



Ministry
of Defence



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16 Jun 2017 Our Reference: FOI2017/04821

[REDACTED]
Thank you for your email dated 19 April 2017. You asked:

Please could you provide me with details of foreign (non-UK) military sales of Alvis Combat Vehicle Reconnaissance (Tracked) CVR(T) including:

- A. Date of contracts***
- B. Value of contract***
- C. Quantity of each type of vehicle in contract***
- D. Military Sales vehicle registration numbers (eg '66 MS 52')***
- E. Delivery dates***

I am treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that some information in scope of your request is held.

It might be helpful if I first explained that the Disposal Services Authority (DSA), part of DE&S, disposes of defence equipment that is surplus to requirement. For functioning and viable large capital assets such as ships or aircraft, the first option that is usually considered is the possibility of selling to other governments for continued use in a military capacity. DSA has records of Government-to-Government (G2G) sales going back to 2006.

When a G2G sale is not possible, the equipment is offered for commercial sale through specialist contractors, for continued use either in a non-military capacity or for recycling. The contractors take responsibility for collecting, storing, marketing and selling the equipment on DSA's behalf; the DSA is only able to provide details of contractor sales from 2014 onwards. It is possible that our contractors have details of pre-2014 sales, however, the FOIA only provides a general right of access to information held by public authorities; it does not apply to commercial companies.

In my letter to you dated 5 May 2017, I advised that we considered that some of the information fell within the scope of the following qualified exemptions: Section 27 (*International Relations*) and Section 43 (*Commercial Interests*). As such, it would be necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosure.

We have completed this work and concluded that information you have requested falls within the scope of the qualified exemptions provided for at Section 27(1) (a & c) and Section 43 (2) of the FOIA and has been withheld.

Section 27 (International Relations)

Since 2006, only one G2G sale of CVR(T)s has taken place. In September 2014 123 vehicles were sold to Latvia. Below is a link to the announcement published on the .gov.uk site:

<https://www.gov.uk/government/news/latvian-army-purchases-uk-armoured-combat-vehicles>

Section 27(1) of the FOI Act provides that information is exempt if its disclosure would or would be likely to prejudice relations between the United Kingdom and any other State.

Sections 27(1) (a & c) have been applied because the information at part C, D & E of your request has the potential to adversely affect relations with our allies and would prejudice the interests of the UK abroad. The balance of the public interest test concluded that whilst release would increase public understanding and confidence in the relations the United Kingdom has with other international states the balance of the public interest lay in withholding the information requested. I have considered it necessary to apply the higher level of prejudice against release of the exempted information at “would” rather than “would be likely to”.

Section 43 (Commercial Interests)

Section 43(2) provides that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any organisation or person holding it, including the MOD and its contractors.

The FOI Act contains a presumption in favour of disclosure and there is a public interest in the release of information, which supports the accountability of the MOD for its use of public money; for example, to demonstrate that value for money is being obtained for taxpayers and that effective contractual processes are in place. Greater transparency of decision-making processes makes government more accountable and the release of information would allow an increased public understanding of how the procurement processes are undertaken in an open and honest way.

The Public Interest Test recognised that releasing the information at part B (*Value of contract*) of your request could weaken the MOD's position in a competitive environment by revealing market sensitive information which would be of use to potential buyers in the future. More widely, companies could be deterred from sharing commercially sensitive information with the MOD if they are unsure about whether their information would be protected.

Accordingly, the Public Interest Test concluded that the release of this information would prejudice the commercial interests of the MOD and that the balance of the arguments lay in favour of withholding the information to protect the commercial interests of the MOD and its customers. I have considered it necessary to apply the higher level of prejudice against release of the exempted information at “would” rather than “would be likely to”.

With the exception of the sale values, details of commercial sales of CVR(T)s since 2014 are provided as follows:

Country of Sale	Date of Sale	Variant	Military Registration
Australia	Feb 2016	1 x Sturgeon 1 x Spartan	02 FF 35 04 FF 64
Australia	May 2016	1 x Spartan	02 FF 73
Belgium	March 2017	1 x Spartan	01 FF 07
Canada	June 2014	1 x Scimitar	07 FD 93
France	October 2014	1 x Spartan	00 FF 79
Netherlands	August 2014	1 x Sturgeon	00 GS 13
New Zealand	January 2015	1 x Spartan	01 FF 60
USA	December 2014	1 x Spartan	92 KB 05
USA	August 2015	2 x Spartan	02 FF 84 04 FF 47
USA	January 2016	1 x Spartan	91 KB 68
USA	April 2016	1 x Spartan	00 FF 67
USA	January 2017	2 x Spartan	00 FF 59 04 FF 79

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours Sincerely,



DE&S Secretariat