

BDS Terms and Conditions Guide
Section H

Clause Number: H102
Effective: 11/18/2014
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ITAR CANADIAN EXEMPTIONS (Variable)

The transfer of defense articles, technical data and/or related defense services in support of this Purchase Contract/Order is exported under the authority of International Traffic in Arms Regulations, 22 CFR 126.5 and is subject to the following conditions:

1. Defense articles, technical data and/or related defense services will be for end-use in Canada by Canadian federal or provincial governmental authorities acting in an official capacity, or by a Canadian-registered person, or returned to the U.S.; and,
2. It will not be re-exported and/or retransferred to another end use, another end-user who is not a Canadian federal or provincial governmental acting in an official capacity or a Canadian-registered person or from Canada to another destination except the U.S., without the prior approval of the U.S. government. Any re-export or retransfer Canadian-registered person may occur only when there is written confirmation that the recipient is a Canadian-registered person and that the provisions of this certificate have been accepted by the recipient; and
3. Seller shall limit delivery of defense articles being produced directly to Buyer; a department or agency of the U.S. federal government to whom Buyer has authorized delivery; a Canadian-registered person authorized in writing to manufacture defense articles by and for the government of Canada; or a Canadian federal, provincial, or territorial government to whom Buyer has authorized delivery; and
4. Seller shall destroy or return to Buyer all of the technical data received pursuant to this Purchase Contract/Order following its use, unless the technical data has to be retained for use for a Canadian or U.S. government entity that requires in writing the technical data be maintained. Buyer must be provided written certification that the technical data is being retained or destroyed; and
5. Seller shall include the following clause on all documentation created from U.S. technical data: "this document contains technical data, the use of which is restricted by the U.S. arms export control act. This data has been provided in accordance with, and subject to, the limitations specified in paragraph 126.5 of the international traffic in arms regulations (ITAR). By accepting this data, the consignee agrees to honor the requirements of the ITAR." and
6. Use of technical data and hardware is limited to the manufacture of defense articles required by this purchase contract; and
7. Acquisition of any rights in technical data received hereunder by any foreign person is prohibited; and
8. All subcontracts must contain the limitations identified in this clause, modified to reflect the relationship of the parties.

Variable information to be entered:

ITAR Canadian Exemption No. _____

The defense articles and/or technical data shall be used for the following purpose:
