Open General License No. 2

Qualifying Reexports Between or Among Australia, Canada, and the United Kingdom

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(1) the Government of Australia;
(2) the Government of Canada;
(3) the Government of the United Kingdom;
(4) members of the Australian Community as defined in ITAR § 126.16(d), at all locations in Australia;
(5) members of the United Kingdom Community as defined in ITAR § 126.17(d), at all locations in the United Kingdom; and
(6) Canadian-registered persons as defined in ITAR § 126.5(b).

(b) The reexport of any unclassified defense article to any of the parties listed in section (a) is subject to all the following requirements, limitations, and provisos:

(1) Requirements. The transferor shall:

   (i) comply with the requirements of ITAR § 123.9(b);

   (ii) maintain the following records of each reexport: a description of the defense article, including technical data; the name and address of the recipient and the end-user, and other available contract information (e.g., telephone number and electronic mail address); the name of the natural person responsible for the transaction; the
stated end use of the defense article; the date of the transaction; and the method of transfer;

(iii) ensure that such records are made available to DDTC upon request; and

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(2) Limitations and provisos:

(i) the defense articles were originally exported pursuant to a license or other approval issued by DDTC pursuant to section 38 of the Arms Export Control Act (AECA), the Defense Trade Cooperation Treaty between the United States and Australia (ITAR § 126.16), or the Defense Trade Cooperation Treaty between the United States and the United Kingdom, (ITAR § 126.17);

(ii) a defense article originally exported pursuant to ITAR § 126.6(c) may not be reexported under this license;

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(v) defense articles may not be reexported under this license if they will be used to support the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, or processing of a missile, UAV, space-launch vehicle, item listed on the MTCR Annex, or item listed as MT on the USML in ITAR part 121;

(vi) technical data may only be reexported under this license for the purpose of organizational-level, intermediate-level, or depot-level maintenance, repair, or storage of a defense article;
(vii) any major defense equipment (as defined in ITAR § 120.8) valued (in terms of its original acquisition cost) at $25,000,000 or more and any defense article or related training or other defense service valued (in terms of its original acquisition cost) at $100,000,000 or more, may only be reexported under this license for the purpose of:

i. maintenance, repair, or overhaul defense services, including the repair of defense articles used in furnishing such services, if the reexport will not result in any increase in the military capability of the defense articles and services to be maintained, repaired, or overhauled; or

ii. a temporary reexport of defense articles for the sole purpose of receiving maintenance, repair, or overhaul;

(viii) the reexport must take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom;

(ix) any reexport of a defense article other than technical data is for end use by, or operation on behalf of, the Government of Australia, the Government of Canada, the Government of the United Kingdom, or the Government of the United States; and

(x) Open General License No. 2 may not be utilized by persons to whom a presumption of denial is applied by DDTC pursuant to ITAR §§ 120.1(c) or 127.11(a), including, among other reasons, for past convictions of certain U.S. criminal statutes or because they are otherwise ineligible to contract with or receive an export or import license from an agency of the U.S. Government.

(c) Open General License No. 2 is a license or other approval as defined in ITAR § 120.20, including for purposes of ITAR part 127. Any reexport that satisfies the requirements specified herein may be undertaken pursuant to Open General License No. 2.

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Entry into Force

Open General License No. 2 is valid for one year, effective August 1, 2022 through July 31, 2023. The Department may later consider reissuing this Open General License prior to July 31, 2023 and extend the period of validity, or otherwise amend the license.

Open General License No. 2 is limited to transactions described herein, all other transactions subject to the ITAR require a license or approval as described in the ITAR.

The Department of State approves Open General License No. 2 pursuant to ITAR § 126.9(b) and subject to the enumerated limitations, provisos, and requirements as well as the requirements contained elsewhere in the ITAR. Open General License No. 2 may not be utilized unless and until these limitations, provisos, and requirements have been satisfied.

Please direct any questions regarding Open General License No. 2 to the Office of Defense Trade Controls Policy at telephone (202) 663-1282, or email DDTCCustomerService@state.gov.

Michael F. Miller  
Deputy Assistant Secretary for  
Defense Trade Controls

Dated: July 13, 2022