



Australian Government

Department of Defence

The Australia - United States Defence Trade Cooperation Treaty

Background and Progress
April 2014

Defence Trade Cooperation Treaty

- Designed to allow easier access to US Defence goods/technology and improve interoperability.
- Creates a framework for transferring certain controlled goods without applying for export licences, within an Approved Community of AU and US members.
- Provides an export licence exemption for controlled goods.
- Implemented in Australia through the *Defence Trade Controls Act 2013* and in the US through §126.16 of the ITAR.



Treaty vs Licence System

- Treaty

- Use without applying or waiting for approval - important when bidding on contracts.
- Known scope and conditions.
- Authorisation allows you to broaden scope of activities through project.
- Valid indefinitely.

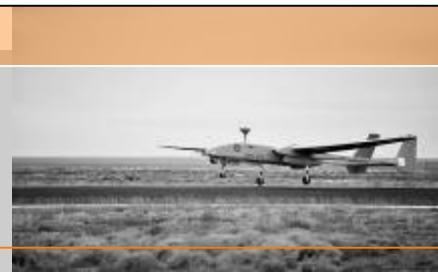
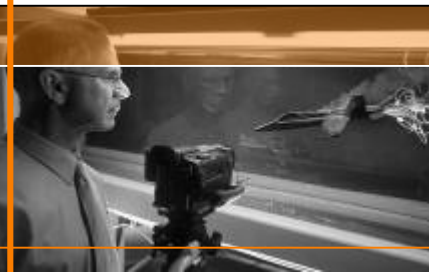
- Licence (e.g. TAA)

- Apply and wait for approval.
- Wait to see what is approved and what the conditions are.
- Limited to what is applied for - any amendments require further approval.
- Valid for a limited time.



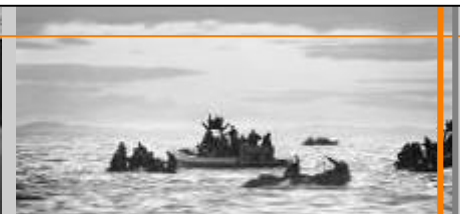
Eligibility

- Transfers can only occur between AU and/or US Approved Community members, using an approved Intermediate Consignee.
- Goods must be Treaty eligible (see *Defence Trade Cooperation Munitions List*).
- Transfer must be in support of an eligible activity - Australian Government End-Use, AU-US Cooperative Programs, Combined Operations & Exercises or US Government End Use Projects Lists.



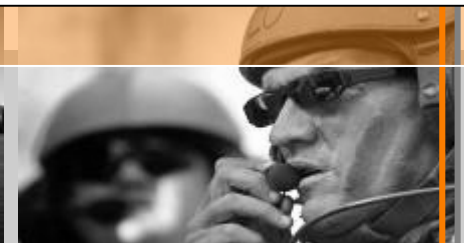
Australian Community (AC)

- Organisations that currently, or expect to, require access to Treaty eligible defense articles in support of eligible end-uses can apply for membership to the AC.
- Organisations that currently access goods or technologies controlled under ITAR may already be involved in eligible business activities.
- Joining the AC is a voluntary business decision.



Australian Community Application Process

1. Application to Join the Australian Community
2. Company assessment
3. Foreign Ownership, Control & Influence assessment
4. ICT system accreditation
5. Facility accreditation
6. US Government approval
7. Membership notice
8. ACID number (Approved Community ID)



Using the Treaty

- Confirm Approved Community membership of both the supplier and recipient.
- Confirm scope list and article eligibility.
- Use an approved Intermediate Consignee.
- Articles already in Australia can be transitioned into the Treaty.



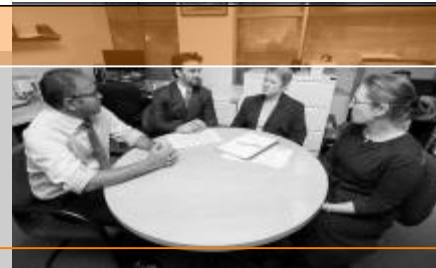
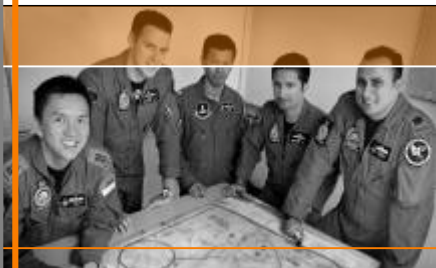
Compliance

- Australian Community members, including Defence, must comply with Treaty requirements
 - Transfer only eligible goods within Approved Community
 - Control access
 - Storage & Handling
 - Recordkeeping
 - Annual Compliance Reporting



US Export Control Reform

- Review of the USML has resulted in movement of USML items to the '600 series' on the Commerce Control List.
- Only goods listed on the USML are eligible for transition to Treaty arrangements.
- Expected reduction in the scope of the Treaty Exempted Technologies List.



- Goods and technology acquired under FMS may be treated as Treaty Articles once delivered to GOA.
- Same rules apply – i.e. only goods listed in USML are eligible for transition to Treaty.
- TPR's will still be required for CCL goods delivered under FMS.



Treaty Myths

- *U.S. Export Control Reform will negate Treaty usefulness.*
 - **FALSE**: Reforms will not provide the benefits available under the Treaty, which is here today.
- *Programs with exempted technology cannot use Treaty.*
 - **FALSE**: An authorisation is required only for the exempted technology.
- *Programs involving entities outside the Approved Community cannot use the Treaty.*
 - **FALSE**: An authorisation for access by the other entities is required.
- *An ACID number is required for each project.*
 - **FALSE**: One ACID number will cover all Treaty activity at an AC member's facility.



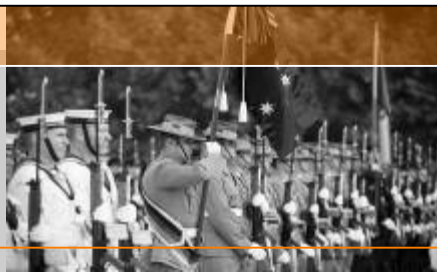
Other Treaty Comments

- *Marking of Treaty Articles is difficult.*
 - Marking of physical goods required only 'where practicable'. GOA and USG are working to clarify the marking requirements.
- *Record keeping requirements too onerous.*
 - Requirements based on good business practice and current expectations.
- *Exempted Technology List too large.*
 - ETL will reduce as USML changes occur. ETL currently under review by USG and GOA.



Treaty Progress

- Steady growth in number of Australian Community members and approved Intermediate Consignees.
- Consulting Defence and industry to identify additional suitable projects for Treaty use.
- Encouraging use of the Treaty by Government and industry.
- Combined outreach activities to support scheduled Treaty Management Board meetings.
- First successful use in March 2014



US Trade Treaty team

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The screenshot shows the official website for the Australia-United States Defence Trade Cooperation Treaty. The page header includes the Australian Government logo and navigation links for Ministers, Navy, Army, Air Force, and Department. A search bar is also present. The main content area is titled "Australia-United States Defence Trade Cooperation Treaty" and includes a "Resources and Guidance" section. This section provides information on how to use the treaty, contact details for the US Trade Treaty team, and lists of application forms, approved end-use lists, intermediate consignee lists, and Australian community member publications. A "Treaty Documents" section is also visible at the bottom.

Ministers | Navy | Army | Air Force | Department

Australian Government
Department of Defence

Media Room | Reports and Publications | Careers and Recruiting | Industry and Contracts | Other Defence Links

Home

Non-Government Applicants

Government Registration

Preparing to use the Treaty

Compliance

Access Control

Intermediate Consignees

Frequently Asked Questions

Resources and Guidance

Contact

Australia-United States Defence Trade Cooperation Treaty

[Home](#) > Resources and Guidance

Resources and Guidance

This page provides information to assist Australian industry and Government in using the Australia - United States Defence Trade Cooperation Treaty (the Treaty). Should you need further assistance, please contact the Australian US Trade Treaty team on 1800 00 57 57 (outside Australia: +61 2 6265 7111 AEST) or [send us an email](#).

Note: Some of the following links will be inactive until the document or form is finalised and published.

Application Forms

- [Defence Client Registration Form](#)
- [Application to join the Australian Community \(Non-Government\)](#)
- [Application to Transition an Article into the Treaty](#)
- [Application to become an Intermediate Consignee](#)

Approved End-Use Lists

- [Australian Government End-Use](#)
- [Cooperative Programs](#)
- [Combined Operations and Exercises](#)

Note: Approved United-States Government End-Uses should be identified within the contract.

Intermediate Consignee List

- [Approved Intermediate Consignee List](#)

Australian Community Member Publications

- [Australian Community Manual](#)
- [Australian Community Compliance Policy](#)
- [Australia-United States Defence Trade Cooperation Treaty Flyer\(May 2013\)](#)

Treaty Documents

- [Australia-US Defence Trade Cooperation Treaty and Implementing Arrangement](#)

