ministers are aware of those comments. Obviously, work on a number of the treaties that you have



HOUSE OF COMMONS

mentioned would be led by Government Departments other than DIT, but I will ensure that Ministers are made aware.

Mr Ellwood: Thank you.

- Q42 **Claudia Webbe:** Will the UK, post-Brexit, continue to contribute to, and have access to the relevant EU export control information-sharing instruments, such as the searchable online database and the denial notification and consultation mechanism?

Amanda Brooks: I will hand over to Chris, who is much closer to that.

Chris Chew: No, we will not have access to the denial notifications. Our access to that ceases at the end of the transition period. We will continue to share information on denials through the international export control regimes, but we will not be sharing it formally with the EU through the EU databases.

- Q43 **Claudia Webbe:** As the EU is again reviewing and strengthening the dual-use regulation, which prior to Brexit was a key mechanism in managing the proliferation risk of a wide variety of sensitive equipment, especially in the development of weapons of mass destruction, this raises the immediate problem of the UK's standards becoming quickly non-aligned with the rest of the EU. Will the UK seek to amend its dual-use controls in order to maintain alignment with EU colleagues?

Chris Chew: We will have to see what the EU does precisely. I read last night that the European Parliament and Council had reached agreement on a position on the recast of the dual-use regulation. It is not clear when that will come into force, whether that will be before or after the end of the transition. We have not seen the final text because, as we are no longer a member of the EU, we are not privy to the internal discussions within the EU. We will see what they have decided and then we will make a decision as to whether there are elements of that that we wish to follow or not. I cannot make a commitment that we will remain aligned.

- Q44 **Claudia Webbe:** Finally from me, do you anticipate taking any actions that would lead to an export-control divergence from EU member states?

Chris Chew: We are not planning anything immediately. Clearly, I cannot rule out that, in the future, UK and EU controls diverge. There may be things we want to do that require doing and we would not wait for the EU to do it. Equally, there might be things the EU does that we would not want to follow. However, I cannot speculate on what those particular things might be. All I can say is that, at the moment, we have no plans to make significant changes to our system, but over time divergence may well occur.

Claudia Webbe: Thank you for that. Thank you, Mr Chairman. I gather that nobody can hear me, but they have been very good at lip reading, I understand, so thank you for your forbearance on that.

Chair: Your microphone has suddenly gone into turbo drive; it is working extraordinarily well. Do you want to come in, Lloyd Russell-Moyle?



Q45 Lloyd Russell-Moyle: Thank you. I want to follow up about the information sharing. You said that we are leaving the European Union information-sharing process for denials but will continue to share via the international system. What is the difference between the information that is shared internationally versus the information that we would have shared within the European Union, particularly in terms of denials? What are we going to lose out of using a different system?

Chris Chew: The main difference is that, within the EU, we currently share information on all denials, but within the export-control regimes, we only share information on denials to countries that are not participants of that particular regime. In the nuclear suppliers' group, which is the only regime that China participates in, we do not share information on denials related to nuclear items to China. It is not as comprehensive as the EU information sharing.

Q46 Lloyd Russell-Moyle: Particularly on things such as brokerage, if we have denied a brokerage licence between two countries that may or may not be part of an existing regime, do we inform those countries directly?

Chris Chew: If we refuse a licence for country x, we do not formally notify country x that we have refused a licence.

Q47 Lloyd Russell-Moyle: A brokerage licence could be from country y to country x and we are the broker. We have denied the broker his licence. Do we tell country y—the shipping country—that we have denied that licence?

Chris Chew: No, we don't.

Q48 Lloyd Russell-Moyle: Is that not a great flaw in the system? The broker has already matched those two partners up by that point, so all us refusing the licence does is deny our broker a slice of the money. The deal can still go through between countries y and x.

Chris Chew: At the moment, there is no formal mechanism by which we could share that information.

Q49 Lloyd Russell-Moyle: What is wrong with sending a note to an embassy? What is wrong with sending a diplomatic note to the respective country to say, "For your information, we have denied this licence. You may want to look into it before allowing that to be shipped", like the 2014 licence from Bosnia to Saudi Arabia that we denied because it was a diversion—30 million rounds of Warsaw pact ammunition. We denied it, but we took so long, and we did not tell the Bosnians, so it was shipped anyway. Is there not a point in just sending a note to the embassy? What is the problem with doing that?

Chris Chew: In that case, the licence was not refused until after the goods had apparently been shipped, so it would have been too late in that case.

Q50 Lloyd Russell-Moyle: Yes, because you took 14 weeks to address it when you are meant to take 20 days. What I mean is, why can't you tell



HOUSE OF COMMONS

the embassies in those cases? Why can't you either send a diplomatic note to their embassy in London, or get our embassy in the respective country to send a diplomatic note? Why is that not possible?

Chris Chew: I think whether we would want to do that—whether it was possible or desirable—would depend on the specific circumstances. Each case would have to be looked at on its merits.

- Q51 **Lloyd Russell-Moyle:** There is a difference between possible and desirable. I was asking whether it was possible, because you were saying it was not possible because there was no system set up. Whether it was desirable, of course, would be down to the Department and the Minister.

Amanda Brooks: I think this is a point we can take away and look into further.

Lloyd Russell-Moyle: Okay. It would be nice if you could get back to me about alternative ways of informing partners about denials of licences, because I think it is important. Thank you very much.

- Q52 **Chair:** Yes, if you could come back to us on that Amanda, that is important. Apart from anything else, this dialogue has been going on for the last 10 minutes or so and a lot of things have come up, one of which is the possibility that we may diverge from the European Union. That could come as a result of them moving away from us and us staying the same, us moving away from them and them staying the same, or a bit of both. This raises a very important question as to how we view the consolidated criteria at the moment, whether we think they are good, bad or indifferent, and—just as important—where we see the potential pros and cons of diverting away from the consolidated criteria. Chris, if you are the policy guy, why don't you have a stab at what the pros and cons are of going to a new type of regime, if one does exist?

Amanda Brooks: Can I just leap in there? Sorry to be a bit awkward about this, but I do not think it is for us to speculate with the Committees on the pros and cons of moving from the consolidated criteria. The consolidated criteria are existing Government policy. At a time when they are being reviewed, we will obviously discuss those with stakeholders across Government and indeed more widely, but that is not the situation we are in today, and I think inviting us to speculate on that is not really appropriate for us.

- Q53 **Chair:** Actually, I am not sure I agree, Amanda; I might push back quite hard on that. The reason we have these Select Committee evidence sessions is to try and get the best possible advice, in order to inform Parliament on future debates. There is a massive debate going on at the moment about our leaving the European Union, and there is a whole raft of different things that are going to be changing. As a result of leaving the European Union, we are in a better position to be able to change our policy on this, one way or the other.

I completely agree with you that it is not your position to dictate, or even suggest and speculate on, what policy may or may not happen as a result of our leaving the European Union. However, it absolutely is the case that



as loyal officials working at the Department for International Trade, you are aware of where there are flaws, weaknesses and advantages if we were to change to something else. We are not asking you to come up with policy views: what we are asking you to come up with is a balanced view on where there are weaknesses in our systems, and where there are positives that could be changed. That is not about policy, and I stress that any record of this would make it absolutely clear that neither of you is making a policy decision. What you are merely doing is helping inform these Committees on where there are advantages or disadvantages in what we have at the moment. So, Chris, within the tight confines of not being drawn into policy, can you see any advantages or disadvantages?

Chris Chew: I will preface my remarks within the tight confines by saying that at this moment in time there are no plans to change the criteria.

Q54 **Chair:** We are not asking about plans; we are asking about general opinion.

Chris Chew: The kind of things that we would want to think about—one is around the continuity for business. What would be the impact on legitimate business? We would want to look at how divergence, or changing the criteria, would impact on our defence relations with other states that were not changing their criteria, for example the EU. We have discussed divergence from the EU, so we would need to think about what that means in practice, in terms of, say, collaborative programmes with the EU and other partner states.

We would want to make sure that any changes we were making allowed us to make assessments on a proper evidenced basis. So how are we going to make assessments against a revised set of criteria? Who would we rely on for that kind of evidence? They are the kinds of things that we would want to think about and throw into the mix.

Q55 **Chair:** What about other countries' regimes, for example the US regime? How does that differ from the EU regime that we are currently under, by way of example?

Chris Chew: The US regime is based much more on a kind of balancing act—weighing up, "If we supply these arms to this country, what are the benefits of doing that, in terms of the US's international relations, or defence co-operation, or supporting a regime that we favour?", and then, "What are the downsides to that, in terms of whether they might be diverted, or misused, etc.?" They have much more of a kind of balancing, and they get to the question, "Is it in the US's overall political and economic interests to license or supply this equipment?", whereas the consolidated criteria are more of a set of thresholds, and you either meet those thresholds or you don't. So, it doesn't have that balancing—weighing up the pros and cons of each individual application.

Q56 **Chair:** So potentially one of the choices available to us is that we move away from the consolidated criteria towards a more US-style system, where you are slightly more nuanced. And then presumably the pros and cons are that it gives us greater freedom to address those issues that



HOUSE OF COMMONS

Claudia raised earlier, but also at the same time it gives a sort of slightly harder Administration the ability to interpret it in a less robust type of way, in order to pursue economic benefits rather than necessarily humanitarian benefits—that would be an example of the pros and cons of this.

Chris Chew: Yes. It would perhaps give you greater scope for deciding whether you should grant or refuse a licence, but on the other hand it might also provide less certainty for businesses, because there was greater discretion. So, it would be harder for businesses to understand whether they were likely to get a licence or not, or what the particular considerations might be, because you are giving yourself much more discretion in terms of how you weighed up the pros and cons.

Chair: All right. That is very helpful. Thank you. I am conscious of the time. Tobias, I think you are next.

Q57 **Mr Ellwood:** Thank you, Chair. Just looking at the Northern Ireland protocol in the withdrawal agreement, it creates a single zone for goods on the island of Ireland, by applying a host of EU technical rules and standards, including for arms exports. So, does the protocol mean that there will be different rules for Great Britain and for Northern Ireland in respect of arms controls for military and dual-use items?

Amanda Brooks: Yes, it does mean that. As I have been very clear to say in my earlier answers, it is businesses based in Great Britain that will need to apply for an open general export licence for exporting controlled goods to the European Union. That would not be the case for Northern Ireland businesses exporting to the European Union.

Q58 **Mr Ellwood:** Right. So, could you just explain the difference between a company that has operated in Northern Ireland versus a company based on the mainland?

Amanda Brooks: It is simply, as you have already alluded to, their location and the fact that they would be captured by the provisions of the Northern Ireland protocol and all that that means in terms of access. Chris is coming in as well.

Q59 **Mr Ellwood:** Before Chris comes in, perhaps I should explain my question further. What do businesses themselves need to know, depending on whether they are on the mainland or in Northern Ireland itself on the island of Ireland, and have they been informed?

Chris Chew: First, I want to clarify that the Northern Ireland protocol does not have an impact on licensing for military goods, so it only has an impact on the items that are covered by the EU regulations: dual use, the equipment usable for torture or capital punishment or civilian firearms. Military equipment requires a licence to go from Northern Ireland to the Republic now, and that will still be the case after 1 January, but for the dual use and the other items I mentioned, companies in Northern Ireland exporting to the EU will not need a licence in the same way that they do not need a licence now. Companies in Northern Ireland will not see any difference if they are exporting dual-use items to the EU. It is companies



HOUSE OF COMMONS

in GB—the rest of the UK—that will see the difference, because they will need a licence to export dual-use items to the EU. Companies in Northern Ireland will carry on as they are now, and it is the companies in GB that will see the real differences.

Q60 **Mr Ellwood:** So that could possibly lead to companies moving to Northern Ireland to avoid the paperwork?

Chris Chew: There is the potential for various behaviour on the part of companies, but that is the protocol, so that is what we will be applying.

Q61 **Mr Ellwood:** Or moving out of the UK into another part of the EU?

Chris Chew: I don't think I can speculate on that.

Mr Ellwood: No, we won't go down that avenue. Chair, thank you.

Chair: Thanks, Tobias. I will go to Emma next. I am sorry, Emma, you deserve as much time as you need, but we may possibly become inquorate shortly after 11.30, so we may need to press on.

Q62 **Mrs Lewell-Buck:** Thanks, Chair; I need to leave by half-past anyway, so I will make my comments brief. Good morning, everyone. I want to take the discussion over to existing arrangements. I am new to this Committee, and I am trying to get an understanding of what systems are in place to review existing licences that the Department has, if circumstances change in the destination country or any new information comes to light. Can you talk me through that, please?

Amanda Brooks: Yes. When new information comes to light, we are able to either suspend or revoke an existing licence, if we feel that the evidence and the assessments made by the appropriate Departments justify that, so it is a well-trodden process in terms of our ability to do that. We do not do it lightly, and often we can have the information available to us to make those assessments, but we are able to suspend or revoke if needs be.

Q63 **Mrs Lewell-Buck:** Amanda, who makes the final decision about suspending or revoking?

Amanda Brooks: It will depend on the particular case and the delegations within which we are operating with Ministers, so there is no single answer to that, but often it would be a recommendation that would go to Ministers.

Q64 **Mrs Lewell-Buck:** What kind of monitoring takes place on particular countries that we have contracts with? Practically, what does that look like? Who is monitoring that on a day-to-day basis?

Amanda Brooks: The circumstances in different countries are monitored by FCDO—probably unsurprisingly, given that they have a global network through which they can gather information. Of course, as I referred to earlier, they will draw on a number of different sources in making that assessment, including from MOD, from open source, but obviously also from secure sources and, indeed, information that may come from other



countries through information-sharing agreements. Countries are kept under wide review. Obviously, if there are particular circumstances that are unfolding in a country, we will swiftly begin to consider the circumstances in that country. That includes a conversation across the whole of the joint unit and the different Departments involved in it, to understand what the implications might be and what actions we may need to take immediately, or prepare to take, including the advice to Ministers.

Q65 Mrs Lewell-Buck: Can I check, Amanda, when it was that the Department last suspended or revoked a licence?

Amanda Brooks: That is a very good question, and I do not have that information at the tip of my fingers. Chris, I don't know whether you or Rebecca has.

Chris Chew: We can check and let you know, but I do not have that information to hand.

Mrs Lewell-Buck: Thank you, Chair. I have to dash off, because I have another commitment. Thank you very much, everyone.

Chair: Lloyd, you wanted to come in next, but if Emma and Neil both have to push off, I think we will end up inquorate.

Lloyd Russell-Moyle: As long as we have Neil, we will keep pushing on.

Chair: I think we have lost Emma. I am hoping that Lauren will step in and say whether we are quorate. Lauren, can you give advice on whether we are quorate? Let's press on. I am not too sure what just happened. Lloyd, kick on with your questions.

Q66 Lloyd Russell-Moyle: I am interested in what other factors might be applied, rather than just the consolidated criteria, in considering export licences. Are there other things that you consider, and who makes that call when other considerations need to be included?

Amanda Brooks: All licence applications are assessed against the consolidated criteria. Obviously, if there are challenging circumstances operating in a particular place, that might mean that we take longer to reach a decision while we are assessing the change in circumstance that might be happening in a particular country. The only other circumstance that we would take into account is either that a parliamentary commitment had been made by a Minister—we would take that into account, over and above the consolidated criteria—or, to go back to the beginning of the session, there may be the circumstance in terms of the court undertaking. Chris, however, is going to expand on my answer.

Q67 Lloyd Russell-Moyle: The annual review lists other factors—that is why I am asking about this. I am particularly thinking about economic, financial and commercial interests that might be important—for example, intellectual property that might have passed the consolidated criteria, but might fall foul of some of the wider objectives that Britain has.



Chris Chew: That was the point I was going to come in on. At the end of the criteria, there is reference to other factors, but it also says that the application of the other factors shall not affect how the criteria are applied. To be clear, the other factors cannot override any assessment against the criteria. I am not aware of a situation where we have used—

Q68 **Lloyd Russell-Moyle:** What does that mean? It doesn't override, so you still assess the criteria as the criteria, then you come to these other factors? You could still refuse a licence on other factors?

Chris Chew: In theory, it is possible. If we assess against the criteria—criterion 2 or whatever—and the assessment says, "Refused", that is it, we cannot then use the other factors to override it.

Lloyd Russell-Moyle: It is a one-way street.

Chris Chew: In theory, it would be possible to say, "The eight criteria do not point to refusal, but should we refuse it on other factors?" In theory that is possible, but I am not aware that it has ever happened.

Q69 **Lloyd Russell-Moyle:** It has never happened that there has been a refusal, a decline or even a revocation on factors other than the consolidated criteria?

Chris Chew: Not that I am aware of.

Q70 **Lloyd Russell-Moyle:** Once Brexit is complete, to what extent do you think that we will have to replicate the role that the EU might have fulfilled on some of that information sharing on some of the other factors?

Chris Chew: I am not sure that EU exit itself is relevant to that question. We will still be able to have a dialogue with individual member states if we need particular information from them. The other factors themselves are not reliant on information sharing with the EU.

Chair: My profound apologies, Lloyd. We are getting frantic text messages saying that we are now not only inqorate but running over time. If I may, I will bring it to a close—I am sorry, Lloyd. I know you have plenty more to ask. Perhaps we can have another crack at this at some other time.

I thank Amanda Brooks, Chris Chew and Rebecca Peer for coming along and stepping in to give us evidence. It is incredibly helpful. Amanda, thank you for allowing Chris to give opinions without necessarily sharing policy views on this sort of stuff. We obviously appreciate that civil servants are not here to talk about policy, except maybe for the implementation of policy. It is an important distinction to make.

Thank you, everyone, for coming along. It was good to have the first public meeting of this Committee in this Parliament. Thank you all very much.