

**\*\*Updated\*\* General Correspondence for Amendment of Existing ITAR Authorizations Due to U.S. Entity Name/Address and/or Registration Code Changes**

**This web notice updates the original guidance dated May 8, 2010. The updates impact the identification of electronic agreements and a new section on LDAP code changes. The updates are bolded below.**

Pursuant to §122.4, a registrant must notify the Directorate of Defense Trade Controls (DDTC) of all material changes to their registration file. These changes include restructuring, merger/acquisitions and/or registration code consolidations. Per §122.4(c)(3), the licenses affected by these changes must be identified via a list to DDTC. Any licenses not identified on the list will be considered invalid. Per §122.4(c)(4), affected agreements require an executed amendment for a U.S. entity name change within 60 days of notification. Any agreements not so amended will be considered invalid.

Historically, these changes have been made via a DSP amendment for a DSP license or a major amendment for agreements. Amending existing authorizations because of a name/address or registration code change can impact a large number of licenses and involve many hours of work for both the U.S. Government and the applicant as well third-party license holders. Recently, DDTC has moved to utilizing General Correspondence (GC) requests to approve and document U.S. entity name/address and registration code changes. The GC covers approval for both DSP licenses and agreements. This was done as a way to reduce the administrative burden on industry and DDTC in processing such amendments.

The guidelines that follow offer a procedure to make this process more efficient while ensuring the integrity of the historical database and all requirements are met. The use of a GC request is applicable regardless of the number of authorizations to be amended.

**Timing:** The GC request should be submitted within 60 days after the Directorate of Defense Trade Controls-Compliance (DTCC) approval/acknowledgement of the change.

**Registrant Requesting Name/Address or Registration Code Changes**

The registrant notifying DDTC of the change is responsible for submitting a GC for U.S. entity name/address and/or registration code changes. All requests for the transfer of licenses and agreements must include the following documentation.

- 1) A letter identifying the requested changes
- 2) §126.13 certification letter
- 3) Copy of the DTCC's letter acknowledging the requested change(s), if issued
- 4) Matrix/spreadsheet of authorizations to be transferred

The GC request must have a subject line clearly stating the GC request is to amend export authorizations due to restructuring, merger/acquisition and/or registration code consolidation. The request must provide DDTC with concise description of the proposed transaction, in particular identifying the registrant code of the acquiring company and the registration code of the company being acquired. The request must list the submitted documentation and specifically state if a DTCC letter is attached.

The GC request must also include the following statement for the amendment of agreements as a result of mergers and acquisitions. If no executed amendment is required (such as registration code change only) then this statement is not necessary:

“Modifications to the existing agreements submitted as part of this letter are specifically limited to a change to the registration code and/or to the U.S. entity name as a result of an approved merger or acquisition, and are signed by the new U.S. entity, the former U.S. licensor and the foreign licensee(s). Any other modifications will be requested through a proposed amendment in accordance with §124.1(c) or (d).”

The spreadsheet/matrix of authorizations to be transferred must include all existing and pending authorizations. Only those authorizations identified in the list will be amended. Any authorization not included will be considered invalid and a new authorization must be obtained. The spreadsheet/matrix must include the following information for each authorization:

- 1) Type of authorization (TA, MA, DSP-5, DSP-73, etc.)
- 2) License or agreement number (for **paper** agreements, the last approved amendment should be identified; **for electronic agreements the DSP-5 vehicle number for the last approved amendment should be identified**)
- 3) Country/s of export
- 4) Unshipped value for licenses/total value for agreements
- 5) Disposition of authorization (Approved or Pending Approval)
- 6) Date of Authorization Expiration

7) State Y or N if an executed amendment is required, for agreements only

For ease of review, the list should be separated into existing authorizations and pending authorizations.

Affected agreements will be annotated in DDTC's database but only those identified on the spreadsheet will be processed. If only the registration code is changing with no resulting name change, the GC request is the only required action by the registrant. If the U.S. entity's name changes, an executed amendment must be submitted to DDTC under separate cover but the agreement must be listed in the GC request. The executed amendments must be submitted in accordance with §124.1(d) and cite the GC case number in the body of the cover letter. Prior written approval by Directorate of Defense Trade Controls-Licensing (DTCL) is required for any amendment making a substantive change.

The DDTC response for the GC will include an annotated spreadsheet/matrix identifying any authorizations not amended. If no annotations are provided then all requests authorizations have been amended. Prior written approval by DTCL is required for any amendment making a substantive change.

### **LDAP Changes**

**If the U.S. license/agreement holder's name changes, the corresponding LDAP code must be changed in order for the U.S. license/agreement holder to view their authorizations in D-Trade II.**

**The abovementioned GC submission is the only method for authorizing the change to the LDAP codes. The applicant must specifically identify the request to change the LDAP codes.**

### **Third Parties Affected by Change**

A "third-party" is a U.S. entity other than the license holder who has submitted the GC request. DDTC will issue a web notice acknowledging the U.S. entity change and providing instruction on third party authorization holders as below.

When a third party license is affected by a U.S. entity name change, a DSP amendment will not be required to be processed for the affected DSP license. The DDTC issued web notice will serve as approval for the change and must be attached by the license holder to the affected license.

When a third party agreement is affected by a U.S. entity name change, the agreement holder will be responsible for amending their agreement. The executed amendment will be treated as a minor amendment per §124.1(d) and must be submitted as such. The agreement applicant of a pending agreement/amendment request requiring change is responsible for notifying the assigned Agreements Officers. The necessary changes will be made prior to issuance when the Agreements Officer has been notified.