

Bird & Bird Satellite Bulletin

March 2015

US ITAR Restrictions Lifted

In February 2015 the US State Department announced a long-awaited update to the country's policy on exports of military unmanned aerial systems (UAS). This allowed the US Government to more favourably consider requests to export military UAS, including armed drones, to US allies.

An important change for US manufacturers of small, commercial unmanned systems was also announced - the relaxation of controls which currently restrict the export of commercial unmanned systems that have autonomous flight control capability or the ability to fly outside the line of sight of a human operator, without authorisation from the Commerce Department. This captures nearly all commercial UAS so the change will likely benefit many operators.

This follows the 10 November 2014 amendments to the International Traffic and Arms Regulations (ITAR) which removed a number of satellite technologies from the United State Munitions List (USML) and placed them on the Commerce Control List (CCL).

The CCL is regulated by the less stringent Export Administration Regulations (EAR). The move should make it easier to export satellite technology outside of the US, and is intended to ensure that the US space industry is able to compete in the global market.

The reclassified technologies are:

- remote sensing satellites with capability below certain thresholds;
- communications satellites with de-classified components or technologies; and
- systems, sub-systems, parts and components of the above listed satellites.

It is worth noting that this change has *not* moved *all* commercial satellite technologies from the USML: the Department of State acknowledged that certain technologies, while having commercial application, are of critical military importance and concern and, as such, need to remain regulated by ITAR.

ITAR control requires commercial companies to obtain State Department authorisation before exporting controlled articles or disclosing controlled technical data to foreign persons in the US or abroad. The move to the CCL means that US companies wishing to export technologies which are no longer on the USML do not have to comply with the rigours of ITAR. Likewise, European operators wishing to import US technology will also be able to do so more easily.

If you are interested in receiving more information on this topic or our satellite practice group please contact:

Joanne Wheeler

Partner, UK

Tel: +44 20 3017 6847
joanne.wheeler@twobirds.com

Will Bryson

Associate, UK

Tel: +44 20 7415 6746
william.bryson@twobirds.com

Contacts



Joanne Wheeler
Partner, UK

Tel: +44 20 3017 6847
joanne.wheeler@twobirds.com



Graeme Maguire
Partner, Head of Tech & Comms, UK

Tel: +44 20 7905 6218
graeme.maguire@twobirds.com



Adriano Ros
Senior Associate, UK

Tel: +44 20 7982 6487
adriano.ros@twobirds.com



Marjolein Geus
Partner, The Netherlands

Tel: +31 70 353 8806
marjolein.geus@twobirds.com



Frédérique Dupuis-Toubol
Partner, France

Tel: +33 1 42 68 6023
frederique.dupuis.toubol@twobirds.com



Sven-Erik Heun
Partner, Germany

Tel: +49 69 74222 6158
sven-erik.heun@twobirds.com



Michelle Chan
Partner, China and Hong Kong

Tel: +852 2248 6111
michelle.chan@twobirds.com



Kelly Tymburski
Partner, UAE

Tel: +971 2610 810
kelly.tymburski@twobirds.com



Anne Federle
Partner, Belgium

Tel: +32 2 282 6088
anne.federle@twobirds.com



Shane Barber
Partner, Australia

Tel: +61 2 9226 9814
shane.barber@twobirds.com



Bird & Bird's Satellite Group

Bird & Bird's satellite group is unique: with the reputation of its key individuals; with its footprint of expertise; and through the group's genuine interest and knowledge of the sector over years working in-house, at regulators, in international institutions (EC, ESA, ITU, UN) and in private practice. We assist clients in areas including: regulatory advice; industry specific commercial contacts; competition; corporate; finance; dispute resolution; employment; and insurance.

Our international team comprises of expert lawyers across Europe, the Middle East and Asia offering clients a one-stop-shop at which to address the issues they face. We also have strong experience in Africa. It is part of Bird & Bird's world leading communications group, which also offers advice in related sectors such as: energy and utilities; life sciences; transport and maritime; aerospace, defence and security; aviation; financial services; and healthcare. Bird & Bird also benefit from a team focussed on SMEs and the needs of start-ups.

Recognised in the market



Top ranked in a client satisfaction survey (Nisus Consulting)



Best Firm for Client Service at the FT Innovative Lawyers Awards for our Virtual General Counsel initiative. Legal Innovator of the Year - Joanne Wheeler



A founding member of the Satellite Finance Network

twobirds.com

Abu Dhabi & Beijing & Bratislava & Brussels & Budapest & Copenhagen & Dubai & Dusseldorf & Frankfurt & The Hague & Hamburg & Helsinki & Hong Kong & London & Lyon & Madrid & Milan & Munich & Paris & Prague & Rome & Shanghai & Singapore & Skanderborg & Stockholm & Sydney & Warsaw

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses. Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is authorised and regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP. A list of members of Bird & Bird LLP and of any non-members who are designated as partners, and of their respective professional qualifications, is open to inspection at that address.