INFORMATION SHEET FOR U.S. SUPPLIERS

THE AUSTRALIA-UNITED STATES DEFENCE TRADE COOPERATION TREATY

How does a US supplier use the Treaty to export to Australia?

Under the Treaty, goods controlled by the US Munitions List (USML) may be exported or transferred to members within an Approved Community, consisting of a US Community and Australian Community, without requiring separate export licences or permits from either country.

All US companies that are registered with the US Department of State Directorate of Defense Trade Controls (DDTC) to export USML controlled goods are members of the US Community. Members of the Australian Community are approved through an application process. While most US companies are aware of the Treaty, many have not had the opportunity to use it so may be unfamiliar with the requirements. The process is outlined below;

- The Australian Community member orders eligible goods and requests the US Community Member to supply the goods using the Treaty arrangements. The Australian Community member identifies which project/program etc. the supply will support.
- The US Community member should confirm the eligibility of goods against the USML and Exempted Technologies List (ETL). The ETL is Supplement 1 to §126.16 and is available on the DDTC Treaties webpage at https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=2d21e8b3dbb8d300d0a370131f96190b
- The US Community member should confirm the end use is included on one of the scope lists (e.g. Australian Government End-Use Projects, Cooperative Programs or Combined Operations & Exercises). The lists are available on the DDTC web site and are updated regularly.
- The US Community member must confirm the recipient is a member of the Australian Community. The US Community member will request the recipient Australian Community member's Approved Community Identification Number (ACID) which can then be validated using the TRS ACID Lookup Tool, available via a link on the DDTC Treaties webpage. Users must log into DECCS to access the tool.
- The US Community member **does not** need to contact the US Department of State to seek export permission when exporting eligible 'defense articles' to an Australian Community member using the Treaty exemption.
- The US Community member must still complete export documents as normal for US Customs and Border Protection but they will cite §126.16 (Treaty exemption) of the ITAR as the export authority.
- An End-User certificate is not required when using the Treaty as under the Treaty framework the end-user can only be an approved entity under the Commonwealth of Australia.
- The US member must use an approved Intermediate Consignee for the transportation of the goods. All exporters currently registered with DDTC are eligible. Further detail is available on the DDTC Treaties webpage or in §126.16 (k) of the ITAR.
- The US member must comply with marking and other requirements listed under §126.16. Inserting the marking "Restricted USML//REL AUS and USA Treaty Community" into the documentation accompanying the goods (i.e. bill of lading, invoice, contract or consignment note) meets this requirement. For any security classified goods, the classification should replace "restricted" in the marking.

The Treaty includes reciprocal arrangements – so US Community members can also request Australian Community members to supply using Treaty arrangements.

For any queries or confirmation of the process, US Community members should contact the Regulatory and Multilateral Affairs (RMA) branch in the DDTC Policy Division, at the US Department of State (see the 'About' page on DDTC website for contact details).

Link to the DDTC Treaties page:
https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=2d21e8b3dbb8d300d0a370131f96190b

This guidance has been developed jointly by the Australian Department of Defence (US Trade Treaty team) and the US Department of State (Directorate of Defence Trade Controls).