



Department for  
International Trade

**TRADESHOW ACCESS PROGRAMME SUPPORT SCHEME FOR OVERSEAS  
EXHIBITIONS**

**TERMS AND CONDITIONS FOR EXHIBITORS  
Q3&Q4 2017-18**

**Between**

**THE GAMBICA ASSOCIATION LTD**

**on behalf of**

**THE DEPARTMENT FOR INTERNATIONAL TRADE**

**And**

**[INSERT NAMED EXHIBITOR]**

**Reference No:**

# FORM OF CONTRACT

## PARTIES:

(1) THE SECRETARY OF STATE FOR THE DEPARTMENT FOR INTERNATIONAL TRADE. 3 Whitehall Place, London, SW1A 2AW;

## AND

(2) [Insert full name of the Exhibitor] of [insert full address but if registered company, please insert the following - (registered in England and Wales under number [insert company number] whose registered office is [insert address].

(each a “Party” and together the “Parties”).

## 1. DEFINITIONS AND INTERPRETATION

The Parties agree that the following terms and rules of interpretation, shall apply to this Agreement.

### 1.1. Definitions:

<b>Commercial Organiser of the Exhibition</b>	Means an organisation responsible for the commercial arrangements for the whole exhibition. An organisation making a block booking at an exhibition for a UK group, or booking space or stand facilities for individual businesses is not the commercial organiser of the event.
<b>DIT</b>	Means the Department for International Trade.
<b>Grant</b>	The Tradeshow Access Programme (TAP) provides grant based financial support to eligible small and medium enterprises, who wish to use overseas exhibitions to market their products or services, or may require market knowledge and experience as part of a strategic approach to exporting.
<b>Group</b>	Means UK businesses/organisations, that have been recruited to participate together at a specific event, and which may benefit from common facilities provided by the Trade Challenge Partner (TCP) on their behalf.
<b>Participant</b>	Must be a UK* based business or organisation that is either actively investigating export opportunities or is already involved in exporting from the UK.
<b>SME</b>	Small and medium sized enterprises (SMEs) are defined as those matching the requirements at A and B below.  a) Has less than 250 employees.  b) Has an annual turnover not exceeding € 50m, or an annual balance sheet total not exceeding € 43m.  DIT reserves the right to review the eligibility of businesses that are distinct and independently operated but are part of or owned by an organisation itself larger than an SME.
<b>TAP</b>	Means the DIT Trade Access Programme.
<b>TCP</b>	Means the Trade Challenge Partner. TCPs are multipliers, who have a formalised relationship with DIT, via an accreditation process, They are usually sector trade associations or other types of multipliers. They have the ability to lead and direct sectors.
<b>Third Parties</b>	Any business subcontracted by the TCP to work on their behalf.

## **2. BACKGROUND**

- 2.1. Department of International Trade (DIT) will, at its discretion, provide support for businesses taking part in overseas exhibitions between 1 October 2017 and 31 March 2018. For the purposes of these Terms & Conditions overseas exhibitions are defined as:
- 2.1.1 involving the display of products and services on exhibition stands or areas by businesses and other organisations with the objective of attracting commercial interest in those products and services; and
  - 2.1.2 taking place outside the United Kingdom and being international in terms of representation i.e. involving exhibitors from more than one country; and
  - 2.1.3 dealing with trade representatives rather than the public; and
  - 2.1.4 using stand space or area that is designed for the purpose of an exhibition and not for any additional use not specifically connected to exhibiting.

Alternatively an eligible event can be:

- 2.1.5 an overseas commercial conference where the business has paid for the opportunity to promote its goods or services to a trade audience.
- 2.2 The objective of exhibition support is to help, primarily, newly exporting Small & Medium Sized Enterprises (SMEs) to learn how to use exhibitions as a key tool in their trade development plans. The support is intended to work most efficiently as part of a development programme for eligible businesses which Trade Challenge Partners (TCPs) and DIT's regional network can help to facilitate.
- 2.3 A central principle of this, and all DIT Grant, is that it should make something happen that would not happen otherwise. From 1 October 2017 each eligible business is entitled to exhibit overseas with grant support on a total of six (6) occasions, the six (6) being counted from 1 April 2009.
- 2.4 TCPs will help those businesses approved for Grant to participate effectively in an exhibition. Participating businesses are expected to take up any offers of non-chargeable assistance made in this context.
- 2.5 If TCPs charge supported Participants a service or management fee in connection with their participation, the services to be covered in return for the charge must be fully explained and broken down for Participants at the time of recruitment. Such TCP charges should relate to costs wholly distinct from their administration of the business's DIT Grant application.
- 2.6 It is expected that Participants will make full use of the services and advice provided by or via the TCP.
- 2.7 With professional advisers across 108 international markets, DIT is the government department that helps UK-based companies succeed in the global economy and assists overseas companies in bringing their high quality investment to the UK.

For further information please visit this link DIT Services <https://www.great.gov.uk/uk/>.

## **3. ELIGIBILITY TO APPLY FOR GRANT**

- 3.1 To be eligible for Grant Participants must meet the following criteria.

- 3.1.1 A Participant must be a UK\* based business or organisation that is either actively investigating export opportunities or is already involved in exporting from the UK. If requested, Participants must provide DIT with supporting documents proving that they comply with this requirement. (\*Excluding businesses/organisations based in the Isle of Man or the Channel Islands unless UK registered.)
- 3.1.2 A Participant must be a SME as defined in 3.3 or a UK university or UK Government funded centre of higher or further learning, or a UK Government-funded research organisation.
- 3.1.3 A Participant must be a new exporter as defined 3.3 or have exported for no more than 10 years.
- 3.1.4 Any Grant a Participant applies for must not result in them breaching the de minimis State Aid limit of €200,000 over any rolling three (3) year period. (These Grants are classed as de minimis State Aid by the Commission of the European Communities and all applicants for Grant must ensure that they do not exceed the €200,000 limit. EU Regulation 1998/2006 on the application of Articles 87 and 88 of the EC Treaty to De Minimis aid refers.) The only exception to de minimis coverage relates to activities linked to the production, processing and marketing of certain agricultural goods as listed under Annex I of the consolidated version of the Treaty establishing the European Community (consolidated version 1997). TAP grants to relevant businesses covered by Annex 1 within the TAP application form, must fall within an overall ceiling of support that the European Commission have agreed to cover this specific area.
- 3.1.5 Applicants who produce agricultural goods (e.g. crops or vegetables) should complete the alternative version of the TAP application form designed to cover businesses in this category.
- 3.1.6 A Participant must not receive any other contributions from public funds towards TAP eligible costs in relation to participation at the event named in Section 1 of the Exhibitor Grant Application Form.
- 3.1.7 A Participant must not have been fully committed to attend the event prior to seeking DIT Grant.
- 3.1.8 A Participant must demonstrate that they:
- are selling products or services originating substantially in the UK; or
  - are adding significant value to a product or service of non-UK origin; or
  - are enhancing their competitiveness and providing tangible economic benefit to the UK from this trade development activity.
- 3.1.9 Since 1 April 2009 a Participant must not have received, been offered or have a pending application for more than five (5) Grants under these Terms and Conditions prior to the Grant currently being applied for.
- 3.1.10 A Participant must take up any non-chargeable offers of assistance made by the TCP that are intended to be complementary to the offer of trade show support.
- 3.2 Participants will be ineligible if they do not own the brand they are selling and the brand owner either already exports to the market concerned or withholds permission to export to that market.
- 3.3 In operating these terms and conditions the following definitions apply.

Definition for Small and Medium Sized Enterprise

3.3.1 Has less than 250 employees.

3.3.2 Has an annual turnover not exceeding € 50m, or an annual balance sheet total not exceeding € 43m.

- 3.3.3 DIT reserves the right to review the eligibility of businesses that are distinct and independently operated but are part of or owned by an organisation itself larger than an SME.

Definition for New Exporter

- 3.3.4 During the past twelve (12) months no more than 10% of turnover resulted from proactive exports (i.e. sales to new overseas customers that have been actively identified by the business) **and** no more than 25% of turnover resulted from a combination of proactive and reactive exports. (Reactive exports would normally result from unplanned approaches from potential overseas customers and from UK-based third parties, or from overseas responses to UK-focused web sites).
- 3.4 The requirement to be a new exporter or to have been an exporter for less than ten (10) years will be waived where the applicant has not exhibited at the previous edition of the event.
- 3.5 DIT is committed to making every effort to assist people with disabilities or long term health conditions to undertake business overseas. Applicants should raise any concerns in this respect directly with their TCP. Any such issues should be raised at least three (3) months prior to the event start date.
- 3.6 Payment of Grant is discretionary and shall be the limit of DIT's liability to the Participant for the exhibition named at Section 1 of the Exhibitor Grant Application Form.

#### **4. REQUIREMENTS FOR ELIGIBLE PARTICIPANTS**

- 4.1 Participants must also comply with all of the following conditions.
- 4.1.1 Participants must correctly complete a TAP Exhibitor Grant Application Form and submit it to the TCP that is organising a Group at the relevant event, **no later than eight (8) weeks** before the event start date.
- 4.1.2 Participants must only promote at the event the business, trading and brand names detailed on their application form.
- 4.1.3 Where any non-UK goods or services are to be promoted Participants are able to clearly explain the associated economic benefits to the UK, if required. They must also present themselves at the exhibition as a business/organisation involved in exporting from the UK.
- 4.1.4 Participants must ensure that their exhibition stand or space is manned by at least one (1) dedicated representative for the duration of the exhibition. In the case of exhibitions lasting more than seven (7) days, they may leave after spending seven (7) days at the exhibition but only if they have notified the TCP in writing prior to the opening date.
- 4.1.5 If there is only one (1) individual representing both the Participant and any other eligible exhibitor(s), then Grant can only be claimed in respect of one of the businesses being represented.
- 4.1.6 DIT will have no responsibility for insuring any risks associated with taking part in the exhibition. DIT will not be liable for the consequences of any such risks or any costs incurred. Any insurance required by the Participant will be the responsibility of the Participant.
- 4.1.7 All Participants must submit a completed DIT customer feedback questionnaire (provided by the TCP) prior to any claim for grant being submitted to DIT. The final deadline for return of completed feedback forms is one (1) month after the closing date of the event.

- 4.2 Applicants should not assume TAP support has been agreed until this has been confirmed by the Trade Challenge Partner in consultation with DIT. DIT reserves the right to withhold grant that it considers for any reason to be unsuitable.

## **5. CLAIMING GRANT**

- 5.1 The TCP will claim Grant on behalf of the Participant at rates which will be pre-agreed between DIT and the TCP.
- 5.2 For the six (6) Grants available TCPs have the flexibility to allocate funding of £500 - £2500 for any events (subject to agreement with DIT). The Grant level will be made clear by the TCP at the recruitment stage.
- 5.3 Participants must be able to show that they have paid for eligible costs amounting to at least the value of the Grant. If the TCP does not already have this evidence the Participant must provide this to the TCP no later than two (2) weeks following the end of the exhibition.
- 5.4 Eligible costs can be in any of the following categories.

### 5.4.1 Exhibition space costs.

This is the actual amount paid by the Participant, or the TCP on the Participant's behalf, to the Commercial Organiser of the Exhibition for space at the exhibition venue and any other mandatory charges (e.g. registration fees, catalogue entry charges). These charges will normally be no higher than the rates published by the commercial organiser of the exhibition.

### 5.4.2 Stand costs.

This is the actual amount paid by the Participant, or the TCP on the Participant's behalf, to the commercial organiser of the exhibition, or to any Third Party supplier(s) for invoiced costs directly related to:

- stand design;
- physical stand costs, including shell scheme (or equivalent);
- labour costs in relation to physical construction of stand;
- heating;
- power supply;
- carpets;
- furniture hire;
- cleaning;
- internet/phone connection and rental (excluding call charges);
- display aids and graphics, but excluding any products/samples unless they are part of the stand construction;
- security;
- freight costs for stand, stand display items and literature for the stand (car/van hire and other associated freighting costs for these items may be claimed but, if this option is used rather than a freight forwarding company, the Participant must be able to present a justifiable case, including cost benefits);
- excess baggage charges for stand and stand display items.

### 5.4.3 Conference Costs.

This is the amount charged by the conference organiser for attendance or speaking. It can also include the cost of preparing and transporting literature or display items specifically for the conference.

NB. Recoverable local taxes, including VAT, and insurance costs of any kind will not be considered as part of the total of eligible costs.

- 5.5 Once the TCP has claimed Grant on behalf of Participants the TCP will be responsible for distributing Grant to Participants within three (3) weeks of the TCP's receipt of the Participant Grant from DIT.

- 5.6 The Participant may arrange with the TCP for any amount owed to them, solely related to the exhibition, named at Section 1 of the Exhibitor Grant Application Form, to be deducted from the Grant. The TCP is not allowed to pay any part of a Participant's Grant to a Third Party and must not have charged the Participant for anything other than costs directly related to the business's supported participation at the event.
- 5.7 DIT reserves the right to provide the Commission of the European Communities, or any other organisation which needs the information as part of the process of Government, with information about any grants paid to the Participant. DIT also reserves the right to publish these details without seeking any additional approval from the Participant.

## **6. NON PAYMENT OF GRANT**

- 6.1 DIT reserves the right to withhold any or all of the Grant, or require part or full repayment of any Grant already paid, if at the time of making the application or at any time prior to the start of the event the Participant:
- 6.1.1 has ceased or ceases trading;
  - 6.1.2 is in or goes into liquidation, administration, receivership, bankruptcy or equivalent procedures in Scotland;
  - 6.1.3 is or becomes the subject of a proposal for a winding up order or any other insolvency procedure including individual voluntary arrangement;
  - 6.1.4 is or becomes indebted to any Government Department.
- 6.2 DIT also reserves the right to withhold any or all of the Grant, or require part or full repayment of any grant already paid, if the Participant:
- 6.2.1 fails to comply with any of these Terms & Conditions;
  - 6.2.2 provides false or inaccurate information on the Exhibitor Grant Application Form;
  - 6.2.3 causes embarrassment to Her Majesty's Government, the host nation or other exhibitors in the group, for example by displays of inappropriate or offensive literature, by inappropriate or offensive behaviour, or by the display of products or services of an unacceptably low quality or of an inappropriate or offensive nature. (The final decision on acceptability will rest with DIT, taking into account the nature of the product, the sensitivities of the host nation and others in the group).

If any of the above circumstances arise, the business may also be excluded from future involvement in this and/or any scheme operated by DIT.

- 6.3 DIT may vary or withhold any or all payments made and / or may require repayment of grant already paid, together with interest from the date of payment, if DIT is required to do so as a result of a decision by the European Commission or as a result of any obligation arising under Community Law.