

ITAR New Advisory Opinion Application

February 4, 2019

On February 4, 2019, the Directorate of Defense Trade Controls (DDTC) of the U.S. Department of State launched a new Advisory Opinion Application for certain International Traffic in Arms Regulations (ITAR)-related inquiries.

The new application offers users faster, more convenient submission for advisory opinion requests and the ability to track the status of their application. The application utilizes DDTC's cloud-based Defense Export Control and Compliance System (DECCS). DECCS will eventually replace the current Defense Threat Reduction Agency (DETRA), DTrade, Electronic Form Submission (EFS), Electronic Licensing Entry System (ELLIE), and My Application Ready Yet (MARY) systems providing users access to several DDTC business applications through a single portal.

The ITAR allow entities and individuals involved in the manufacture, export, temporary import, and brokering of defense articles and defense services to request an advisory opinion as to whether DDTC would be likely to require and/or grant a license or other approval for the export of a particular defense article or service. The new Advisory Opinion Application applies to certain of these inquiries.

Types of Inquiries Covered by New Advisory Opinion Application

- The new Advisory Opinion Application is limited to inquiries related to sections 126.9(a), 126.9(c), and 129.9 of the ITAR. Parties should continue to submit inquiries relating to all other sections of the ITAR to DDTC via mail.
 - Section 126.9(a): A person may request information from DDTC as to whether it would likely grant a license or other approval or a particular defense article or defense service to a particular country.

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Practice Areas

International Trade

- Section 126.9(c): A person can request an interpretation of ITAR regulatory requirements.
- Section 129.9: A person can request guidance on brokering activities under ITAR.

Access to New Advisory Opinion Application

- All current DTrade Super Users with valid email addresses will automatically be enrolled in DECCS over the coming weeks and will receive an activation email from DDTC.
- Non-DTrade Super Users can enroll and create a DECCS account to access the new application here.

Wiley Rein has one of the most experienced export controls practices in the nation. Our extensive knowledge and experience assisting clients in all facets of export compliance is bolstered by our long-tenured relationships with the governmental agencies involved in administering export controls regulations, including DDTC and the U.S. Department of Commerce's Bureau of Industry and Security (BIS). Should you have any questions regarding DDTC's new Advisory Opinion Application, please do not hesitate to contact one of the members of our International Trade and National Security practices listed on this alert.

Jonathan Babcock, a Law Clerk in Wiley Rein's International Trade practice, contributed to this alert.