

## **Requirement for Full Execution of Agreements/Amendments Prior to Export or Temporary Import**

This notice is to inform applicants that the format for Agreement and Amendment Approval Letters issued by DTCL has been modified to specifically address the requirement that **“No U.S. signatories may export or temporarily import defense articles, technical data or defense services against an agreement until all parties have executed the agreement.”**

This modification has been made to the preamble of the approval letter for agreements and amendments issued to the applicant from this office and reads as follows:

*Dear Applicant:*

*The Department of State approves the request as identified subject to the limitations, provisos and requirements stated below as well as the requirements contained in the International Traffic in Arms Regulation. This agreement may not enter into force until these requirements have been satisfied. No U.S. signatories may export or temporarily import defense articles, technical data or defense services against this agreement until all parties have executed the agreement.*

### **Purpose of Modification:**

On December 12, 2008, Agreement and Amendment Approval Letters issued by DTCL were revised to eliminate redundancy and enhance clarity by minimizing informative and acknowledgement provisos. As part of that revision, a proviso specifying that exports or temporarily imports against the agreement were not authorized until all parties have executed the agreement was removed, being deemed an informative proviso.

Since this revision, DTCL has received numerous queries as to whether a fully executed agreement was still required prior to export or temporary import, noting the requirement is not clearly described within the International Traffic In Arms Regulation (ITAR).

This modification is necessary to ensure applicants are properly informed of the requirement to fully execute agreements and amendments prior to export or temporary import of defense articles, technical data or defense services in furtherance of the agreement or amendment.

### **Implementation:**

Effective March 18, 2009, this revision will be included in all agreement and amendment approval letter issued by DTCL. Specific revisions to individual approval letters issued between December 12, 2008 and March 18, 2009 will not be published. A copy of this notice should be included with approval letters in cases where a specific revision is desired.