



Ministry
of Defence

MOD Form 680 Policy Guidance

For Government and Industry

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Section One

Purpose of the MOD Form 680

The MOD Form 680 is a security process that enables HMG to ensure the controlled release of classified equipment and information without compromising the UK's national security (including that of its Armed Forces) and foreign policy interests.

It is Government policy to support responsible defence exports that are consistent with our foreign and security policy objectives and with export control legislation. There is a presumption to approve MOD Form 680 applications unless doing so would be contrary to these objectives.

Introduction

MOD has set a mandatory requirement for the control of the release by industry of equipment or information with a classification of OFFICIAL-SENSITIVE or above, including in their marketing campaigns to foreign end-users (this includes UK material classified RESTRICTED or above, graded prior to April 2014, and internationally security classified material). Control of release is therefore conducted through the MOD Form 680 application process.

This policy is consistent with the Security Policy Framework (SPF), issued by the Cabinet Office and the Security Requirements for List X Contractors. These documents are available at the links below:

<http://www.gov.uk/government/publications/security-policy-framework>

<https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors>

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Implementing authority for MOD Form 680 policy

The MOD team in the Export Control Joint Unit (ECJU) is the implementing authority for the procedure.

Ministerial Responsibility

The Minister for Reserves is responsible for MOD Form 680 policy.

Who is this guidance for?

Companies and Government Departments

Section Two

Who needs a MOD Form 680, what it covers and when it is needed

All UK companies must obtain MOD Form 680 approval in order to release information or equipment classified OFFICIAL-SENSITIVE and above to foreign entities. This includes internationally security classified material being released from the UK to foreign entities. Approval is also required for some material classified OFFICIAL, but only where the information or equipment connected with the release holds a higher classification. If both the equipment and information is classified OFFICIAL a MOD Form 680 is not required.

To what information and/or equipment does the MOD Form 680 apply?

The MOD Form 680 applies to defence-related material in the form of information or equipment classified OFFICIAL-SENSITIVE and above. This includes tactics, techniques and procedures that have any of the following:

- Military capability
- Scientific or technical content
- The ability to reveal operational performance characteristics
- The ability to reveal any potential UK Armed Forces limitations or vulnerabilities or their potential inability to counter technological capability.

What activity is covered by the MOD Form 680?

The categories of MOD Form 680 approval are:

- Market Survey/Initial Discussions/Promotion
- Demonstration in the UK
- Demonstration Overseas
- Training
- Through Life Support (i.e maintenance and repair)

To whom should MOD Form 680 applications be submitted?

MOD Form 680 applications should be submitted to MOD via the SPIRE portal which can be accessed at the link below:

<http://www.spire.bis.gov.uk/eng/fox/espire/LOGIN/login>

How long does it take for the Government to assess an application?

The Government aims to respond to applications within 30 working days.

Please note that some applications take longer depending on the nature of the information or equipment in question and the proposed destination.

What happens if the Government has questions regarding an application once it has been submitted?

Any queries will be sent by MOD to the applicant as a Request for Further Information (RFI) via SPIRE.

The applicant should aim to respond to an RFI as soon as possible as the application will be placed on hold pending a satisfactory response. If a response is not received within one month the application will usually be withdrawn by MOD.

Is there an express mechanism for urgent applications?

Applicants may request an application to be processed faster than the target time of 30 working days. Applicants will need to explain the need for urgency although there is no guarantee that an outcome will be given in a shorter timescale. Every effort will be made to meet such requests but this may be at the expense of other applications submitted by the same company so should be used sparingly.

How many destinations can be included on a single MOD Form 680 application?

There is a maximum of twenty entities for each application. It assists processing if applications are grouped together by region.

Duration of MOD Form 680 approvals

MOD Form 680 approvals for the release of material up to and including OFFICIAL-SENSITIVE are valid for 48 months. Approvals to release material of a higher classification are valid for 24 months.

Are previous applications or approvals taken into account?

Previous applications are taken into account when a new application includes the same type of equipment to the same end-users. Reference numbers for previous applications should be included in any new request as this will assist in processing the application.

Section Three

Assessment and Decisions

How does the Government assess MOD Form 680 applications?

All MOD Form 680 applications are assessed against three criteria that form part of the Consolidated EU and National Arms Export Licensing Criteria.

The three criteria under which MOD Form 680 applications are assessed take in to account the UK's national security and foreign policy interests. These are:

Criterion One – UK's international obligations – FCO

Criterion Five – Security of the UK and its allies – MOD

Criterion Seven – Diversion to an undesirable end-user – MOD/FCO

Note: Individual Government Departments take the lead on particular criteria as indicated above. The Criteria are derived from the legally-binding European Union Common Position on arms exports agreed by Member State in 2009.

Full details of the Consolidated Criteria are published at: <http://www.gov.uk/assessment-of-export-licence-applications-criteria-and-policy>

Who assesses MOD Form 680 applications?

MOD Form 680 applications are assessed by specialist advisers in MOD and the Foreign and Commonwealth Office (FCO). Other advisers may be consulted depending on the nature of the application.

Please note that the advisers who consider MOD Form 680 applications also assess some Export Licence Applications circulated by the Department for International Trade (DIT).

Arms Embargoes and UK Policy Restrictions

The Government publishes a list of arms embargoes enforced by the UK at: <https://www.gov.uk/current-arms-embargoes-and-other-restrictions>

These may be supplemented by policy restrictions on exports to certain end-users which are announced to Parliament and reported in Hansard.

Government Ministers may also deliver policy statements to Parliament about events in a particular country which may affect export licensing and MOD Form 680s. In addition to information available on the Gov.uk website, companies may find that their Government Relations Officer monitors these announcements.

Decisions on applications

Once MOD receives recommendations from advisers, an outcome letter to the applicant will be issued electronically via SPIRE. The letter will contain details of the goods or technology and destination for which clearance was requested.

Where the applicant is not a member of the export control or compliance team of the company concerned, the applicant should copy all outcome letters issued by MOD to their export control or compliance team.

Approval letters list the activities that are approved under the MOD Form 680 and may include provisos that must be adhered to. These provisos may advise that certain categories of information or technology are not releasable. Provisos also explain actions a company must take before certain material can be released. Failure to comply with provisos may result in subsequent MOD Form 680 and export licence applications being refused.

If a MOD Form 680 application is refused the applicant will be advised of the Criteria against which the decision was made. There is no MOD Form 680 appeals process, although applicants can re-apply if they consider the circumstances to have changed. They should explain in any new application what has led them to this conclusion.

Suspension or Revocation of Extant MOD Form 680 Approvals

The Government has introduced a mechanism on SPIRE to allow for the suspension or revocation of extant MOD Form 680 approvals. Suspension of an approval is a temporary measure and may subsequently be reinstated. Revocation is a permanent measure, so if the applicant wished to pursue the activities previously approved a new MOD Form 680 application will be required.

Suspension and revocation of MOD Form 680s will not be invoked automatically or lightly, but would be triggered if new concerns arise. For example this could be triggered by a conflict or crisis that changes the risk suddenly. It may not apply to all applications for a specific country and could instead be limited to certain types of equipment or end-users. A case by case assessment of a particular situation will be necessary to determine whether suspension or revocation is appropriate. MOD will endeavour to inform companies as soon as possible of any suspension or revocation via SPIRE.

Legal Position

The release of information or equipment classified OFFICIAL-SENSITIVE or above is governed by the terms of the Official Secrets Act (1989). Unauthorised disclosure, including when a MOD Form 680 is required, may constitute a breach of the Act.

Enforcement

Any reports received by the Government regarding misuse of MOD Form 680 approvals will be investigated by MOD and may be treated as a security breach.

In relation to Open General Export Licences (OGELs), a DIT Compliance Officer may require to see the corresponding MOD Form 680 approval for goods, technology or software exported under the OGEL, where this is condition of the licence.

Section 4

Assistance and Information

Help, Assistance and Feedback

MOD Form 680 applicant companies are assigned a dedicated desk officer in MOD who will manage the processing of their applications and be their point of contact for queries and advice.

MOD welcomes feedback from industry, which can be provided via Desk Officers.

Notices to applicants

Notices to companies are issued on the front page of SPIRE under the MOD Form 680 section.

Company points of contacts

Within companies, the Export Control Manager, Compliance Manager or Company Security Controller should be able to provide advice on the use of the MOD Form 680.

Release of MOD Form 680 data to third parties

It is recognised that the information included in MOD Form 680 applications may be commercially sensitive. Therefore the Government will not release information provided by companies in their MOD Form 680 applications to non-Government third parties without the permission of the applicant.

Note: Nonetheless, any request for information contained in MOD Form 680 applications received from a third party under the Freedom of Information Act (2000) will have to be considered on a case by case basis in a manner consistent with the Act. This includes the applicability of the exemption at Section 43 (Commercial Interests).

Release of MOD Form 680 data to UK Trade Investment - Defence & Security Organisation (UKTI DSO)

The role of the UKTI DSO is to support the efforts of UK industry. If an applicant agrees by ticking the relevant box on the MOD Form 680 application, MOD will provide UKTI DSO with specified data extracted from the application for export support purposes. UKTI DSO does not have access to SPIRE and will not release MOD Form 680 data to non-Government third parties.

Export Support

Ministers are advised of MOD Form 680 policy and the status of applications submitted by industry when asked to support a specific export campaign by engaging with a prospective foreign customer.

Facility Security Clearances

Where a foreign company is named as the recipient in a MOD Form 680 application it may be necessary for MOD to seek confirmation of a Facility Security Clearance (FSC). The MOD Defence Equipment & Support Infrastructure Security team will obtain this confirmation from authorities in the location where the foreign company is located.

Confirmation of an FSC is always required at SECRET and above (CONFIDENTIAL and above for pre-GSC material). It is also required at OFFICIAL-SENSITIVE for certain destinations and for internationally classified material.

Mergers and Acquisitions

If a company holding MOD Form 680 approvals changes its name or is assimilated into another company they should write to MOD providing a copy of the formal notification of change, such as a letter from the Company Secretary. If all is considered legitimate, MOD will issue a letter to the company stating that extant MOD Form 680 approvals are regarded as applicable to the new entity.

MOD Disposal Services Authority (DSA)

The DSA has delegated authority to dispose of all MOD-owned surplus equipment in the UK and overseas. Disposal is facilitated through a network of marketing agreements for the collection, storage, specialist marketing and sales through commercial contractors.

The DSA submit MOD Form 680 applications where applicable. These are assessed in the same way as any other application. Please note that where marketing leads to a sale the exporter must apply for the Export Licence. This may be DSA or a commercial contractor.

SPIRE

SPIRE is a web-based e-business environment. It enables applications for Export Licences, MOD Form 680, PV Grading, Exhibition Clearances and Gifting to be made on-line, through the SPIRE system. SPIRE is owned by the Department for Business Innovation and Skills (BIS). The Export Control Organisation in BIS is responsible for all SPIRE applicant and company registrations.

Please note all MOD Form 680 queries should be directed to the MOD team in the ECJU.

Further sources of information about the MOD Form 680 Procedure

Security Policy Framework:

<https://www.gov.uk/government/publications/security-policy-framework>

MOD pages on Gov.uk:

<https://www.gov.uk/government/publications/ministry-of-defence-form-680-procedure-guidance>

SPIRE Link:

<http://www.spire.bis.gov.uk/eng/fox/espire/LOGIN/login>

Section 5

MOD Form 680 procedure's relationship to other processes

Application to sub-contract or collaborate with an overseas contractor on work involving OFFICIAL-SENSITIVE and above classified information (also known as 1686)

This application process is for sub-contracts and collaboration only, in conjunction with UK MOD contracts. It is, effectively, an application from a UK contractor to sub-contract or collaborate on a UK MOD programme that includes classified work with a foreign contractor. These applications are initially assessed in consideration of any FSC requirements but are also assessed by the relevant UK MOD Project Team for UK programme continuity and consistency of supply considerations.

Further details can be found at Appendix 5 Contractual Process section of the SPF. These applications are assessed by MOD Defence Equipment & Support Infrastructure Security and the relevant Contracting Authority (Project Team). When this process is applicable a MOD Form 680 is not required.

Private Venture (PV) Grading and Exhibition Clearance (Ex)

The PV Security Grading process is the means used by the Government to assess the national security sensitivity of defence related equipment funded and developed by UK industry and allocate a national security classification accordingly.

The PV Exhibition Clearance process is the means used by the Government to assess the potential for exposure of security sensitive/classified material during exhibition, and to identify any conditions or provisos to be complied with to ensure that no security sensitive/classified material is released.

In accordance with the obligations established in: the UK Government Security Policy Framework (SPF); the Reportable OFFICIAL and OFFICIAL SENSITIVE Security Condition for UK Contracts; and/or UK Export Licensing/Release of Military Information (MOD Form 680) conditions, UK Industry are required to obtain MOD Security Grading and Exhibition Clearances for their defence related PV products.

For products developed under MOD funding, the security gradings applicable to the contract activity and resultant equipment are identified in the contract Security Aspects Letter (SAL); therefore, there is no requirement to apply using the PV/Ex process.

Any Exhibition Clearances relating to MOD programmes and equipment should be obtained from the relevant Contracting Authority (e.g. DE&S Project Team), by whatever means appropriate to obtain this formal approval according to the project. This is not currently available using the SPIRE PV/Ex process

Given that the basis of the MOD Form 680 process is the security classification of material to be released, it is a prerequisite to have obtained formal notification from the MOD on the security grading. For PV equipment, this can only be obtained from DBR-DefSy(S&T/Ind) under the PV Security Grading process.

Further information is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414857/20150310_PV_Ex_Guidance_Document.pdf

Security Transportation Plan

All UK material graded SECRET or above and internationally classified material graded CONFIDENTIAL and above require a Security Transportation Plan (STP) to be approved by DE&S ISS prior to export. An approved STP is also required for UK material classified CONFIDENTIAL or above, graded prior to April 2014. A template application form for the STP can be found in the SPF. The requirement for a STP may be identified as a proviso in MOD Form 680 outcome letters.

Export Licensing

A MOD Form 680 approval should not be viewed as an indication that an Export Licence will be approved. However, referencing an extant MOD Form 680 for corresponding goods or technology to the same foreign end-user may speed up assessment of a licence by advisers in MOD/FCO as they will have some prior knowledge of the campaign.

Annex A

What makes a good MOD Form 680 application?

- Ensure the information or equipment has been security graded by the relevant Government authority before submitting a MOD Form 680.
- Answer the questions contained within the MOD Form 680 application form as fully as possible.
- Submit applications at the earliest date possible.
- If additional information is requested please respond promptly.

Annex B

MOD Form 680 Procedure: Frequently Asked Questions

What is meant by ‘release’? Does release mean export?

‘Release’ does not necessarily have to mean export. A release of classified information can occur without it crossing any borders. For example discussing classified information or equipment with a foreign entity in the UK would count as a ‘release’ but not necessarily an export. Furthermore, information and equipment that is considered classified, may not always be export controlled.

What do you mean by ‘classified’?

‘Classified’ means that the information or equipment has been assessed by MOD and deemed to have a security classification. If you have a contract with the MOD, the classification will be in the Security Aspects Letter (SAL) relating to your contract. If you have developed the information or equipment independently it is considered ‘Private Venture’ and may require an assessment of its classification by Defence Security.

The classifications that information or equipment may be given are OFFICIAL, SECRET or TOP SECRET. Please note information or equipment graded OFFICIAL may also include the handling caveat SENSITIVE.

When you apply for a MOD Form 680, you will be asked to provide the classification of the equipment or information and details of the MOD Authority who assigned the classification.

What is meant by ‘a foreign entity’?

By a ‘foreign entity’ we mean a foreign Government, organisation or company.

Is the MOD Form 680 requirement dependant on goods being Military-Rated or Dual-Use?

The Strategic Controls Lists rating of an item is not a consideration in relation to the MOD Form 680 procedure. The MOD Form 680 procedure is equally applicable to Military and Dual-Use equipment classified OFFICIAL-SENSITIVE and above.

Do I need a MOD Form 680 if I want to undertake promotion or demonstration at OFFICIAL of items classified OFFICIAL-SENSITIVE or above to a foreign entity?

Yes.

Do I need MOD Form 680 approval to show my goods at an exhibition?

No. To do this you need an Exhibition Clearance from the relevant MOD Authority.

Do I need MOD Form 680 approval in place in order to obtain UKTI DSO support for an export campaign?

No

Do I need MOD Form 680 approval to sub-contract MOD classified work with foreign companies?

No. In this case you will need to complete an application to sub-contract or collaborate with an overseas contractor on work involving OFFICIAL–SENSITIVE and above classified information (also known as 1686).

Do I need MOD Form 680 approval to send OFFICIAL-SENSITIVE or above information or equipment to an overseas foreign subsidiary?

Yes.

Do I need MOD Form 680 approval to release or discuss OFFICIAL-SENSITIVE or above information or equipment to a foreign subsidiary, even if the meeting takes place in the UK?

Yes.

Do I need MOD Form 680 approval to release or discuss OFFICIAL-SENSITIVE or above equipment or information with a potential foreign customer?

Yes

How long does an approval last for?

OFFICIAL-SENSITIVE approvals are valid for four years. Approvals for releases above OFFICIAL-SENSITIVE are valid for two years.

How do I apply?

You can apply for a MOD Form 680 using SPIRE at the link below:

<https://www.spire.bis.gov.uk/spire/fox/espire/LOGIN/login>

Do I have to pay to apply?

No.

How do I obtain help with using SPIRE to apply for a MOD Form 680?

Further guidance is available on SPIRE.

What if I need to apply for more than one destination?

You can apply for up to 20 different destinations on a single application. When submitting multiple applications, destinations should where possible be grouped by geographical region.

Can I enter protectively marked information onto the SPIRE system?

Yes, you can input information up to and including OFFICIAL-SENSITIVE.

What should I do if I do not understand the provisos applied?

You should contact your MOD Case Officer to discuss your queries.

Once I have obtained MOD Form 680 approval can I export the information or equipment approved for release?

Not necessarily, as your equipment or information may also be export controlled. If this is the case an Export Licence must be obtained via SPIRE. Please note the Department for Business Innovation and Skills is the export licensing authority.

Which export licences require MOD Form 680 approval?

The provision of the Security Policy Framework (SPF) require that a company obtain MOD Form 680 approval before releasing information equipment or information with a classification of OFFICIAL-SENSITIVE or above to a foreign entity. This is regardless of the type of export licence which may be used for goods or technology that are controlled. Open General Export Licences (OGELs) re-iterate the SPF requirement for a MOD Form 680.

If one of my Company's other UK sites already has a MOD Form 680 approval for an activity do I need another approval or can I use theirs?

You can use their approval as long as the equipment or information is the same and is being released to the same entity.

What happens if my Company changes name or is merged with another Company?

In this case, please contact MOD with details of the merger or change of the company name. MOD will then issue a letter confirming that existing MOD Form 680 approvals for your former company name are still valid.

Where do I get further assistance in completing a MOD Form 680 if required?

You should contact your MOD desk officer who will assist or put you in contact with someone else that may be able to assist further.