

## EXEMPTIONS MATRIX - Quick Reference Tool

This Exemptions Quick Reference Tool is intended solely to assist users to reference the various exemptions granted under the *International Traffic in Arms Regulations* (ITAR), 22 C.F.R. Parts 120-130. It may not be relied upon for legal or regulatory advice or analysis. It is not intended to replace the ITAR or other regulatory documents, or to relieve exporters or importers of their statutory responsibility to comply with current laws, regulations, policies and procedures of the U.S. Government.

**This Exemptions Quick Reference Tool identifies various sections of the ITAR which an exporter should consult prior to exporting or importing against any of the exemptions identified in the International Traffic in Arms Regulations (ITAR), 22 C.F.R. Parts 120-130. The exporter should consult the ITAR for a thorough review of all relevant sections prior to use.**

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## ITAR Exemption Documentation and Recordkeeping *Quick Reference Tool*

ITAR Cite	Exemption Use	HW	TD	DS	C/U	Special Restrictions	120.1(d)	122.5(a)	123.9(b)	123.15(b)	123.22	123.24	123.26	125.6	126.1
							<sub>2</sub>	<sub>3</sub>	<sub>4</sub>	<sub>5</sub>	<sub>6</sub>	<sub>7</sub>	<sub>8</sub>	<sub>9</sub>	<sub>10</sub>
123.4(a)(1)	Imports For Repair Or Overhaul	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
123.4(a)(2)	Imports For Enhancement Or Upgrade	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
123.4(a)(3)	Imports For Exhibition, Demonstration Or Marketing	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
123.4(a)(4)	Articles Rejected For Permanent Import	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
123.4(a)(5)	Imports Under Foreign Military Sales (FMS)	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
123.4(b)	Imports For Incorporation Into Other Articles	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
123.6	Exports To Foreign Trade Zones Or Bonded Warehouses	✓			C/U		✓	✓	✓	✓	✓	✓			✓
123.9(e)	Re-exports To NATO, Australia Or Japan	✓			U	✓ 123.9(e)(3)	✓								
123.11(b)	Movements Of Vessels/Aircraft Outside U.S.	✓			U	✓									
123.12	Shipments Between U.S. Possessions	✓			C/U		✓								
123.13	Domestic Air Shipments Via A Foreign Country	✓			U	✓	✓								
123.16(b)(1)	Defense Articles In Support Of Agreements	✓			U	✓ 123.16(a)	✓	✓	✓	✓	✓	✓			✓
123.16(b)(2)	Components And Parts Less Than \$500	✓			U	✓ 123.16(a)	✓	✓	✓	✓	✓	✓			✓
123.16(b)(3)	Exports Of Packing Cases	✓			U	✓ 123.16(a)	✓	✓	✓	✓	✓	✓			✓
123.16(b)(4)	Exports Of Models And Mock-Ups	✓			U	✓ 123.16(a) 125.4(b)	✓	✓	✓	✓	✓	✓			✓
123.16(b)(5)	Temporary Exports To Public Exhibitions/Trade Shows	✓			U	✓ 123.16(a)	✓	✓	✓	✓	✓	✓			✓
123.16(b)(9)	Temporary Exports To U.S. Subsidiaries Overseas	✓			U	✓ 123.16(a)	✓	✓	✓	✓	✓	✓			✓

<sup>1</sup> Special restrictions may apply to this exemption – review carefully

<sup>2</sup> Per 120.1(d) the exporter and parties to the export must be eligible parties

<sup>3</sup> Per 122.5(a) exporters must maintain records for a minimum of five years

<sup>4</sup> Per 123.9(b) exporters must place destination control statements on export documentation

<sup>5</sup> Per 123.15(b) Congressional Notification required for exports under exemptions which meet the requirements of 123.15(a)

<sup>6</sup> Per 123.22 Must certify and file export documentation under AES and/or electronically file with DDTC

<sup>7</sup> Per 123.24 Must certify and file export documentation under AES and/or electronically file with DDTC for shipments through US Postal Service

<sup>8</sup> Per 123.26 Record for export must be maintained with specific information

<sup>9</sup> Per 125.6 Exemption certification required on package and documentation

<sup>10</sup> Per 126.1 Exemption may not be used to import from or export to proscribed destination or nationals of that destination

**HW = Hardware; TD = Technical Data; DS = Defense Service; C/U = Classified or Unclassified**

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**ITAR Exemption Documentation and Recordkeeping**  
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ITAR Cite	Exemption Use	HW	TD	DS	C/U	Special	120.1(d)	122.5(a)	123.9(d)	123.15(b)	123.22	123.24	123.26	125.6	126.1
						Restrictions									
123.16(b)(10)	Exports by US institutions of higher learning	✓			U	✓ 123.16(a), 125.4(d)(1)			✓	✓	✓	✓			✓
123.17(a)	Exports Of Firearms Components	✓			U	✓ 126.1	✓	✓	✓	✓	✓	✓			✓
123.17(b)	Exports Of Obsolete Firearms	✓			U	✓ 126.1	✓	✓	✓	✓	✓	✓			✓
123.17(c)	Exports Of Firearms For Personal Use	✓			U	✓ 126.1	✓		✓		✓	✓			
123.17(d)	Exports Of Previously Imported Firearms	✓			U	✓ 126.1	✓		✓		✓	✓			
123.17(e)	Exports Of Firearms Ammunition	✓			U	✓ 126.1	✓		✓		✓	✓			
123.18(a)	Exports Of Firearms For USG Personnel	✓			U	✓ 123.18		✓	✓	✓	✓	✓			
123.18(b)	Exports Of Ammunition For USG Personnel	✓			U	✓ 123.18					✓	✓			✓
123.19	Canadian And Mexican Border Shipments	✓	✓		U						✓	✓			✓
123.23	Exports with monetary value exceeding license	✓	✓		C/U		✓	✓			✓	✓			✓
124.2(a)	Agreement Exemptions For Training		✓	✓	U	✓ 125.4(b)(5)	✓	✓		✓	✓	✓	✓ (For unclassified Technical Data)		✓
124.2(b)	Agreement exemption For Military Service				C/U						✓	✓			✓
124.2(c)	Maintenance Exemption For NATO/Australia/Japan/Sweden		✓	✓	U	✓ 125.4(b)(5) 124.2(c)(1-6)	✓	✓		✓	✓	✓	✓		✓
124.3(a)	Unclassified Technical Data In Support Of Agreements		✓		U	✓ 125.4(b)(2)	✓	✓	✓	✓	✓	✓	✓		✓
124.3(b)	Classified Technical Data In Support Of Agreements		✓		C	✓ 125.4(b)(2)	✓	✓	✓	✓	✓	✓			✓
125.4(b)(1)	Data Pursuant To Written Request Of DOD		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(2)	Data In Furtherance of Agreements		✓	✓	C/U	✓ 125.4(a) 125.1(b) 124.3(a) 124.3(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(3)	Data In Furtherance Of A USG Contract		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(4)	Data Previously Authorized For Export		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓

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							1	2	3	4	5	6	7	8	9
125.4(b)(5)	Data On Basic Operations, Maintenance & Training		✓		C/U	✓ 125.4(a) 125.1(b) 124.2(a) 124.2(c) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(6)	Data On Selected Firearms And Ammunition		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(7)	Data Returned To Original Source Of Import		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓			✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(8)	Data Related To Classified Information Approved For Export		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(9)	Data For Use Only By U.S. Persons		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(10)	Data For Employees Of Institutions Of Higher Learning		✓		U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓	✓	✓
125.4(b)(11)	Data Exempt Under Arrangements With DOD/DOE/NASA		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(12)	Data Exempt Under Part 126		✓		C/U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓ (For unclassified Technical Data)	✓	✓
125.4(b)(13)	Data Approved For Public Release		✓		U	✓ 125.4(a) 125.1(b) 124.13(e)		✓			✓	✓	✓	✓	
125.4(c)	Data For NATO/Australia/Japan/Sweden Bid Proposals		✓		U	✓ 125.4(a) 125.1(b) 124.13(e)	✓	✓	✓	✓	✓	✓	✓	✓	✓
125.5(a)	Exemptions For Plant Visits (unclassified)		✓		U	✓ 125.2	✓	✓			✓	✓	✓	✓	✓
125.5(b)	Exemptions For Plant (classified)		✓		C		✓	✓			✓	✓		✓	✓
125.5(c)	Exemptions For Plant Visits (cognizant USG agency)		✓		U		✓	✓			✓	✓	✓	✓	✓

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							<sub>1</sub>	<sub>2</sub>	<sub>3</sub>	<sub>4</sub>	<sub>5</sub>	<sub>6</sub>	<sub>7</sub>	<sub>8</sub>	<sub>9</sub>
126.3	Undue Hardship Exemption	✓	✓	✓	C/U			✓							
126.4(a)	Shipments Conducted By USG Agencies	✓	✓	✓	C/U	✓ 124.13(e)	✓			✓					✓
126.4(c)	Shipments For End-Use By U.S. Government Agencies	✓	✓	✓	C/U	✓ 126.4(d)	✓	✓		✓					✓
126.5(a)	Canadian Exemption (Temporary Imports)	✓			U	✓	✓	✓	✓	✓	✓	✓			✓
126.5(b)	Canadian Exemption (Hardware/Data Exports)	✓	✓		U	✓	✓	✓	✓	✓	✓	✓			✓
126.5(c)	Canadian Exemption (Defense Services)			✓	U	✓	✓		✓	✓	✓	✓			✓
126.5(d)	Canadian Exemption (Reexports)	✓	✓		U	✓									✓
126.6(a)	Foreign-Owned Military Aircraft And Naval Vessels	✓			C/U		✓	✓	✓	✓	✓	✓			✓
126.6(b)	Transit Of Foreign Military Aircraft And Vessels	✓			C/U		✓	✓		✓	✓	✓			✓
126.6(c)	Foreign Military Sales Exemptions	✓	✓		C/U		✓	✓		✓	✓	✓			✓

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