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STRATEGIC TRADE REGULATIONS 2010

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STRATEGIK TRADE REGULATIONS 2010

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LAWS OF MALAYSIA

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE REGULATIONS 2010

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LAWS OF MALAYSIA

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE REGULATIONS 2010

IN exercise of the powers conferred by section 55 of the Strategic Trade Act 2010 [*Act 708*], the Minister makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the **Strategic Trade Regulations 2010**.

(2) These Regulations come into operation on 1 January 2011.

Application of these Regulations to strategic items

2. These Regulations shall apply to the strategic items as follows:

(a) in relation to the strategic items listed in Category 0 of Part 2 of the Schedule to the Strategic Trade (Strategic Items) Order 2010 [*P.U. (A) 485/2010*], with effect from 1 January 2011;

(b) in relation to the strategic items listed in Part 1 and in Categories 1 to 9 of Part 2 of the Schedule to the Strategic Trade (Strategic Items) Order 2010—

(i) for the purposes of the Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010 [*P.U. (A) 484/2010*], with effect from 1 January 2011; and

(ii) for all other purposes, with effect from 1 April 2011.

Interpretation

3. In these Regulations, unless the context otherwise requires—

“bulk permit” means a permit authorizing multiple exports or transhipments, as the case may be, of the items described in the permit during the period specified in the permit destined for a single country or destination specified in the permit;

“decision of the United Nations Security Council” means a decision of the United Nations Security Council in resolutions made under Chapter VII of the Charter of the United Nations signed at San Francisco on 26 June 1945;

“free commercial zone” means a free commercial zone declared under subsection 3(1) of the Free Zones Act 1990 [*Act 438*];

“multiple-use permit” means a permit authorizing multiple exports or transhipments, as the case may be, of the items described in the permit during the period specified in the permit where some or all of the items are destined for different countries or destinations specified in the permit;

“permit” means a permit granted under regulation 10, 11, 12 or 13, as the case may require;

“permit holder” means a person who is granted a permit under regulation 10, 11, 12 or 13, as the case may require;

“prohibited activities” means the activities prohibited under sections 9, 10, 11 and 12 of the Act;

“registration” means registration as broker under section 19 of the Act;

“single-use permit” means a permit authorizing a one-time export, transhipment or bringing in transit of the items described in the permit during the period specified in the permit destined for a country or destination specified in the permit;

“special permit” means a permit issued under regulation 13 where the end-user is a restricted end-user designated under the Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010 [*P.U. (A) 484/2010*];

“Strategic Items Order” means the Strategic Trade (Strategic Items) Order 2010 [*P.U. (A) 485/2010*];

“visiting force” has the same meaning as assigned to it under the Visiting Forces Act 1960 [*Act 432*].

Forms

4. The forms in the First Schedule, with any variation as the circumstances of each case require, shall be used for the purposes of the Act and these Regulations.

Fees

5. (1) The fees to be paid under these Regulations shall be as prescribed in the Second Schedule.

(2) The fees shall be paid to the Controller in such manner as the Controller may determine.

(3) The fees under these Regulations shall be waived if the application is made by the Government or any Government department or agency.

PART II

GENERAL REQUIREMENTS

General considerations

6. (1) Where a determination has been made by an exporter or other relevant person that an item or activity is subject to the Act and these Regulations, the person concerned should refer to this Part to verify whether a permit or registration requirement applies.

(2) Where a determination is made by an exporter or other relevant person that a permit or registration requirement applies, the person shall not enter into the intended activity without obtaining the relevant permit or registration, as the case may require.

(3) Where a determination is made by an exporter or other relevant person that a permit or registration requirement applies, the person shall provide the relevant Authority with such advance information as the relevant Authority may require.

General requirement for export, transshipment or transit involving restricted activity

7. (1) For the purposes of sections 9, 10 and 12 of the Act, a person intending to export, transship or bring in transit any strategic items or unlisted items shall notify the relevant Authority at least thirty days in advance of the activity in which he intends to participate if—

- (a) he has been notified by the relevant Authority or an authorized officer that such strategic items or unlisted items may be intended or are likely to be used, wholly or in part, for or in connection with a restricted activity;
- (b) he knows that such strategic items or unlisted items are intended to be used, wholly or in part, for or in connection with a restricted activity; or
- (c) he has reasonable grounds to suspect that such strategic items or unlisted items are intended or are likely to be used, wholly or in part, for or in connection with a restricted activity.

(2) The relevant Authority may inform a person individually or through a notice in writing that a permit is required for export, transshipment or bringing in transit an unlisted item due to an unacceptable risk of use in or diversion to a restricted activity.

(3) If an individual notice is provided orally under subregulation (2), written notice shall be issued to the person by the relevant Authority within five working days.

(4) On receipt of a notification under subregulation (1), the relevant Authority shall issue a written decision authorizing or denying participation in the restricted activity within five working days.

(5) Where authorization is provided under subregulation (4), the decision may include information regarding issuance of a permit, as appropriate.

(6) Where authorization is denied under subregulation (4), the decision shall include grounds for the denial, consistent with national security and other concerns, and shall be final.

(7) Failure to provide the notification referred to in subregulation (1) shall constitute grounds for enforcement action under the Act.

General requirement for brokering of strategic items involving restricted activity

8. (1) For the purposes of section 11 of the Act, a person intending to carry out an act of brokering of any strategic items shall notify the relevant Authority at least thirty days in advance of the activity in which he intends to participate if—

- (a) he has been notified by the relevant Authority or an authorized officer that such strategic items may be intended or are likely to be used, wholly or in part, for or in connection with a restricted activity;
- (b) he knows that such strategic items are intended to be used, wholly or in part, for or in connection with a restricted activity; or
- (c) he has reasonable grounds to suspect that such strategic items are intended or are likely to be used, wholly or in part, for or in connection with a restricted activity.

(2) The relevant Authority may inform a person individually or through a notice in writing, that registration under section 19 of the Act, and where required under the related laws, a valid permit for the brokering of such strategic items from the relevant Authority under the related laws is required due to an unacceptable risk of use in or diversion to a restricted activity.

(3) If an individual notice is provided orally under subregulation (2), written notice shall be issued to the person by the relevant Authority within five working days.

(4) On receipt of a notification under subregulation (1), the relevant Authority shall issue a written decision authorizing or denying participation in the restricted activity within five working days.

(5) Where authorization is provided under subregulation (4), the decision may include information regarding requirement for registration under section 19 of the Act, as appropriate.

(6) Where authorization is denied under subregulation (4), the decision shall include grounds for the denial, consistent with national security and other concerns, and shall be final.

(7) Failure to provide the notification referred to in subregulation (1) shall constitute grounds for enforcement action under the Act.

General requirement for export, transshipment or transit involving military end-use of unlisted items

9. (1) For the purposes of section 12 of the Act, a permit shall be required for the export of unlisted items if the purchasing country or country of destination is subject to an arms embargo imposed by a decision of the United Nations Security Council and if the exporter has been informed by the relevant Authority that the unlisted items in question are or may be intended, in their entirety, or in part, for a military end-use.

(2) For the purpose of subregulation (1), “military end-use” means—

- (a) incorporation into the military items listed in Part 1 of the Schedule to the Strategic Items Order;
- (b) use of production, test or analytical equipment and components therefor, for the development, production or maintenance of military items listed in Part 1 of the Schedule to the Strategic Items Order;
- (c) use of any unfinished products in a plant for the production of military items listed in Part 1 of the Schedule to the Strategic Items Order.

PART III

PERMITS

Export permit

10. (1) For the purposes of subsection 14(1) of the Act, in the case of export, a person may apply for an export permit that is—

- (a) a single-use permit;
- (b) a bulk permit; or
- (c) a multiple-use permit.

(2) A person may apply for a bulk or multiple-use permit only in respect of strategic items.

(3) An application for a permit referred to in subregulation (1) shall be made in Form 1 by the person who wishes to carry out the act concerned or an authorized person acting on his behalf and be accompanied by the prescribed fee.

(4) An application for a single-use permit shall be made not less than thirty days before—

- (a) the strategic items or unlisted items in respect of which the application is made is brought on board the conveyance on which it is to be exported;
- (b) the transmission of the strategic technology in respect of which the application is made is to be carried out.

(5) An application for a bulk or multiple-use permit shall be made not less than thirty days before the first export of the strategic items in respect of which the application is made is carried out.

(6) Notwithstanding subregulations (4) and (5), the relevant Authority may in any particular case, allow an application for a permit to be made within a period that is less than that specified in that subregulation where it is not practicable for the application to be made within the period specified in that subregulation.

(7) An application for a permit under this regulation shall be accompanied by—

- (a) technical specifications for the strategic items or unlisted items;
- (b) an end-use statement in Form 5;
- (c) a statement according to which the exporter undertakes the responsibility to provide the relevant Authority with a Delivery Verification Statement in Form 6 or any other form acceptable to the relevant Authority—
 - (i) in the case of a single use permit, not later than two months from the date of export, unless otherwise authorized by the relevant Authority; and
 - (ii) in the case of a bulk or multiple-use permit, upon request by the relevant Authority; and
- (d) any other documents or information as may be required by the relevant Authority.

(8) For the purpose of this regulation, the relevant Authority may consult with any other relevant Ministries or agencies, as appropriate.

(9) For the purposes of section 16 of the Act, the permit shall be granted in writing on a form containing at least all the elements and in the order set out in Form 2.

(10) For the purposes of subsection 16(3) of the Act—

- (a) a single-use export permit shall be issued for a period not exceeding six months;
- (b) a bulk or multiple-use export permit shall be issued for a period not exceeding two years.

Transit permit

11. (1) For the purposes of subsection 14(1) of the Act, in the case of bringing in transit, a person may apply for a transit permit that is—

- (a) a single-use permit;
- (b) a bulk permit; or
- (c) a multiple-use permit.

(2) A person may apply for a bulk or multiple-use permit only in respect of strategic items.

(3) An application for a permit referred to in subregulation (1) shall be made in Form 1 by the person who wishes to carry out the act concerned, or an authorized person acting on his behalf, and be accompanied by the prescribed fee.

(4) An application for a single-use permit shall be made not less than five working days before the arrival in Malaysia of the conveyance on which the strategic items or unlisted items in respect of which the application is made are to be brought in transit.

(5) An application for a bulk or multiple-use permit shall be made not less than thirty days before the first bringing in transit of the strategic items in respect of which the application is made.

(6) Notwithstanding subregulations (4) and (5), the relevant Authority may, in any particular case, allow an application for a permit to be made within a period that is less than that specified in that subregulation where it is not practicable for the application to be made within the period specified in that subregulation.

(7) An application for a permit under this regulation shall be accompanied by—

- (a) technical specifications for the strategic items or unlisted items;
- (b) an end-use statement in Form 5;

- (c) a statement according to which the applicant undertakes the responsibility to provide the relevant Authority with a Delivery Verification Statement in Form 6 or any other form acceptable to the relevant Authority—
- (i) in the case of a single use permit, not later than two months from the date of bringing in transit unless otherwise authorized by the relevant Authority; and
 - (ii) in the case of a bulk or multiple-use permit, upon request by the relevant Authority; and
- (d) any other documents or information as may be required by the relevant Authority.

(8) For the purpose of this regulation, the relevant Authority may consult with any other relevant Ministries or agencies, as appropriate.

(9) For the purposes of section 16 of the Act, the permit shall be granted in writing on a form containing at least all the elements and in the order set out in Form 2.

(10) For the purposes of subsection 16(3) of the Act—

- (a) a single-use transit permit shall be issued for a period not exceeding six months; and
- (b) a bulk or multiple-use transit permit shall be issued for a period not exceeding two years.

Transshipment permit

12. (1) For the purposes of subsection 14(1) of the Act, in the case of transshipment, a person may apply for a transshipment permit that is—

- (a) a single-use permit;
- (b) a bulk permit; or
- (c) a multiple-use permit.

(2) A person may apply for a bulk or multiple-use permit only in respect of strategic items.

(3) An application for a permit referred to in subregulation (1) shall be made in Form 1 by the person who wishes to carry out the act concerned or an authorized person acting on his behalf and be accompanied by the prescribed fee.

(4) An application for a single-use permit shall be made not less than five working days before the strategic items or unlisted items in respect of which the application is made is brought on board the conveyance on which it is to be transhipped.

(5) An application for a bulk or multiple-use permit shall be made not less than thirty days before the first transshipment of the strategic items in respect of which the application is made is carried out.

(6) Notwithstanding subregulations (4) and (5), the relevant Authority may in any particular case, allow an application for a permit to be made within a period that is less than that specified in that subregulation where it is not practicable for the application to be made within the period specified in that subregulation.

(7) An application for a permit under this regulation shall be accompanied by—

(a) technical specifications for the strategic items or unlisted items;

(b) an end-use statement in Form 5;

(c) a statement according to which the applicant undertakes the responsibility to provide the relevant Authority with a Delivery Verification Statement in Form 6 or any other form acceptable to the relevant Authority—

(i) in the case of a single use permit, not later than two months from the date of transshipment unless otherwise authorized by the relevant Authority; and

(ii) in the case of a bulk or multiple-use permit, whenever requested by the relevant Authority; and

(d) any other documents or information as may be required by the relevant Authority.

(8) For the purpose of this regulation, the relevant Authority may consult with any other relevant Ministries or agencies, as appropriate.

(9) For the purposes of section 16 of the Act, the permit shall be granted in writing on a form containing at least all the elements and in the order set out in Form 2.

(10) For the purposes of subsection 16(3) of the Act—

(a) a single-use transshipment permit shall be issued for a period not exceeding six months;

(b) a bulk or multiple-use transshipment permit shall be issued for a period not exceeding two years.

(11) For the purpose of subregulation (3), where there is more than one person involved in the transshipment of the strategic items or unlisted items in respect of which the application is made, the application shall be made by the person who issues the through bill of lading or through airway bill or an authorized person acting on his behalf.

Special permit

13. (1) For the purposes of subsection 14(1) of the Act, in the case of an export, transshipment or bringing in transit of strategic items or unlisted items to a restricted end-user, a person may apply for a single-use special permit in Form 3.

(2) An application for a permit referred to in subregulation (1) shall be made by the person who wishes to carry out the act concerned or an authorized person acting on his behalf and be accompanied by the prescribed fee.

(3) An application for a special permit shall be made not less than 30 days before—

(a) the strategic items or unlisted items in respect of which the application is made is brought on board the conveyance on which it is to be exported or transhipped;

- (b) the arrival in Malaysia of the conveyance on which the strategic items or unlisted items in respect of which the application is made are to be brought in transit, in the case of bringing in transit;
 - (c) the transmission of the strategic technology in respect of which the application is made is to be carried out.
- (4) An application for a special permit under this regulation shall be accompanied by—
- (a) technical specifications for the strategic items or unlisted items;
 - (b) an end-use statement in Form 5;
 - (c) a statement according to which the applicant undertakes the responsibility to provide the relevant Authority with a Delivery Verification Statement in Form 6 not later than two months from the date of departure of the strategic items or unlisted items in respect of which the application is made from Malaysia unless otherwise authorized by the relevant Authority; and
 - (d) any other documents or information as may be required by the relevant Authority.
- (5) For the purpose of this regulation, the relevant Authority may consult with any other relevant Ministries or agencies, as appropriate.
- (6) For the purposes of section 16 of the Act, the special permit shall be granted in writing on a form containing at least all the elements and in the order set out in Form 4.
- (7) For the purposes of subsection 16(3) of the Act, a special permit shall be issued for a period not exceeding one year.

End-use statement

14. (1) For the purposes of the Act and these Regulations, an end-use statement shall be in writing on a form containing at least all the elements and in the order set out in Form 5.

(2) An end-use statement may be of the following types:

- (a) private end-use statement;
- (b) official end-use statement; or
- (c) international import statement.

(3) A private end-use statement shall be issued by the consignee or end-user in a document containing the letterhead of the consignee or the end-user, as the case may be, and shall include statements referring to the final destination and end-use of the items.

(4) An official end-use statement shall be issued by the consignee and confirmed by the relevant government authority end-user in a document containing the letterhead of the consignee and the official stamp or seal of the relevant government authority, and shall include statements referring to the final destination and governmental end-use of the items.

(5) An international import statement shall be issued by the recipient country or an authorized office thereof in a document containing the letterhead of the relevant government authority, and shall include statements containing the official declaration of the recipient country that it took note of the intended import of the items and that a possible subsequent export will be monitored in accordance with its export regulations.

Conditions of permit

15. A permit granted under section 16 of the Act to carry out an act referred to in subsection 9(1) or 9(2) or section 12 of the Act shall be subject to all of the following conditions:

- (a) the permit holder shall not export, transfer in the course of transshipment or bring in transit any strategic items or unlisted items in respect of which the permit is granted to a country or person, or which is destined for a country or person to a country or person—
 - (i) other than the country or person specified in the permit; or

- (ii) which or who he knows or would, by making reasonable inquiries, have known is subject to any sanction imposed pursuant to a decision of the United Nations Security Council;
- (b) the permit holder shall not, in the case of a bulk or multiple-use permit, export or tranship the strategic items in respect of which a permit is granted if he knows or would, by making reasonable inquiries as to the use or the proposed use of the strategic items, have known that the strategic items are intended or likely to be used, wholly or in part, for or in connection with a restricted activity;
- (c) the permit holder shall not export, tranship or bring in transit any strategic items or unlisted items—
 - (i) other than that specified in the permit; or
 - (ii) of a quantity exceeding that specified in the permit;
- (d) the permit holder shall not transfer or assign the permit to any other person; and
- (e) such other conditions as the relevant Authority may determine.

Renewal of permit

16. (1) For the purposes of subsection 16(7) of the Act, an application for the renewal of a permit in regulations 10 and 12 shall be made in accordance with Form 1.

(2) Single-use permits issued under regulations 10, 11, 12 and 13 shall be non-renewable.

(3) An application for the renewal of a bulk or multiple-use permit shall be made not less than two months before the date of expiry of the bulk or multiple-use permit.

(4) Notwithstanding subregulation (3), the relevant Authority may in any particular case, allow an application for the renewal of a permit to be made within a period that is less than that

specified in that subregulation where it is not practicable for the application to be made within the period specified in that subregulation.

(5) Regulation 10 or 12, as the case may require, shall apply for the purposes of a renewal of a permit.

Grounds for refusal to grant single-use permit

17. (1) The relevant Authority may refuse to grant a single-use permit under regulation 10, 11, 12 or 13 if—

- (a) the applicant has been convicted of an offence under the Act or any related laws;
- (b) the act in respect of which the application for a permit is made would contravene or result in any act which would contravene the Act or any related laws;
- (c) the applicant was previously granted a permit which was subsequently revoked;
- (d) in the opinion of the relevant Authority, the act in respect of which the application for a permit is made is or is likely to be related to or in furtherance of any activity, the object or purpose of which is contrary to public interest or national security;
- (e) in the opinion of the relevant Authority, the act in respect of which the application for a permit is made would contravene or result in an act which would contravene a decision of the United Nations Security Council or any international agreement to which Malaysia is a party;
- (f) where the strategic items or unlisted items in respect of which the application is made is to be brought into Malaysia, or transmitted, from an exporting country and the export or transmission of the strategic items or unlisted items from that country or its acquisition or disposal is regulated by that country, the approval from the relevant authority of that country has not been obtained for such export, acquisition or disposal;

- (g) the applicant refuses or is unable to furnish any document or information required by the relevant Authority in connection with his application;
- (h) the applicant has given, in connection with any application made by him or on his behalf—
 - (i) any information that is false or misleading in a material particular; or
 - (ii) any document which contains a statement or omits any matter which renders the document false or misleading in a material particular; or
- (i) in the opinion of the relevant Authority, the applicant is not a fit or proper person to hold the permit for any other reason.

(2) Where the relevant Authority refuses to grant a single-use permit, the relevant Authority shall notify the applicant of his decision.

Grounds for refusal to grant or renew bulk or multiple-use permit

18. (1) The relevant Authority may refuse to grant or renew a bulk or multiple-use permit under regulation 10 or 12 where the applicant is unable to satisfy the relevant Authority that—

- (a) he has implemented or will implement such measures or procedures as may be specified by the relevant Authority to ensure compliance with the provisions of the Act and the conditions of the permit;
- (b) where the strategic items in respect of which the application is made is to be brought into Malaysia, or transmitted, from an exporting country and the export or transmission of the strategic items from that country or its acquisition or disposal is regulated by that country, the approval from the relevant authority of that country has been obtained for such export, acquisition or disposal;

- (c) he has made reasonable inquiries as to the use or proposed use of the strategic items in respect of which the application is made and is satisfied from such inquiries that the strategic items would not be used for or in connection with a restricted activity; and
- (d) the strategic items in respect of which the application is made would not be exported or transhipped to any person or country who or which is subject to any sanction imposed pursuant to a decision of the United Nations Security Council.

(2) In addition to the grounds referred to in subregulation (1), the relevant Authority may refuse to grant or renew a bulk or multiple-use permit to an applicant if—

- (a) the applicant has been convicted of an offence under the Act or any related laws;
- (b) the act in respect of which the application for a permit is made would contravene or result in an act which would contravene the Act or any related laws;
- (c) the applicant was previously granted a permit which was subsequently revoked;
- (d) in the opinion of the relevant Authority, the act in respect of which the application for a permit is made is or is likely to be related to or in furtherance of any activity, the object or purpose of which is contrary to public interest or national security;
- (e) the applicant refuses or is unable to furnish any document or information required by the relevant Authority in connection with his application;
- (f) the applicant has given, in connection with any application made by him or on his behalf—
 - (i) any information that is false or misleading in a material particular; or

(ii) any document which contains a statement or omits any matter which renders the document false or misleading in a material particular; or

(g) in the opinion of the relevant Authority, the applicant is not a fit or proper person to hold the permit for any other reason.

(3) Where the relevant Authority refuses to grant or renew a bulk or multiple-use permit, the relevant Authority shall notify the applicant of his decision.

Power of examination, etc.

19. (1) The relevant Authority or an authorized officer may, in respect of any application for a permit or renewal of a permit—

(a) examine the strategic items or unlisted items in respect of which the application is made or a proportion thereof;

(b) subject the strategic items or unlisted items to such testing or analysis as the relevant Authority or an authorized officer considers necessary;

(c) specify the procedure to be adopted for such testing or analysis.

(2) Any expenses incurred for or arising out of the examination, testing or analysis and for the detention of strategic items or unlisted items pending the results of the examination, test or analysis shall be borne by the person who is applying for the permit.

(3) An examination under this regulation may be carried out as a pre-permit examination or as a post-shipment verification.

Change of information to permit

20. (1) Where after an application for a permit or renewal of a permit has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for a permit or renewal for the permit, the applicant

or the permit holder shall, within fourteen days of such change, apply to the relevant Authority to make the relevant amendment to the application or permit, as the case may be.

(2) The changes referred to in subregulation (1) include the following:

- (a) change in end-use or end-user of the item;
- (b) change in classification number of the item or change in item;
- (c) change in intermediate consignee to a location outside the country of ultimate destination;
- (d) change in price that cannot be explained on the basis of changes in transportation or other shipping or delivery costs; or
- (e) change in the quantity of the item being exported, transhipped or brought in transit.

(3) The relevant Authority may, on receipt of an application under subregulation (1), make such amendment to the application or the permit as he considers appropriate or require the applicant or permit holder to apply for a new permit.

Reporting requirements for permit

21. (1) A permit holder shall, if required by an authorized officer, submit a report containing the information specified in subregulation (2) to the relevant Authority at such time or intervals as the relevant Authority may require.

(2) The report shall contain the following information relating to the strategic items or unlisted items that are exported, transhipped or brought in transit under the permit during such period as may be specified by the relevant Authority:

- (a) a description of the strategic items or unlisted items;
- (b) the value of the strategic items or unlisted items;

- (c) the quantity of the strategic items or unlisted items;
- (d) the date on which the strategic items or unlisted items are exported, transhipped or brought in transit;
- (e) in so far as it is known to the person to whom the permit is granted, the name and address of the supplier of the strategic items or unlisted items;
- (f) in so far as it is known to the person to whom the permit is granted, the name and address of the recipient end-user of the strategic items or unlisted items; and
- (g) such other information as the relevant Authority may require.

The Government and visiting force

22. The requirements under sections 9 and 12 of the Act shall not apply to—

- (a) any act authorized by or carried out for or on behalf of the Government;
- (b) the following acts carried out by a military, naval or air force of a foreign government (not being a visiting force) in the course of duty:
 - (i) the export, transhipment or bringing in transit of any strategic items or unlisted items that are brought into Malaysia by that force; or
 - (ii) the transmission of any technology that is brought into Malaysia or received by that force from its government; or
- (c) the export, transhipment or bringing in transit of any strategic items or unlisted items by or on behalf of a visiting force in the course of duty.

Exportation of aircraft

23. (1) Nothing in these Regulations shall be taken to prohibit the exportation of any aircraft the immediately preceding importation of which was on a scheduled journey and which is intended for further scheduled journeys.

(2) Nothing in these Regulations shall be taken to prohibit the exportation of any aircraft which is being exported (except to a country or destination specified in the Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010) after the temporary importation into Malaysia, provided that—

(a) there has been no change of ownership or registration since such importation; and

(b) no military items have been incorporated into the aircraft since such importation other than by way of replacement for a component essential for the departure of the aircraft.

(3) Nothing in these Regulations shall be taken to prohibit the exportation of any aircraft on a scheduled journey.

(4) Nothing in these Regulations shall be taken to prohibit the exportation of any aircraft which is departing temporarily from Malaysia on trials.

Exportation of vessels

24. (1) Nothing in these Regulations shall be taken to prohibit the exportation of any vessel registered or constructed outside Malaysia which is being exported (except to a country or destination specified in the Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010) after temporary importation into Malaysia, provided that no military items have been incorporated into the vessel since such importation other than by way of replacement for a component essential for the departure of the vessel.

(2) Nothing in these Regulations shall be taken to prohibit the exportation of any vessel proceeding on a journey providing transport services in the ordinary course of business.

(3) Nothing in these Regulations shall be taken to prohibit the exportation of any vessel which is departing temporarily from Malaysia on trials.

Conditions for non-requirement of permit for transit and transshipment

25. (1) No transit permit under regulation 11 shall be required for the bringing in transit of any strategic items listed in Parts 1 and 2 of the Schedule to the Strategic Items Order if the following conditions are satisfied:

- (a) the strategic items arrive in a free commercial zone or are taken into a free commercial zone immediately after they have been brought into Malaysia;
- (b) the strategic items remain in the free commercial zone at all times before they are removed from such free commercial zone for export out of Malaysia; and
- (c) the period in which they remain in the free commercial zone is no more than thirty days whether the strategic items are brought into Malaysia by sea, air or land.

(2) Except for the strategic items specified in the Third Schedule, no transshipment permit under regulation 12 shall be required for the transshipment of any strategic items listed in Parts 1 and 2 of the Schedule to the Strategic Items Order if the following conditions are satisfied:

- (a) the strategic items arrive in a free commercial zone or are taken into a free commercial zone immediately after they have been brought into Malaysia;
- (b) the strategic items remain in the free commercial zone at all times before they are removed from such free commercial zone for export out of Malaysia; and
- (c) the period in which they remain in the free commercial zone is no more than thirty days whether the strategic items are brought into Malaysia by sea, air or land.

(3) Where the transit or transshipment falls within subregulation (1) or (2), the person intending to bring in transit or tranship the strategic items shall provide the relevant Authority with the following information in advance of the arrival of the strategic items in transit or transshipment:

- (a) consigner;
- (b) foreign port of destination;
- (c) place of delivery;
- (d) consignee;
- (e) description and product code of item; and
- (f) any other documents or information as may be required by the relevant Authority.

(4) Subregulations (1) and (2) shall not apply to any items or end-users subject to the Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010 and unlisted items under section 12 of the Act.

PART IV

REGISTRATION OF BROKERS

Application for registration to broker strategic items

26. (1) For the purposes of subsection 19(1) of the Act, an application for registration or renewal of registration to carry out brokering of strategic items shall be made in Form 7 and be accompanied by the prescribed fee.

(2) An application for registration or renewal of registration under subregulation (1) shall be made by the person who wishes to carry out the act concerned or an authorized person acting on his behalf.

(3) An application for registration shall be made not less than thirty working days before any act of brokering of any strategic items is taken.

(4) An application for renewal of registration shall be made not less than fourteen days before the date of expiry of the registration.

(5) Notwithstanding subregulations (3) and (4), the relevant Authority may in any particular case, allow an application for registration or renewal of registration to be made within a period that is less than that specified in that subregulation where it is not practicable for the application to be made within the period specified in that subregulation.

(6) An application for registration or renewal of registration under this regulation shall be accompanied by such documents or information as may be required by the relevant Authority.

(7) In considering an application for registration or renewal of registration, the relevant Authority may interview the applicant, visit the office premises of the applicant and make any other inquiry he considers necessary.

(8) Where the relevant Authority decides to register or renew the registration under subsection 19(5) of the Act, a certificate of registration shall be issued in writing on a form containing at least all the elements and in the order set out in Form 8.

(9) For the purpose of this regulation, the relevant Authority may consult with any other relevant Ministries or agencies, as appropriate.

Grounds for refusal to register or renew registration

27. (1) The relevant Authority may refuse to register or renew the registration under regulation 26 if—

- (a) the applicant has been convicted of an offence under the Act or any related laws;
- (b) the applicant is likely to do an act of brokering that would contravene or result in any act that would contravene the Act or any related laws;
- (c) the applicant was previously registered and his registration was subsequently revoked;

- (d) in the opinion of the relevant Authority, the applicant is likely to do an act of brokering that is related to or in furtherance of any activity, the object or purpose of which is contrary to public interest or national security;
- (e) in the opinion of the relevant Authority, the applicant is likely to do an act of brokering that would contravene or result in any act that would contravene a decision of the United Nations Security Council or any international agreement to which Malaysia is a party;
- (f) the applicant refuses or is unable to furnish any document or information required by the relevant Authority in connection with his application;
- (g) the applicant has given, in connection with any application made by him or on his behalf—
 - (i) any information that is false or misleading in a material particular; or
 - (ii) any document which contains a statement or omits any matter which renders the document false or misleading in a material particular; or
- (h) in the opinion of the relevant Authority, the applicant is not a fit or proper person to be registered for any other reason.

(2) Where the relevant Authority refuses to register or renew the registration, the relevant Authority shall notify the applicant in writing of his decision.

Conditions for registration

28. The registration of a person under subsection 19(1) of the Act shall be subject to the following conditions:

- (a) the registered broker shall not do any act of brokering where he knows or would, by making reasonable inquiries, have known that—
 - (i) the contract would result in the transfer of the strategic items to any country or person which or who is subject to any sanction imposed pursuant

to a decision of the United Nations Security Council otherwise than under a special permit; or

(ii) the strategic items would be or are likely to be removed from one foreign country to another foreign country in contravention of the domestic laws of either country; and

(b) such other conditions as the relevant Authority may determine.

Change of information to registration

29. (1) Where after an application for registration or renewal of registration has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for registration or application for renewal of the registration, the applicant or the registered broker shall, within fourteen days of such change, apply to the relevant Authority to make the relevant amendment to the application or to the certificate of registration, as the case may be.

(2) The relevant Authority may, on receipt of an application under subregulation (1), make such amendment to the application or the registration as he considers appropriate or require the applicant or registered broker to apply for a new registration.

PART V

RECORD KEEPING

Register and record keeping

30. (1) The persons referred to in subregulation (2) shall maintain or cause to be maintained a register in accordance with subregulation (3) and records as specified in subregulation (4).

(2) The persons subject to this regulation are—

(a) all permit holders;

- (b) all persons whose activities fall within regulations 22, 23, 24 and 25;
 - (c) all persons who have provided technical assistance subject to these Regulations;
 - (d) all persons who have engaged in a restricted activity or prohibited activity as defined under the Act or these Regulations; and
 - (e) all registered brokers who have engaged in a brokering activity as defined under the Act.
- (3) A register to be maintained under the Act and these Regulations shall be specific to an activity or transaction:
- (a) in the case of export, transshipment and transit, each register shall contain records relating to the relevant transaction;
 - (b) in the case of acts of brokering, the register shall contain records relating to a specific brokering activity; and
 - (c) in the case of provision of technical assistance, the register shall contain records relating to a specific instance of technical assistance.
- (4) The records and particulars to be maintained under the Act and these Regulations shall include—
- (a) a description of the strategic items or unlisted items dealt with;
 - (b) the date on which the strategic items or unlisted items were exported, transhipped or brought in transit, or on which an act of brokering was carried out, as the case may be;
 - (c) the quantity of the strategic items or unlisted items that was exported, transhipped, brought in transit, acquired or disposed of;

- (d) in so far as it is known to the permit holder or registered broker, the particulars of the recipient and end-user of the strategic items or unlisted items;
- (e) in so far as it is known to the permit holder or registered broker, the particulars of the supplier of the strategic items or unlisted items;
- (f) in the case of a permit holder who is granted a permit to carry out an act referred to in subsection 9(1) or 9(2) or section 12 of the Act, the documents specified in Part I of the Fourth Schedule, where applicable;
- (g) in the case of a registered broker who is registered to carry out an act referred to in subsection 11(1) of the Act, the documents specified in Part II of the Fourth Schedule, where applicable; and
- (h) any other documents or information that the relevant Authority considers necessary.

(5) For the purpose of this regulation the register shall be maintained in writing in a form containing at least all the elements and in the order set out in Form 9.

(6) The register and records required to be maintained under the Act and these Regulations may be kept in hard copy or in electronic form.

(7) The register and records required to be maintained under the Act and these Regulations may be originals or reproductions as long as each record conforms to the requirements for document retention under this regulation.

(8) The relevant Authority may, in any particular case, waive the requirement to maintain records in respect of any particulars or document specified in subregulation (4) where it is not practicable for records of such particulars or document to be maintained in that case.

(9) The records and documents referred to in subregulation (4) shall be kept for a period of at least six years from the end of the calendar year in which the act is carried out.

(10) The register and records maintained under the Act and these Regulations may be inspected and copied by or have extracts taken therefrom by the relevant Authority or any authorized officer.

(11) The relevant Authority may at any time require the register and records maintained under the Act and these Regulations to be audited and verified by an authorized officer.

(12) Where any document or record referred to in subregulation (4) is not legible, the permit holder or the registered broker or other person, as the case may be, who is required to maintain the document or record shall, at the request of the relevant Authority or authorized officer, reproduce the document or record in a legible form.

PART VI

ENFORCEMENT

Storage of seized items

31. (1) For the purposes of the Act, seized items shall be stored securely by an authorized officer at a place approved by the Controller in writing as being a place suitable for the storage of items of the kind seized.

(2) In approving a place for the storage of a kind of item, the Controller shall consider—

- (a) the nature of items of that kind;
- (b) the suitability of that place for storing securely items of that kind; and
- (c) the need to preserve the condition and value of the items as far as is practicable.

Disposal of items

32. (1) For the purposes of the Act, if particular items are items that the Controller is satisfied can safely be destroyed, the items shall be destroyed, to the satisfaction of the Controller, at a place

and in a manner suitable for safely destroying items of that kind, unless—

(a) the items are items to which an approval under regulation 33 applies; and

(b) the items are sold in accordance with such approval.

(2) In determining a suitable place for safely destroying items and the manner in which the items may be destroyed, the Controller shall consider—

(a) the nature of the items;

(b) the suitability of the place for safely destroying items of that kind; and

(c) the availability of suitable methods with which to safely destroy items of that kind.

Dealing with seized items

33. (1) For the purposes of the Act, if the Controller is reasonably satisfied that particular items are of a kind to which subregulation (2) applies, the Controller may give an authorized officer written approval to sell the items.

(2) This subregulation applies to items that—

(a) are not, under any other written law—

(i) required to be disposed; or

(ii) illegal to sell; and

(b) are of a kind that can be—

(i) given a use other than in a weapons of mass destruction programme; or

(ii) readily and safely altered so that it can no longer be used in a weapons of mass destruction programme.

(3) On receiving the Controller's approval to sell the items, the authorized officer shall—

- (a) if the Controller so requires, alter the items so that they are no longer of a kind that can be used in a weapons of mass destruction programme;
- (b) offer the items for sale at the best reasonably achievable price; and
- (c) if the items are sold, pay the proceeds to the Government.

(4) The items shall not be transferred to a buyer until the buyer agrees in writing—

- (a) not to use the items in a weapons of mass destruction programme and not to cause or allow another person to use the items in a weapons of mass destruction programme; and
- (b) to use the items, or cause or allow the items to be used, only for a lawful purpose.

Secure storage of items pending disposal

34. For the purposes of the Act, until items are destroyed or otherwise dealt with, they must be stored securely as if they were items to which regulation 31 applies.

Denial of service to vessels

35. (1) Where the relevant Authority or an authorized officer has reasonable grounds to suspect that any vessel is carrying strategic items or unlisted items in contravention of the Act and these Regulations, the relevant Authority or authorized officer shall direct the relevant authorities and any other person to deny the provision of bunkering services to such vessel.

(2) A person directed by the relevant Authority or an authorized officer or any other relevant authorities under this regulation to deny the provision of bunkering services to such vessel shall comply with such direction.

(3) This regulation shall not apply where the provision of bunkering services is necessary for humanitarian purposes or where the cargo on board the vessel has been inspected, and seized and disposed of, if necessary.

(4) A person who contravenes this regulation commits an offence and shall, on conviction, be punished with a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding six months or with both.

(5) In this regulation, “bunkering services” includes the provision of fuel or supplies, or other servicing of vessels.

Notice for disclosure of information

36. For the purposes of subsection 51(2) of the Act, the requested information and documents shall be provided to the relevant Authority in Form 10.

FIRST SCHEDULE

[Regulation 4]

FORMS

FORM 1

[Subregulations 10(3), 11(2), 12(3) and 16(1)]

APPLICATION FOR PERMIT/RENEWAL OF PERMIT+ FOR EXPORT/
TRANSIT/TRANSHIPMENT+ UNDER SECTION 14 OF THE STRATEGIC
TRADE ACT 2010

This form may take you 15 minutes to fill in.

You will need the following to fill in the form:

- Particulars of your company
- Information on the items you will be exporting, transshipping or bringing in transit
- End-user's information and the intended end-use of the items

Important Notes:

1. "+" indicates delete whichever is not applicable.
2. "*" indicates compulsory fields. Please enter "NA" if the field is not applicable.
3. Tick (✓) where applicable.
4. This application must be signed:
 - (a) If an individual, by the person directly interested or one of his employees authorized by him in writing;
 - (b) If a partnership, by one of the partners or an employee of the firm duly authorized in writing by one of the partners; or
 - (c) If a body corporate, by a director, the secretary or an employee duly authorized in writing by a director or the secretary of the body corporate.
5. Any person who contravenes subsection 9(1) of the Strategic Trade Act 2010 commits an offence and shall, on conviction—
 - (a) in relation to strategic items which are arms or related material—
 - (i) where the act is done with the intent to unlawfully export, transship or bring in transit such strategic items without a

permit or with knowledge that the export, transhipment or bringing in transit of such strategic items without a permit is unlawful—

(A) where death is the result of the act, be punished with death or imprisonment for natural life, and in the case of a body corporate, be punished with a minimum fine of thirty million ringgit; or

(B) in any other case, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or

(ii) where the act is done without the intent to unlawfully export, tranship or bring in transit such strategic items without a permit or without knowledge that the export, transhipment or bringing in transit of such strategic items without a permit is unlawful, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit; and

(b) in relation to strategic items other than arms or related material—

(i) where the act is done with the intent to unlawfully export, tranship or bring in transit such strategic items without a permit or with knowledge that the export, transhipment or bringing in transit of such strategic items without a permit is unlawful, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or

(ii) where the act is done without the intent to unlawfully export, tranship or bring in transit such strategic items without a permit or without knowledge that the export, transhipment or bringing in transit of such strategic items without a permit is unlawful, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit.

6. Please complete the application form and submit it together with the relevant supporting documents (via e-mail, fax or post) to the relevant Authority.

Application No.:

(For official use)

Section A: Application Purpose		
*1. (a) <input type="checkbox"/> New Application <input type="checkbox"/> Renewal of Permit <input type="checkbox"/> Updating of Record <input type="checkbox"/> Addition of Item(s)		
If the purpose is for the renewal of permit or updating of record, please fill in the current application number and sections B, F, H and K.		
If the purpose is for the addition of item(s), please fill in the current application number and sections G, H and K.		
(b) Application type:		
<input type="checkbox"/> Export	<input type="checkbox"/> Transit	<input type="checkbox"/> Transshipment
(c) Permit type:		
<input type="checkbox"/> Single-use	<input type="checkbox"/> Bulk	<input type="checkbox"/> Multiple-use
Current Application No.: (if applicable)		
Previous Permit No.: (if applicable)	Issuance Date:	Expiry Date:
Section B: Applicant's Information		
*2. Application Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual		
*3. Name:	*4. Address:	
*5. Contact No.:	*6. Fax No.:	
*7. E-mail:		
8. Company Registration No./NRIC. No./Passport No.:	9. Contact Person's Name and Designation: (For organization only)	
10. Website Address: (For organization only)	11. Date of Incorporation: (dd/mm/yyyy)	
12. Principal Business Activities:		

Section C: Recipient's Information	
*13. Recipient Type: <input type="checkbox"/> Organization <input type="checkbox"/> Server Posted/Hosted On <input type="checkbox"/> Individual	
*14. Recipient's Name:	*15. Recipient's Address:
16. Contact Person's Name and Designation: (For organization only)	
*17. Contact No.:	*18. Fax No.:
19. Website Address: (For organization only)	*20. E-mail:
Section D: Consignee's Information (Please attach additional sheet(s) if necessary)	
21. Consignee Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
22. Consignee's Name:	23. Consignee's Address:
24. Contact Person's Name and Designation: (For organization only)	
25. Contact No.:	26. Fax. No.:
27. Website Address: (For organization only)	28. E-mail:
Section E: End-User's Information (Please fill in Section E only if end-user is different from recipient)	
29. End-User Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	

30. End-User's Name:		31. End-User's Address:		
32. Contact Person's Name and Designation: (For organization only)				
33. Contact No.:		34. Fax. No.:		
35. Website Address: (For organization only)		36. E-mail:		
Section F: Export, Transit or Transhipment Details				
37. Mode of Export/Transit/Transhipment*:				
38. Export/Transit/Transhipment ⁺ Date/Period:				
Section G: Items to be Exported/Brought in Transit/Transhipped⁺ (Please attach additional sheet(s) if necessary)				
	*39. Description and Product Code of Items to be Exported/Brought in Transit/Transhipped (Please attach a copy of the contract, if applicable)	*40. Is an Export Licence required from the Country of Origin in order for the items to be exported to Malaysia? (If yes, please attach copy. If unable to attach copy, please explain why)	*41. Is a Re-export Approval required from the Country of Origin in order for the items to be exported from Malaysia to the destination country? (If yes, please attach copy. If unable to attach copy, please explain why)	*42. Purpose/Usage of the items WMD = Weapons of Mass Destruction

(i)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
(ii)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
(iii)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
(iv)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:

(v)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason: Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason: Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
*Section H: Submission of Supporting Documents				
43. Please submit relevant supporting documents to the relevant Authority together with this application form. All supporting documents have to be numbered and the total number of pages indicated at the top right-hand corner of every page.				
44. Supporting documents submitted:				
Section I: Remarks (if any):				
Section J: Conditions				
45. The approval of this export/transit/transshipment+ permit is subject to your company's compliance with the following conditions and other requirements of the Strategic Trade Act 2010 and Strategic Trade Regulations 2010:				
(a) the permit holder shall not export, transfer in the course of transshipment or bring in transit any strategic items or unlisted items in respect of which the permit is granted to a country or person, or which is destined for a country or person to a country or person—				
(i) other than the country or person specified in the permit; or				
(ii) which or who he knows or would, by making reasonable inquiries, have known is subject to any sanction imposed pursuant to a decision of the United Nations Security Council;				
(b) the permit holder shall not, in the case of a bulk or multiple-use permit, export or tranship the strategic items in respect of which a permit is granted if he knows or would, by making reasonable inquiries as to the use or the proposed use of the strategic items, have known that the strategic items are intended or likely to be used, wholly or in part, for or in connection with a restricted activity;				

- (c) the permit holder shall not export, tranship or bring in transit any strategic items or unlisted items—
- (i) other than that specified in the permit; or
 - (ii) of a quantity exceeding that specified in the permit;
- (d) the permit holder shall not transfer or assign the permit to any other person;
- (e) such other conditions as the relevant Authority may determine.

46. Under Regulation 30 of the Strategic Trade Regulations 2010, the following records and particulars shall be maintained for a period of at least 6 years from the end of the calendar year in which the act authorized by the permit is carried out:

- Permit granted to the permit holder.
- Where the strategic items or unlisted items are brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
- Document issued by the relevant authority of the country into which the strategic items or unlisted items are to be imported or transmitted authorizing the import or transmission of such strategic items or unlisted items.
- End-use statement.
- Invoice issued in respect of the sale of the strategic items or unlisted items.
- Shipping documentation including bill of lading, airway bill and shipper's declaration.
- Technical specifications for the strategic items or unlisted items.
- Purchase orders.
- Delivery Verification Statement(s).
- Completed permit application and supporting documentation.
- Contract for the acquisition or disposal of the strategic items or unlisted items to which the permit relates and correspondence relating thereto.
- Notes, invitations to bid, requests for quotations.
- Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all export, transshipment or transit transactions, as the case may be, that require a permit regardless of value, item or destination.

47. In addition, if the software or technology is intended for export, the exportation must fulfil the following conditions:

- (i) The software/technology accompanies a person departing from Malaysia by land, sea or air;
- (ii) The software/technology can only be carried by the applicant for an Individual Type application, or by an authorized personnel for an Organization Type application; and
- (iii) The software/technology must remain in the possession of the applicant/authorized personnel until it is delivered to the End-User.

48. The relevant Authority may at any time require the records to be audited and verified by an authorized officer.
49. Every permit holder shall allow the records to be inspected and copied or extract taken by any authorized officer.
50. Where any document or record is not legible, the permit holder who is required to maintain the document or record shall at the request of the authorized officer reproduce the document or record in a legible manner.
51. Where after an application for a permit or renewal of a permit has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for a permit or renewal for the permit, the applicant or the permit holder shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or permit, as the case may be.
52. Please note that your company should inform the relevant Authority if it: (i) knows; or (ii) has reasonable grounds to suspect that the end-user is intending or is likely to use, wholly or in part, the strategic items or unlisted items in the development, production, maintenance or storage of nuclear, chemical or biological weapons or missiles which are capable of delivering any of these weapons.
53. The relevant Authority has the right to revoke your permit should you fail to comply with the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010, any other applicable or related domestic laws or any condition of this permit.
Section K: Declaration and Undertaking
<i>For renewal of permit or updating of record:</i>
54. Information provided on (date of original permit application in dd/mm/yyyy) is still valid.
55. A new application is required if there is any change in the information provided in this form.

56. I/We have read and understood the conditions under Section J of the application form. I/We declare that all the information provided above is true and correct, to the best of my/our knowledge.	
*57. Name of Authorized Personnel:	*58. NRIC/Passport No.:
*59. Designation: (for organization only)	*60. Contact No.:
*61. Fax No.:	*62. E-mail:
*63. Date: (dd/mm/yyyy)	
*64. Signature:	65. Company's Stamp: (for organization only)

FORM 2

[Subregulations 10(9), 11(7) and 12(9)]

EXPORT/TRANSIT/TRANSHIPMENT* PERMIT UNDER SECTION 16 OF THE STRATEGIC TRADE ACT 2010

This permit or renewal of permit for export, transit or transhipment is valid until its expiry date.

NOTE: “*” indicates delete whichever is not applicable.

			EXPORT/TRANSIT/ TRANSHIPMENT* PERMIT NO.:
1	1. Exporter/Applicant	2. Identification number	3. Expiry Date (if applicable)
		4. Contact details	
	5. Consignee	6. Issuing authority	
	7. Agent/ Representative (if different from exporter/ applicant)	8. Country of origin	Code ()
		9. Country of consignment	Code ()
	10. End-User (if different from consignee)	11. Country of current or future location of the items	Code ()

1 Bis	1. Exporter/Applicant	2. Identification number	
PERMIT	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items

PERMIT	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items

PERMIT	14. Description of the items		15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
			17. Currency and value	18. Quantity of the items
	14. Description of the items		15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
			17. Currency and value	18. Quantity of the items
NOTE: In part 1 of column 24, write the quantity still available and in part 2 of column 24, write the quantity deducted on this occasion.				
23. Net quantity/value (Net mass/ other unit with indication of unit)		26. Customs document (Type and number) or extract (Nr) and date of deduction		27. State, name and signature, stamp of deduction
24. In numbers	25. In words for quantity/ value deducted			

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2. CONDITIONS			
<p>This permit will be valid until the expiry date subject to your compliance with the following conditions and other requirements of the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010:</p> <p>(a) the permit holder shall not export, transfer in the course of transshipment or bring in transit any strategic items or unlisted items in respect of which the permit is granted to a country or person, or which is destined for a country or person to a country or person—</p> <p style="padding-left: 40px;">(i) other than the country or person specified in the permit; or</p> <p style="padding-left: 40px;">(ii) which or who he knows or would, by making reasonable inquiries, have known is subject to any sanction imposed pursuant to a decision of the United Nations Security Council;</p> <p>(b) the permit holder shall not, in the case of a bulk or multiple-use permit, export or tranship the strategic items in respect of which a permit is granted if he knows or would, by making reasonable inquiries as to the use or the proposed use of the strategic items, have known that the strategic items are intended or likely to be used, wholly or in part, for or in connection with a restricted activity;</p>			

- (c) the permit holder shall not export, tranship or bring in transit any strategic items or unlisted items—
- (i) other than that specified in the permit; or
 - (ii) of a quantity exceeding that specified in the permit;
- (d) the permit holder shall not transfer or assign the permit to any other person;
- (e) such other conditions as the relevant Authority may determine.

3. CHANGE OF INFORMATION

Where after an application for a permit or renewal of a permit has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for a permit or renewal for the permit, the applicant or the permit holder shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or permit, as the case may be.

FORM 3

[Subregulation 13(1)]

APPLICATION FOR SPECIAL PERMIT UNDER SECTION 14 OF THE STRATEGIC
TRADE ACT 2010

This form may take you 15 minutes to fill in.

You will need the following to fill in the form:

- Particulars of your company
- Information on the items you will be exporting, transshipping or bringing in transit
- End-user's information and the intended end-use of the items

Important Notes:

1. "*" indicates compulsory fields. Please enter "NA" if the field is not applicable.
2. Tick (✓) where applicable.
3. This application must be signed:
 - (a) If an individual, by the person directly interested or one of his employees authorized by him in writing;

- (b) If a partnership, by one of the partners or an employee of the firm duly authorized in writing by one of the partners; or
 - (c) If a body corporate, by a director, the secretary or an employee duly authorized in writing by a director or the secretary of the body corporate.
- 4. Any person who contravenes subsection 9(2) of the Strategic Trade Act 2010 commits an offence and shall, on conviction—
 - (a) in relation to strategic items or unlisted items which are arms or related material—
 - (i) where the act is done with the intent to unlawfully export, tranship or bring in transit such items without a special permit or with knowledge that the export, transhipment or bringing in transit of such items without a special permit is unlawful—
 - (A) where death is the result of the act, be punished with death or imprisonment for natural life, and in the case of a body corporate, be punished with a minimum fine of thirty million ringgit; or
 - (B) in any other case, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or
 - (ii) where the act is done without the intent to unlawfully export, tranship or bring in transit such items without a special permit or without knowledge that the export, transhipment or bringing in transit of such items without a special permit is unlawful, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit; and
 - (b) in relation to strategic items and unlisted items other than arms or related material—
 - (i) where the act is done with the intent to unlawfully export, tranship or bring in transit such items without a special permit or with knowledge that the export, transhipment or bringing in transit of such items without a special permit is unlawful, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or

- (ii) where the act is done without the intent to unlawfully export, tranship or bring in transit such items without a special permit or without knowledge that the export, transhipment or bringing in transit of such items without a special permit is unlawful, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit.

5. Please complete the application form and submit it together with the relevant supporting documents (via e-mail, fax or post) to the relevant Authority.

Application No.:

(For official use)

Section A: Application Purpose	
*1. (a) <input type="checkbox"/> New Application <input type="checkbox"/> Updating of Record <input type="checkbox"/> Addition of Item(s)	
If the purpose is for the addition of item(s), please fill in the current application number and sections G, H and K.	
(b) Application type:	
<input type="checkbox"/> Export <input type="checkbox"/> Transit <input type="checkbox"/> Transhipment	
Current Application No.:	
<i>(if applicable)</i>	
Section B: Applicant's Information	
*2. Application Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
*3. Name:	*4. Address:
*5. Contact No.:	*6. Fax No.:

*7. E-mail:	
8. Company Registration No./NRIC No./ Passport No.:	9. Contact Person's Name and Designation: (For organization only)
10. Website Address: (For organization only)	11. Date of Incorporation: (dd/mm/yyyy)
12. Principal Business Activities:	
Section C: Recipient's Information	
*13. Recipient Type: <input type="checkbox"/> Organization <input type="checkbox"/> Server Posted/Hosted On <input type="checkbox"/> Individual	
*14. Recipient's Name:	*15. Recipient's Address:
16. Contact Person's Name and Designation: (For organization only)	
*17. Contact No.:	*18. Fax No.:
19. Website Address: (For organization only)	*20. E-mail:
Section D: Consignee's Information (Please attach additional sheet(s) if necessary)	
21. Consignee Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	

22. Consignee's Name:	23. Consignee's Address:
24. Contact Person's Name and Designation: (For organization only)	
25. Contact No.:	26. Fax. No.:
27. Website Address: (For organization only)	28. E-mail:
Section E: End-User's Information (Please fill in Section E only if end-user is different from recipient)	
29. End-User Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
30. End-User's Name:	31. End-User's Address:
32. Contact Person's Name and Designation: (For organization only)	
33. Contact No.:	34. Fax. No.:
35. Website Address: (For organization only)	36. E-mail:
*Section F: Export, Transit or Transshipment[†] Details	
37. Mode of Export/Transit/Transshipment [†] :	
38. Export/Transit/Transshipment [†] Date/Period:	

Section G: Items to be Exported/Brought in Transit/Transhipped* (Please attach additional sheet(s) if necessary)				
	*39. Description and Product Code of Items to be Exported/ Brought in Transit/ Transhipped (Please attach a copy of the contract, if applicable)	*40. Is an Export Licence required from the Country of Origin in order for the items to be exported to Malaysia? (If yes, please attach copy. If unable to attach copy, please explain why)	*41. Is a Re-export Approval required from the Country of Origin in order for the items to be exported from Malaysia to the destination country? (If yes, please attach copy. If unable to attach copy, please explain why)	*42. Purpose/Usage of the items WMD = Weapons of Mass Destruction
(i)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
(ii)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
(iii)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non-Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:

<p>(ii) The software/technology can only be carried by the applicant for an Individual Type application, or by an authorized personnel for an Organization Type application; and</p> <p>(iii) The software/technology must remain in the possession of the applicant/authorized personnel until it is delivered to the End-User.</p>
48. The relevant Authority may at any time require the records to be audited and verified by an authorized officer.
49. Every permit holder shall allow the records to be inspected and copied or extract taken by any authorized officer.
50. Where any document or record is not legible, the permit holder who is required to maintain the document or record shall at the request of the authorized officer reproduce the document or record in a legible manner.
51. Where after an application for a permit has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for a permit, the applicant or the permit holder shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or permit, as the case may be.
52. Please note that your company should inform the relevant Authority if it: <ul style="list-style-type: none"> (i) knows; or (ii) has reasonable grounds to suspect that the end-user is intending or is likely to use, wholly or in part, the strategic items or unlisted items in the development, production, maintenance or storage of nuclear, chemical or biological weapons or missiles which are capable of delivering any of these weapons.
53. The relevant Authority has the right to revoke your permit should you fail to comply with the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010, any other applicable or related domestic laws or any condition of this permit.
Section K: Declaration and Undertaking
<i>For renewal of permit or updating of record:</i>
54. Information provided on (date of original permit application in dd/mm/yyyy) is still valid.
55. A new application is required if there is any change in the information provided in this form.
56. I/We have read and understood the conditions under Section J of the application form. I/We declare that all the information provided above is true and correct, to the best of my/our knowledge.

*57. Name of Authorized Personnel:	*58. NRIC/Passport No.:
*59. Designation: (for organization only)	*60. Contact No.:
*61. Fax No.:	*62. E-mail:
*63. Date: (dd/mm/yyyy)	
*64. Signature:	65. Company's Stamp: (for organization only)

FORM 4

[Subregulation 13(6)]

SPECIAL PERMIT UNDER SECTION 16 OF THE STRATEGIC
TRADE ACT 2010

This special permit for export, transit or transshipment is valid until its expiry date.

			SPECIAL PERMIT NO.:
SPECIAL PERMIT	1. Exporter/Applicant	2. Identification number	3. Expiry Date (if applicable)
		4. Contact details	
	5. Consignee	6. Issuing authority	
	7. Agent/Representative (if different from exporter/applicant)	8. Country of origin	Code ()
		9. Country of consignment	Code ()
	10. End-User (if different from consignee)	11. Country of current or future location of the items	Code ()

SPECIAL PERMIT PERMIT		12. Country of intended entry into the customs export procedure	Code ()	
		13. Country of final destination	Code ()	
	14. Description of the items (*)	15. Harmonised System or Combined Nomenclature Code (if applicable with 8 digit; CAS number if available)	16. Item classification no. (for listed items)	
		17. Currency and Value	18. Quantity of the items	
	19. End-Use		20. Contract date (if applicable)	
	21. Additional information			
	Available for pre-printed information			
		For completion by issuing authority Signature _____ Stamp _____ Issuing relevant Authority Date _____		

** If needed, this description may be given in one or more attachments to this form (1 bis). In this case, indicate exact number of attachments in this box. The description should be as precise as possible and integrate, where relevant, the CAS or other references for chemical items in particular.

SPECIAL PERMIT	1 Bis	1. Exporter/Applicant	2. Identification number	
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)	
		17. Currency and value	18. Quantity of the items	
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)	
		17. Currency and value	18. Quantity of the items	
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)	
		17. Currency and value	18. Quantity of the items	

SPECIAL PERMIT	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items
	14. Description of the items	15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
		17. Currency and value	18. Quantity of the items

SPECIAL PERMIT	14. Description of the items		15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
			17. Currency and value	18. Quantity of the items
	14. Description of the items		15. Item code (if applicable with 8 digit listed item: CAS number if available)	16. Item classification no. (for listed items)
			17. Currency and value	18. Quantity of the items
NOTE: In part 1 of column 24, write the quantity still available and in part 2 of column 24, write the quantity deducted on this occasion.				
23. Net quantity/value (Net mass/other unit with indication of unit)		26. Customs document (Type and number) or extract (Nr) and date of deduction		27. State, name and signature, stamp of deduction
24. In numbers	25. In words for quantity/value deducted			

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2. CONDITIONS

This permit will be valid until the expiry date subject to your compliance with the following conditions and other requirements of the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010:

- (a) the permit holder shall not export, transfer in the course of transhipment or bring in transit any strategic items or unlisted items in respect of which the permit is granted to a country or person, or which is destined for a country or person to a country or person—
 - (i) other than the country or person specified in the permit; or
 - (ii) which or who he knows or would, by making reasonable inquiries, have known is subject to any sanction imposed pursuant to a decision of the United Nations Security Council;
- (b) the permit holder shall not export, tranship or bring in transit any strategic items or unlisted items—
 - (i) other than that specified in the permit; or
 - (ii) of a quantity exceeding that specified in the permit;
- (c) the permit holder shall not transfer or assign the permit to any other person;
- (d) such other conditions as the relevant Authority may determine.

3. CHANGE OF INFORMATION

Where after an application for a permit or renewal of a permit has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for a permit or renewal for the permit, the applicant or the permit holder shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or permit, as the case may be.

FORM 5

[Paragraphs 10(7)(b), 11(7)(b), 12(7)(b), 13(4)(b) and
subregulation 14(1)]

END-USE STATEMENT

This end-use statement must be issued by the consignee or end-user using the letterhead of the consignee or end-user, which ever is relevant.

Important Notes:

1. “*” indicates delete whichever is not applicable.
2. Tick (√) the relevant box.
3. This end-use statement must be signed—
 - (a) if an individual, by the person directly interested or his employee authorized by him in writing;
 - (b) if a partnership, by a partner or an employee of the firm duly authorized in writing by a partner; or
 - (c) if a body corporate, by a director, the secretary or an employee duly authorized in writing by a director or the secretary of the body corporate.
4. Pursuant to subsection 40(1) of the Strategic Trade Act 2010, a person who submits false or misleading information in any application, report or other documents for any purpose under this Act or the related laws commits an offence and shall, on conviction, be punished with a fine not exceeding one million ringgit or with imprisonment for a term not exceeding two years or with both, and in the case of a body corporate, be punished with a minimum fine of two million ringgit.

END USE STATEMENT

For presentation in compliance with subsection 14(2) of the Strategic Trade Act 2010 [Act 708] Malaysia.

We (I) certify that we have requested (*name, address and contact number of the supplier*) to supply us the following strategic/unlisted* items:

Description of the items : _____

Category Codes : _____

Quantity : _____

Total Value : _____

which is intended for—

Consumption in _____ for _____
 (country of final destination) (details of end-use OR industry/ business activity involved)

Production in _____ for _____
 (country of final destination) (details of end-use OR industry/ business activity involved)

Distribution in _____ for _____
 (country of final destination) (details of end-use OR industry/ business activity involved)

Repair in _____ for _____
 (country of final destination) (details of end-use OR industry/ business activity involved)

Others (Please Specify: _____) in _____ for _____
 (country of final destination) (details of end-use OR industry/ business activity involved)

We (I) certify that the strategic items/unlisted items will not be used for any restricted activity that supports the development, production, handling, usage, maintenance, storage, inventory or proliferation of any weapons of mass destruction and its delivery systems or participation in transaction with persons engaged in such activities.

We (I) also certify that we (I) will not subsequently export or otherwise re-sell the items to any person or country that is subject to any sanction imposed pursuant to a decision of the United Nations Security Council.

Date

Original signature of the end user/government official*

Company stamp/official seal

Name and designation of signer in block letters

FORM 6

[Paragraphs 10(7)(c), 11(7)(c), 12(7)(c) and 13(4)(c)]

DELIVERY VERIFICATION STATEMENT

PART I	
Export/Transit/Transshipment/Special*Permit No. : _____	
International Import Certificate No. (if applicable) : _____	
IMPORTANT NOTICE	
The ORIGINAL copy of this Form must be returned to the relevant Authority—	
<ol style="list-style-type: none"> 1. for single use/special permit, not later than 2 months from the date of export/bringing in transit/transshipment, unless otherwise authorized by the relevant Authority; or 2. for bulk/multiple-use permit, upon request by the relevant Authority. 	
We (I) certify that (please tick whichever applicable):	
<ol style="list-style-type: none"> 1. <input type="checkbox"/> The total quantity authorized for export by this permit has been exported and all delivery verification documents are available upon request by the relevant Authority. 2. <input type="checkbox"/> A part of the quantity authorized for export/transit/transshipment* by this permit has been exported/ brought in transit/transhipped* as detailed in Part II. Delivery verification documents covering all items exported/brought in transit/transhipped* are available upon request by the relevant Authority. 3. <input type="checkbox"/> No shipment has been made against this permit. 	
Name of permit holder:	Name and title of authorized representative:
Date (dd/mm/yyyy):	Signature of authorized representative:

PART II		
END USER	ITEM CLASSIFICATION NO.	QUANTITY
1.		
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8.		
<p>We (I) declare that all the information provided above is true and correct to the best of our (my) knowledge.</p>		
<p>Delivery Verification Officer's name and signature:</p>		<p>Date (dd/mm/yyyy)</p>
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. At the time of making each shipment under the attached permit, please send to your foreign importer a written request for proof of delivery. Please include in your request the international import certificate number (if applicable) shown on the front of this Form and request the foreign importer to make sure that this international import certificate number appears on the delivery import verification he receives from his government. You shall submit the documents upon request by the relevant Authority. 2. The foreign importer shall be advised of the terms of the items' description as shown on the export/transit/transshipment/special* permit, including the unit of measure (i.e. pounds, kilogrammes, number, etc.) and/or value of items (as applicable) and the foreign importer is requested to make sure that these same terms are used on the delivery verification with the terms on the export/transit/transshipment/special* permit. 3. Where international import certificate is involved, please obtain from the foreign importer the delivery import verification issued to him by his government for the items described in the attached export/transit/transshipment/special* permit. If the full amount permitted has not been or will not be exported, delivery import verification shall be obtained for the amount actually shipped. If the items are exported in partial shipments, please obtain delivery import verification for each partial shipment. Delivery import verifications covering partial shipments shall be retained in your files until you have received delivery import verifications for all partial shipments made against the attached permit. 4. You are required to keep the original copy of the relevant proof of delivery and delivery import verification which shall be submitted upon request by the relevant Authority. 5. Documents in a foreign language shall be accompanied by an accurate English translation. <p>*** indicates delete whichever is not applicable.</p>		

FORM 7

[Subregulation 26(1)]

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION*
FOR BROKERS IN STRATEGIC ITEMS UNDER SECTION 19 OF THE
STRATEGIC TRADE ACT 2010

This form may take you 20 minutes to fill in.

You will need the following to fill in the form:

- Particulars of your company and other parties who will be involved in this transaction
- Information on the items you will be brokering
- End-user's information and the intended end-use of the items

Important Notes:

1. "+" indicates delete whichever is not applicable.
2. "*" indicates compulsory fields. Please enter "NA" if the field is not applicable.
3. Tick (✓) where applicable.
4. This application must be signed:
 - (a) If an individual, by the person directly interested or one of his employees authorized by him in writing;
 - (b) If a partnership, by one of the partners or an employee of the firm duly authorized in writing by one of the partners; or
 - (c) If a body corporate, by a director, the secretary or an employee duly authorized in writing by a director or the secretary of the body corporate.
5. Any person who contravenes section 11 of the Strategic Trade Act 2010 commits an offence and shall, on conviction—
 - (a) in relation to strategic items which are arms or related material—
 - (i) where death is the result of the act, be punished with death or imprisonment for natural life, and in the case of a body corporate, be punished with a minimum fine of thirty million ringgit; or

- (ii) in any other case, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or
 - (b) in relation to strategic items other than arms or related material, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit.
6. Please complete the application form and submit it together with the relevant supporting documents (via e-mail, fax or post) to the relevant Authority.

Application No.:
(For official use)

Section A: Registration Purpose		
*1. <input type="checkbox"/> New Registration <input type="checkbox"/> Updating of Record <input type="checkbox"/> Renewal of Registration <input type="checkbox"/> Addition of Item(s)/ Country(s)		
If the purpose is for the renewal of registration or updating of record, please fill in the current application number and sections B, F, and I of the application form.		
If the purpose is for the addition of item(s)/country(s), please fill in the current application number and sections C, D and G of the application form.		
Current Application No.: (if applicable)		
Previous Registration No.: (if applicable)	Issuance Date:	Expiry Date:

Section B: Applicant's Information	
*2. Application Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
*3. Name:	*4. Address:
*5. Contact No.:	*6. Fax No.:
*7. E-mail:	
8. Company Registration No./NRIC No./ Passport No.:	9. Contact Person's Name and Designation: (For organization only)
10. Website Address: (For organization only)	11. Date of Incorporation: (For organization only)
12. Principal Business Activities:	
13. Brokering Permit No. and Validity Period: (if any – please refer to item 44)	

Section C: Item(s) to be Brokered (Please attach additional sheet(s) if necessary)					
	14. Description of Item	15. Product Code	16. HS Code	17. Major Supplying Countries	18. Purpose/Usage of Item
(i)					<input type="checkbox"/> Military <input type="checkbox"/> Non-military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use description:
(ii)					<input type="checkbox"/> Military <input type="checkbox"/> Non-military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use description:
(iii)					<input type="checkbox"/> Military <input type="checkbox"/> Non-military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use description:
(iv)					<input type="checkbox"/> Military <input type="checkbox"/> Non-military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use description:
(v)					<input type="checkbox"/> Military <input type="checkbox"/> Non-military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use description:

Section D: Seller's Information (if any)	
*19. Seller Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
*20. Seller's Name:	*21. Seller's Address:
22. Contact Person's Name and Designation: (For organization only)	
*23. Contact No.:	*24. Fax No.:
25. Website Address: (For organization only)	*26. E-mail:
Section E: Buyer's Information (if any)	
*27. Buyer Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
*28. Buyer's Name:	*29. Buyer's Address:
30. Contact Person's Name and Designation: (For organization only)	
*31. Contact No.:	*32. Fax No.:
33. Website Address: (For organization only)	*34. E-mail:
*Section F: Submission of Supporting Documents	
35. Please submit relevant supporting documents to the relevant Authority together with this application form. All supporting documents have to be numbered and the total number of pages indicated at the top right-hand corner of every page.	
36. Supporting documents submitted:	

Section G: Remarks (if any):**Section H: Conditions**

37. The registration will be valid for 1 year (from the date of approval) subject to your company's compliance with the following conditions and other requirements of the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010:

- the registered broker shall not do any act of brokering where he knows or would, by making reasonable inquiries, have known that—
 - (i) the contract would result in the transfer of the strategic items to any country or person which or who is subject to any sanction imposed pursuant to a decision of the United Nations Security Council; or
 - (ii) the strategic items would be or are likely to be removed from one foreign country to another foreign country in contravention of the domestic laws of either country.

38. Under Regulation 30 of the Strategic Trade Regulations 2010, the following records and particulars shall be maintained for a period of at least 6 years from the end of the calendar year in which the act authorized by the registration is carried out:

- Certificate of registration issued to the registered broker.
- Permit granted to the registered broker under the related laws, if any.
- Where the strategic items are to be brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
- Document issued by the relevant authority of the country into which the strategic items are to be imported or transmitted authorizing the import or transmission of such strategic items.
- End-use statement.
- Invoice issued in respect of the brokering of the strategic items.
- Shipping documentation including bill of lading, airway bill and shipper's declaration.
- Particulars of the shipping agents or couriers involved in the transaction.
- Technical specifications for the strategic items.
- Purchase orders.
- Completed registration application and supporting documentation.
- Contract for the acquisition or disposal of the strategic items and correspondence relating thereto, if any.

<ul style="list-style-type: none"> • Notes, invitations to bid, requests for quotations. • Correspondence relating to the arrangements or negotiations for the contract for the acquisition or disposal of the strategic items. • Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all brokering transactions that require registration under the Strategic Trade Act 2010 and a permit under the related laws, if any, regardless of value, item or destination.
39. The relevant Authority may at any time require the records to be audited and verified by an authorized officer.
40. Every registered broker shall allow the records to be inspected and copied or extract taken by any authorized officer.
41. Where any document or record is not legible, the registered broker who is required to maintain the document or record shall at the request of the authorized officer reproduce the document or record in a legible manner.
42. If there are any changes to the information or particulars provided in the registration application form, the applicant/registered broker ⁺ shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or to the certificate of registration, as the case may be.
43. An application for the renewal of the registration shall be made at least 14 days before the date of expiry of the registration.
<p>44. Please note that a brokering permit under the related laws¹ (if any) is required if the registered broker:</p> <ul style="list-style-type: none"> • has been notified by an authorized officer; or • knows; or • has reasonable grounds to suspect, <p>that the strategic items he is brokering, is intended or is likely to be used, wholly or in part for or in connection with the development, production, maintenance or storage of nuclear, chemical or biological weapons or missiles which are capable of delivering any such weapon.</p> <p>¹ the “related laws” are as specified in the Schedule to the Strategic Trade Act 2010.</p>
45. The relevant Authority has the right to revoke the registration of any registered broker for failure to comply with the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010, any other applicable related domestic laws or any of this registration condition.
Section J: Declaration and Undertaking
<i>For renewal of registration or updating of record:</i>
46. Information provided on (date of original registration application in dd/mm/yyyy) is still valid.
47. A new application is required if there is any change in the information provided in this form.

<p>48. I/We have read and understood the conditions under Section H of the application form. I/We declare that all the information provided above is true and correct, to the best of my/our knowledge.</p>	
<p>*49. Name of Authorized Personnel:</p>	<p>*50. NRIC/Passport No.:</p>
<p>*51. Designation: (For organization only)</p>	<p>*52. Contact No.:</p>
<p>*53. Fax No.:</p>	<p>*54. E-mail:</p>
<p>*55. Date: (dd/mm/yyyy)</p>	
<p>* 56. Signature:</p>	<p>57. Company's Stamp: (For organization only)</p>

FORM 8

[Subregulation 26(8)]

CERTIFICATE OF REGISTRATION OF BROKERS IN STRATEGIC ITEMS UNDER
SECTION 19 OF THE STRATEGIC TRADE ACT 2010

		REGISTRATION NO.:	
1	1. Broker/Applicant:	2. Identification number:	3. Expiry Date:
			4. Contact details:
	5. Exporter in originating third country:	6. Issuing authority:	
	7. Consignee in third country of destination (if any):	8. Country in which the broker is resident or established:	Code ()
		9. Originating third country/Third country of location of the items subject of brokering services:	Code ()
	10. End-User in third country of destination (if different from consignee, if any):	11. Third country of destination (if any):	Code ()
		12. Third parties involved, e.g. agents (if applicable):	
	13. Description of the items:	14. Harmonised System or Combined Nomenclature Code (if applicable with 8 digit; CAS number if available):	15. Item classification no. (for listed items):
		16. Currency and Value:	17. Quantity of the items:

	18. End-Use:								
	19. Additional information (to be specified in the form):								
	Available for pre-printed information:								
	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; padding: 5px;">For completion by issuing authority</td> </tr> <tr> <td style="padding: 5px;">Signature</td> <td style="padding: 5px;">Stamp</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Issuing relevant Authority</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Date</td> </tr> </table>	For completion by issuing authority		Signature	Stamp	Issuing relevant Authority		Date	
For completion by issuing authority									
Signature	Stamp								
Issuing relevant Authority									
Date									
2. CONDITIONS									
<p>The registration will be valid for 1 year (from the date of approval) subject to your company's compliance with the following conditions and other requirements of the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010:</p> <ul style="list-style-type: none"> • the registered broker shall not do any act of brokering where he knows or would, by making reasonable inquiries, have known that— <ul style="list-style-type: none"> (i) the contract would result in the transfer of the strategic items to any country or person which or who is subject to any sanction imposed pursuant to a decision of the United Nations Security Council; or (ii) the strategic items would be or are likely to be removed from one foreign country to another foreign country in contravention of the domestic laws of either country. 									
3. CHANGE OF INFORMATION									
<p>If there are any changes to the information or particulars provided in the registration application form, the applicant/registered broker shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or to the certificate of registration, as the case may be.</p>									

FORM 9

[Subregulation 30(5)]

REGISTER FOR EXPORT/TRANSIT/TRANSHIPMENT/BROKERING* UNDER THE
STRATEGIC TRADE ACT 2010

Important Notes:

1. "*" indicates delete whichever not applicable.
2. Please enter "NA" if the field is not applicable.

PARTICULARS

1. *Permit Holder/Registered Broker:
2. Permit Type:
3. Address:
4. Principal Business Activity:
5. Contact Details:

PERMIT OR REGISTRATION* DETAILS

6. *Permit/Registration No.:
7. Issuing Authority:
8. Validity Period:
9. Expiry Date:

<p>PARTICULARS OF ITEMS</p>
<p>10. Description of Items:</p> <p>11. Item Classification No.:</p> <p>12. Quantity of Items:</p> <p>13. Value of Items:</p>
<p>DETAILS OF ACTIVITY</p>
<p>14. Date of Export/Transit/Transshipment*:</p> <p>15. Supplier of Items:</p> <p>16. Date of Brokering Activity*:</p> <p>17. Country of final destination:</p> <p>18. Recipient's Name:</p> <p>19. Recipient's Address:</p> <p>20. End-User:</p> <p>21. End-User's Address:</p> <p>22. End-Use Description:</p> <p>23. Additional information:</p> <p>24. Entry by (name of authorized personnel):</p> <p>25. *NRIC./Passport No.:</p>

- | | |
|-----|----------------------|
| 26. | Designation: |
| 27. | Contact Information: |
| 28. | Signature: |
| 29. | Company Stamp: |
| 30. | Date: |

Note:

Under Regulation 30 of the Strategic Trade Regulations 2010, the following records and particulars shall be maintained for a period of at least 6 years from the end of the calendar year in which the act is carried out:

For a permit holder:

1. Permit granted to the permit holder.
2. Where the strategic items or unlisted items are brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
3. Document issued by the relevant authority of the country into which the strategic items or unlisted items are to be imported or transmitted authorizing the import or transmission of such strategic items or unlisted items.
4. End-use statement.
5. Invoice issued in respect of the sale of the strategic items or unlisted items.
6. Shipping documentation including bill of lading, airway bill and shipper's declaration.
7. Technical specifications for the strategic items or unlisted items.
8. Purchase orders.
9. Delivery Verification Statement(s).
10. Completed permit application and supporting documentation.

11. Contract for the acquisition or disposal of the strategic items or unlisted items to which the permit relates and correspondence relating thereto.
12. Notes, invitations to bid, requests for quotations.
13. Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all export, transshipment or transit transactions, as the case may be, that require a permit regardless of value, item or destination.

For a registered broker:

1. Certificate of registration issued to the registered broker.
 2. Permit granted to the registered broker under the related laws, if any.
 3. Where the strategic items are to be brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
 4. Document issued by the relevant authority of the country into which the strategic items are to be imported or transmitted authorizing the import or transmission of such strategic items.
 5. End-use statement.
 6. Invoice issued in respect of the brokering of the strategic items.
 7. Shipping documentation including bill of lading, airway bill and shipper's declaration.
 8. Particulars of the shipping agents or couriers involved in the transaction.
 9. Technical specifications for the strategic items.
 10. Purchase orders.
 11. Completed registration application and supporting documentation.
 12. Contract for the acquisition or disposal of the strategic items and correspondence relating thereto, if any.
 13. Notes, invitations to bid, requests for quotations.
 14. Correspondence relating to the arrangements or negotiations for the contract for the acquisition or disposal of the strategic items.
 15. Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all brokering transactions that require registration under the Strategic Trade Act 2010 and a permit under the related laws, if any, regardless of value, item or destination.
-

FORM 10

[Regulation 36]

NOTICE FOR DISCLOSURE OF INFORMATION

STRATEGIC TRADE ACT 2010

DISCLOSURE OF INFORMATION

To the Controller/ _____ (name of requesting relevant Authority)*,

In furtherance to the request of the Controller/ _____ (name of requesting relevant Authority)* dated _____, it is hereby submitted the following information/documents*:

I _____ (state full name) (_____) (state identity card/ passport number*) hereby declare that the information/documents* provided above are true and within my knowledge.

.....
(Signature of authorized person)
Date:

Received by:
Date:

*Delete whichever is not applicable.

Important Notice:

1. A person who receives a notice under section 51 of the Strategic Trade Act 2010 to provide information and documents to the Controller of Strategic Trade or the relevant Authority shall provide the requested information and documents to the Controller or the relevant Authority in the above form and within the time specified in the notice.
2. A person who contravenes section 51 of the Strategic Trade Act 2010 commits an offence and shall, on conviction, be punished with a fine not exceeding one million ringgit or with imprisonment for a term not exceeding two years or with both.

SECOND SCHEDULE

[Regulation 5]

FEES

<i>No.</i>	<i>Particulars</i>	<i>Fees (RM)</i>
1.	Permit—	
	(a) single-use	Nil
	(b) bulk	Nil
	(c) multiple-use	Nil
	(d) special	Nil
2.	Registration of brokers	Nil
3.	Renewal of permit—	
	(a) bulk	Nil
	(b) multiple-use	Nil
4.	Renewal of registration of brokers	Nil

THIRD SCHEDULE

[Regulation 25]

STRATEGIC ITEMS TO WHICH THE TRANSHIPMENT PERMIT IS REQUIRED

A. MILITARY ITEMS

1. The strategic items specified in the following Category Codes in Part 1 of the Schedule to the Strategic Items Order:
 - (a) ML1;
 - (b) ML2;
 - (c) ML3;
 - (d) ML4;

- (e) ML6;
- (f) ML7.b.1., 2. and 3.;
- (g) ML7.c.;
- (h) ML8.a.1., 2., 3., 4., 5., 7., 10., 11., 13.a., 13.c., 15., 18., 19., 20., 21., 23., 26., 27., 28., 32.j., 33., 34.;
- (i) ML8.b.1. to 5.;
- (j) ML8.c.1., 3. to 9.;
- (k) ML8.d.1., 2., 3., 5., 6., 8., 9., 10.;
- (l) ML8.e.1. to 6., 8. to 13., 15. to 18.;
- (m) ML8.f.;
- (n) ML8.g.;
- (o) ML9; and
- (p) ML10.

B. DUAL-USE ITEMS

1. The strategic items specified in the following Category Codes in Part 2 of the Schedule to the Strategic Items Order:

- (a) 0A, 0B, 0C;
 - (b) 1C350.1. to 9., 11., 12., 13., 17., 18., 19., 21., 22., 23., 26. to 36., 38., 46., 51., 52., 54. to 57., 59., 63.;
 - (c) 1C351.a.2., 4., 5., 7., 8., 10. to 17., 19., 31.;
 - (d) 1C351.b.1., 3., 4.;
 - (e) 1C351.c.1., 2., 3., 4., 7., 8., 9., 13.;
 - (f) 1C351.d.1., 2., 4. to 7., 12.;
 - (g) 1C352.a.1. to 4., 9., 10., 12., 14., 15., 17.;
 - (h) 1C352.b.;
 - (i) 1C354.b.1., 5.;
 - (j) 1C354.c.1.;
 - (k) 1C450.a.;
 - (l) 1C450.b.; and
 - (m) (*Deleted by P.U. (A) 393/2011*).
-

FOURTH SCHEDULE

[Regulation 30]

RECORD-KEEPING

PART I

DOCUMENTS TO BE MAINTAINED BY PERMIT HOLDER

1. Permit granted to the permit holder.
2. Where the strategic items or unlisted items are brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
3. Document issued by the relevant authority of the country into which the strategic items or unlisted items are to be imported or transmitted authorizing the import or transmission of such strategic items or unlisted items.
4. End-use statement.
5. Invoice issued in respect of the sale of the strategic items or unlisted items.
6. Shipping documentation including bill of lading, airway bill and shipper's declaration.
7. Technical specifications for the strategic items or unlisted items.
8. Purchase orders.
9. Delivery Verification Statement(s).
10. Completed permit application and supporting documentation.
11. Contract for the acquisition or disposal of the strategic items or unlisted items to which the permit relates and correspondence relating thereto.
12. Notes, invitations to bid, requests for quotations.
13. Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all export, transshipment or transit transactions, as the case may be, that require a permit regardless of value, item or destination.

PART II

DOCUMENTS TO BE MAINTAINED BY REGISTERED BROKER

1. Certificate of registration issued to the registered broker.
2. Permit granted to the registered broker under the related laws, if any.
3. Where the strategic items are to be brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
4. Document issued by the relevant authority of the country into which the strategic items are to be imported or transmitted authorizing the import or transmission of such strategic items.
5. End-use statement.
6. Invoice issued in respect of the brokering of the strategic items.
7. Shipping documentation including bill of lading, airway bill and shipper's declaration.
8. Particulars of the shipping agents or couriers involved in the transaction.
9. Technical specifications for the strategic items.
10. Purchase orders.
11. Completed registration application and supporting documentation.
12. Contract for the acquisition or disposal of the strategic items and correspondence relating thereto, if any.
13. Notes, invitations to bid, requests for quotations.
14. Correspondence relating to the arrangements or negotiations for the contract for the acquisition or disposal of the strategic items.
15. Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all brokering transactions that require registration under the Strategic Trade Act 2010 and a permit under the related laws, if any, regardless of value, item or destination.

Made 22 December 2010
[MITI/STS/(S)/536; PN(PU2)682/II]

DATO' SRI MUSTAPA MOHAMED
Minister of International Trade and Industry

LAWS OF MALAYSIA**STRATEGIC TRADE ACT 2010****STRATEGIC TRADE REGULATIONS 2010****LIST OF AMENDMENTS**

Amending law	Citation	In force from
P.U. (A) 393/2011	Strategic Trade Regulations (Amendment) 2011	01-12-2011

LAWS OF MALAYSIA**STRATEGIC TRADE ACT 2010****STRATEGIC TRADE REGULATIONS 2010****LIST OF REGULATIONS AMENDED**

Regulation	Amending authority	In force from
10	P.U. (A) 393/2011	01-12-2011
11	P.U. (A) 393/2011	01-12-2011
12	P.U. (A) 393/2011	01-12-2011
13	P.U. (A) 393/2011	01-12-2011
First Schedule	P.U. (A) 393/2011	01-12-2011
Third Schedule	P.U. (A) 393/2011	01-12-2011
