



Department for International Trade

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Darren Jones MP
Business, Energy and Industrial Strategy Committee
House of Commons
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25 November 2021

Dear Darren,

Thank you for your letter of 26 October about an approach from Oxford Instruments on the subject of strategic export licensing.

My officials, and many Ministers across Whitehall, are very familiar with Oxford Instruments and their call for export licensing reform. You may be aware that in addition to correspondence with me, they have also written to the Foreign Secretary, the Defence Secretary, the Business Secretary, the National Security Adviser and Lord Frost. I know that they have had a meeting with Mark Garnier MP, Chairman of the Committees on Arms Export Controls.

The Export Control Joint Unit (ECJU) is extremely mindful of the commercial pressures that businesses face – and of the need to process licence applications with minimum delay – which is why it strives to meet its licensing targets: to conclude 70 per cent of applications within 20 working days and 99 per cent within 60 working days. However, some destinations remain more challenging as we continue to maintain our robust export controls regime, and that is the case for some of Oxford Instruments' applications.

All export licence applications are assessed on a case-by-case basis against the Consolidated EU and National Arms Export Licensing Criteria¹ (the 'Consolidated Criteria') take into account our obligations under the Arms Trade Treaty and other relevant rules of international law. They provide a thorough risk assessment framework and require us to think hard about the possible impact of providing equipment and its capabilities.

HM Government will not grant an export licence if to do so would be inconsistent with the Consolidated Criteria, including if there is a risk of diversion to a WMD programme or if the export would present a risk to British national security. All of the decisions to refuse licences for Oxford Instruments to export to China in 2020 were taken owing to these concerns, and on which we are not willing to compromise and I am sure that you would support this position.

¹ bit.ly/38UE83I

I can assure you that we have been engaging with Oxford Instruments throughout the year. The company have had meetings with the Director General of Trading Systems, the Director of Export Control, and the ECJU Deputy Director for Policy and Operations; they continue to have regular meetings with ECJU's Head of Operations, supported by other colleagues. Whilst we are able broadly to indicate the reasons why applications are refused, we cannot go into any detail as often the information is sensitive and accordingly highly classified. I am sure you will appreciate that such information cannot be shared.

I would stress that the burden of evidence for any of our advisors to recommend refusal of any application is high, and that we do not take these decisions lightly. To put licence refusal decisions in context, you may wish to note that, as published in the annual statistics for 2020,² we issued 947 export licences for dual-use goods destined for China worth £1,601,132,922. In 2020, China was the end user destination with the highest number of licences granted for exportation of strategic goods under permanent standard SIELs, with 966 licences.

I am copying in The Rt Hon Elizabeth Truss MP, Secretary of State for Foreign, Commonwealth and Development Affairs and Minister for Women and Equalities; The Rt Hon Ben Wallace MP, Secretary of State for Defence; The Rt Hon Kwasi Kwarteng MP, Secretary of State for Business, Energy and Industrial Strategy; Angus Brendan MacNeil MP, Chairman of the International Trade Committee, and Mark Garnier MP, Chairman of the Committees on Arms Export Controls for their information.

Yours sincerely,

A handwritten signature in black ink, reading 'Anne Marie Trevelyan' in a cursive style.

THE RT HON ANNE-MARIE TREVELYAN MP
Secretary of State for International Trade
& President of the Board of Trade

² <https://bit.ly/2Q5uh4t>