



INTERNAL COMPLIANCE PROGRAM (ICP) APPLICATION CHECKLIST


PRE-AMBLE				
CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
RESOURCE DOCUMENTS REFERRED TO IN OPERATIONALISING EXPORT CONTROL COMPLIANCE 	REFERENCES ON STRATEGIC TRADE MANAGEMENT	IT CAN BE IN THE FORM OF TOR, CHECKLIST, RESOURCE MANUAL, TASK-SHEET, ICP HANDBOOK, EXTERNAL SOURCE EG. MITI'S WEBSITE, ONLINE ARTICLES, ETC.	<input type="checkbox"/>	<input type="checkbox"/>
ELEMENT 1 - MANAGEMENT COMMITMENT				
CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
NOMINATED PERSON RESPONSIBLE FOR EXPORT CONTROL	WRITTEN APPOINTMENT BY CEO/MD	NAME OF PERSON IN CHARGE AND DESIGNATION	<input type="checkbox"/>	<input type="checkbox"/>
PERSONS RESPONSIBLE FOR APPLYING PERMIT	WRITTEN AUTHORISATION FROM CEO/MD/PERSON RESPONSIBLE FOR EXPORT CONTROL	NAME OF PERSON/ PERSONS AUTHORISED TO APPLY FOR PERMIT AND DESIGNATION	<input type="checkbox"/>	<input type="checkbox"/>
WRITTEN COMPANY POLICY ON EXPORT CONTROL	WRITTEN EVIDENCE		<input type="checkbox"/>	<input type="checkbox"/>
AWARENESS OF EXPORT CONTROL WITHIN ORGANIZATION	COMMUNICATING IT THROUGH VARIOUS MEDIA	PROVIDE COPY OF COMMUNICATION ON EXPORT CONTROL (HANDBOOK, VIDEO, EMAIL ETC)	<input type="checkbox"/>	<input type="checkbox"/>
CLAUSE IN CONTRACT WITH BUYERS THAT ITEM PURCHASED WILL NOT BE USED FOR WMD OR OTHER ILLEGAL PURPOSES	COMMON CLAUSE IN CONTRACT	EXAMPLE OF CONTRACT SIGNED	<input type="checkbox"/>	<input type="checkbox"/>

ELEMENT 2 - SCREENING PROCESS

EXPLANATORY NOTE: THE ESTABLISHMENT OF AN EFFECTIVE INSTITUTIONAL ICP PROVIDES A METHOD OF ROUTINELY SCREENING TRANSACTIONS, CONTACTS, AND DEALINGS ETC, IN ORDER TO ELIMINATE SUSPICIOUS APPROACHES, THEREBY ENSURING THAT ONLY LEGITIMATE TRANSACTIONS PROCEED AND THE RISK OF BREACHING THE LAW IS MINIMISED.

(SOURCE: ICP GUIDELINES SECDIV, MOFA, PAKISTAN, 3 DEC 2014)


CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
IS A SCREENING PROCESS IN PLACE IN THE COMPANY	COMPUTER BASED SYSTEM/ IT SUPPORTED	DESCRIBE THE SCREENING SYSTEM IN DETAIL	<input type="checkbox"/>	<input type="checkbox"/>
		IF MANUAL, PROVIDE WRITTEN PROCEDURE FOR SCREENING	<input type="checkbox"/>	<input type="checkbox"/>
COVERAGE OF SCREENING ACTIVITY: SCREENING ACTIVITY FOR SALES PROCESS AND TRANSACTION 	SCREENING THE BUSINESS TRANSACTION FROM START TO FINISH. ALSO KNOWN AS CRADLE-TO-GRAVE SCREENING	SALES PROCESS MONITORED EITHER MANUALLY OR COMPUTERISED. PLEASE PROVIDE INFORMATION ON THE SYSTEM OR WRITTEN PROCEDURE	<input type="checkbox"/>	<input type="checkbox"/>
		SCREENING BEFORE SALES / PRE-SALES; - E.G: MANUFACTURER, SUPPLIER, CONSIGNEE, RECIPIENT, END USER AND OTHER RELEVANT PARTIES	<input type="checkbox"/>	<input type="checkbox"/>
		IN-PROCESS SALES; - E.G: BUYER, SELLER, CONSIGNEE, NOTIFY PARTY, THIRD PARTY, AGENT, MODE OF PAYMENT, FINANCIER, MODE OF TRANSPORTATION AND OTHER RELEVANT PARTIES	<input type="checkbox"/>	<input type="checkbox"/>
PRODUCT SCREENING	SCREENING AGAINST ALL APPLICABLE LIST	BRIEF DESCRIPTION OF LOGIC SET WITHIN THE SYSTEM TO PROMPT ALERT	<input type="checkbox"/>	<input type="checkbox"/>
END USE SCREENING			<input type="checkbox"/>	<input type="checkbox"/>
DESTINATION SCREENING			<input type="checkbox"/>	<input type="checkbox"/>
RED FLAG INDICATORS	PROCEDURE MANUAL FOR RISK ASSESSMENT	COPY OF THE MANUAL	<input type="checkbox"/>	<input type="checkbox"/>


ELEMENT 3 - TRAINING				
CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
· TRAINING PLAN	WHEN: AT LEAST ONCE IN 18 MONTHS WHO: PERSONAL INVOLVED IN EXPORT CONTROL	TRAINING RECORDS	<input type="checkbox"/>	<input type="checkbox"/>
· TYPE OF TRAINING	WHAT: TYPE OF TRAINING BY WHOM: QUALIFIED TRAINER		<input type="checkbox"/>	<input type="checkbox"/>
ELEMENT 4 - RECORD KEEPING				
CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
· STATUTORY	6 YEARS	HARDCOPY/ SOFTCOPY	<input type="checkbox"/>	<input type="checkbox"/>
· END USER STATEMENT			<input type="checkbox"/>	<input type="checkbox"/>
· EXPORT PERMIT			<input type="checkbox"/>	<input type="checkbox"/>
· DELIVERY VERIFICATION STATEMENT, DVS (FORM 6)			<input type="checkbox"/>	<input type="checkbox"/>
· PROOF OF DELIVERY			<input type="checkbox"/>	<input type="checkbox"/>
· TECHNICAL SPECIFICATIONS			<input type="checkbox"/>	<input type="checkbox"/>
· INVOICE ISSUED IN RESPECT OF THE SALES OF STRATEGIC ITEM OR UNLISTED ITEMS			<input type="checkbox"/>	<input type="checkbox"/>
· PURCHASE ORDER			<input type="checkbox"/>	<input type="checkbox"/>
· NOTES, INVITATION TO BID, REQUEST FOR QUOTATION			<input type="checkbox"/>	<input type="checkbox"/>
· SHIPPING DOCUMENTS			<input type="checkbox"/>	<input type="checkbox"/>
· SCREENING DOCUMENTS 			<input type="checkbox"/>	<input type="checkbox"/>
· DOCUMENTS ISSUED BY THE RELEVANT AUTHORITY OF IMPORTING COUNTRY			<input type="checkbox"/>	<input type="checkbox"/>

ELEMENT 5 - AUDIT

EXPLANATORY NOTE: THE BEST WAY FOR A COMPANY TO ASSESS THE EFFECTIVENESS OF ITS COMPLIANCE EFFORTS IS TO FORMALLY AUDIT/ASSESS ALL ELEMENTS OF ITS COMPLIANCE PROGRAM. A COMPANY'S AUDIT PROGRAM MAY CONSIST OF THE FOLLOWING:

- USE OF EXPERIENCED AUDIT PERSONNEL;
- VERIFICATION OF SAFEGUARD MEASURES;
- INTERNAL CORPORATE AUDITS/ASSESSMENTS;
- USE OF EXTERNAL AUDITORS/ASSESSORS; AND
- REPORTING, CORRECTIVE ACTION, AND FOLLOW-UP PROCEDURES FOR AUDITS.

CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
<p>DEFINITION: A SYSTEM AUDIT IS A DISCIPLINED APPROACH TO EVALUATE AND IMPROVE THE EFFECTIVENESS OF A SYSTEM. IT REFERS TO THE SYSTEM USED IN STC/STM e.g. SALES PROCESS INCLUDING AFTER SALES, MOVEMENT OF GOODS DURING PRODUCTION UP TO EXPORTATION/DISTRIBUTION</p>				
IT SYSTEM AUDIT (IF APPLICABLE)	AT LEAST ONCE A YEAR	AUDIT RECORDS	<input type="checkbox"/>	<input type="checkbox"/>
<p>DEFINITION: A PROCESS AUDIT IS AN EXAMINATION OF RESULTS TO DETERMINE WHETHER THE ACTIVITIES, RESOURCES AND BEHAVIOURS THAT CAUSE THEM ARE BEING MANAGED EFFICIENTLY AND EFFECTIVELY.</p>				
PROCESS AUDIT	AT LEAST ONCE A YEAR	AUDIT RECORDS	<input type="checkbox"/>	<input type="checkbox"/>
<p>DEFINITION: AUDIT DOCUMENTATION REFERS TO THE RECORDS OR DOCUMENTATION OF PROCEDURES THAT AUDITOR PERFORMED, THE AUDIT EVIDENCE THAT THEY OBTAINED AND THE CONCLUSION THAT MAKES BY THEM BASED ON THE EVIDENCE OBTAINED.</p>				
DOCUMENTATION AUDIT	AT LEAST ONCE A YEAR	AUDIT RECORDS	<input type="checkbox"/>	<input type="checkbox"/>
CORRECTIVE ACTION MECHANISM FOR NON-COMPLIANCE TO EXPORT CONTROL RELATED MATTERS 	GUIDANCE TO COMPANY EMPLOYEES REGARDING NOTIFICATION, ESCALATION, AND CORRECTIVE ACTION FOR TIMES WHEN THERE ARE PROBLEMS OR SUSPECTED PROBLEMS WITH EXPORT TRANSACTIONS	METHODOLOGY/ SOP TO PREVENT OR ADDRESS NON-COMPLIANCE	<input type="checkbox"/>	<input type="checkbox"/>
		HOW IS THE DECISION FOR TYPE OF CORRECTIVE ACTION TO BE TAKEN IS MADE? EG: SPECIFIED IN SOP, DECISION VIA COMMITTEE, DECISION BY MANAGER, ADVISE FROM EXTERNAL PARTY. PLEASE ATTACH ANY RELEVANT DOCUMENTATION.	<input type="checkbox"/>	<input type="checkbox"/>
		COMMUNICATION TO THE RELATED DEPARTMENT/SECTION/UNIT	<input type="checkbox"/>	<input type="checkbox"/>
		DOCUMENTATION TO RECORD OR MONITOR CORRECTIVE ACTION TAKEN	<input type="checkbox"/>	<input type="checkbox"/>

ELEMENT 6 - INTANGIBLE TECHNOLOGY TRANSFER (ITT) 				
CORE ELEMENTS OF ICP	BEST PRACTICES	PROOF OF BEST PRACTICES	CHECK (ATTACHED DOCUMENTS)	
			YES	NO
<p><i>EXPLANATORY NOTE:</i> ITT IS AN ACTIVITY TO TRANSMIT TECHNOLOGY BY ANY MEANS TO A DESTINATION OUTSIDE MALAYSIA, AND INCLUDES ANY ORAL OR VISUAL TRANSMISSION OF TECHNOLOGY BY A COMMUNICATION DEVICE WHERE THE TECHNOLOGY IS CONTAINED IN A DOCUMENT THE RELEVANT PART OF WHICH IS READ OUT, DESCRIBED OR OTHERWISE DISPLAYED OVER THE COMMUNICATIONS DEVICE IN SUCH A WAY AS TO ACHIEVE A SIMILAR RESULT.</p>				
<p>IN ORDER TO ASSESS WHETHER YOUR COMPANY CONDUCTS THE ELECTRONIC TRANSFER OF STRATEGIC TECHNOLOGY TO ANY DESTINATION OUTSIDE OF MALAYSIA AND SUBJECT TO APPLYING STA PERMIT FOR ITT, PLEASE ANSWER THE ATTACHED QUESTIONNAIRE. ONLY PROCEED WITH THE ITT PORTION OF THIS ICP CHECKLIST IF YOUR COMPANY IS AN ITT EXPORTER. PLEASE ALSO REFER TO MITI'S WEBSITE LINK FOR THE ITT GUIDELINE: https://www.miti.gov.my/miti/resources/STA%20Folder/PDF%20file/Webpage_ITT_Guidelines_2019.pdf</p>				
ITT MANAGEMENT	ACADEMIC AND RESEARCH INSTITUTION, UNIVERSITY AND BUSINESS ENTITY IS EXPECTED TO EMBED THE REQUIREMENT OF ITT CONTROL IN RELATED DOCUMENTS	ITT REQUIREMENT IN DOCUMENTS SUCH AS: LETTER OF AWARD; NON-DISCLOSURE AGREEMENT; CONTRACT; ETHICS RESEARCH FORM AND/OR RESEARCH COLLABORATION AND CONSULTATION	<input type="checkbox"/>	<input type="checkbox"/>
COVER LETTER		APPLICATION LETTER ON ACADEMIC AND RESEARCH INSTITUTION, UNIVERSITY AND BUSINESS ENTITY LETTER HEAD, TOGETHER WITH ICP CHECKLIST	<input type="checkbox"/>	<input type="checkbox"/>
		A WRITTEN STATEMENT OF INTENT ON APPLICATION OF ICP FOR ACADEMIC AND RESEARCH INSTITUTIONS, UNIVERSITIES AND BUSINESS ENTITIES. THE COVER LETTER MUST STATE THAT THE SUBMISSION IS PURPOSELY TO GET AN APPROVAL LETTER FOR ICP	<input type="checkbox"/>	<input type="checkbox"/>
MANAGEMENT COMMITMENT		CLEAR INTANGIBLE TECHNOLOGY TRANSFER AND TECHNICAL ASSISTANCE POLICY AND PROCEDURES, ENDORSED BY TOP MANAGEMENT	<input type="checkbox"/>	<input type="checkbox"/>
PERSON-IN-CHARGE		WRITTEN APPOINTMENT BY CEO/ MD/DEAN.	<input type="checkbox"/>	<input type="checkbox"/>
EXPORT CONTROL OFFICER/ AUTHORIZED APPLICANT FROM RESEARCH MANAGEMENT CENTRE OR FOCAL POINT		EXPORT CONTROL OFFICER AND AUTHORIZED APPLICANT CAN BE THE SAME PERSONNEL.	<input type="checkbox"/>	<input type="checkbox"/>
		LETTER APPOINTING PERSONNEL WHO WILL BE IN-CHARGE OF EXPORT CONTROL COMPLIANCE AND INTANGIBLE TECHNOLOGY TRANSFER.	<input type="checkbox"/>	<input type="checkbox"/>
		LETTER SHOULD BE ADDRESSED TO THE APPOINTEE AND SHOULD CONTAIN NAME AND DESIGNATION OF NOMINATED PERSON. NOMINATED PERSON SHOULD BE AT MANAGERIAL LEVEL TO OVERSEE THE IMPLEMENTATION OF THE ICP	<input type="checkbox"/>	<input type="checkbox"/>
		LETTER SHOULD ALSO STATE ROLES/RESPONSIBILITIES OF APPOINTEE(S)	<input type="checkbox"/>	<input type="checkbox"/>
		THERE WILL BE NO LIMITATION PERIOD FOR THE APPOINTEE(S) TO BE THE PERSON IN-CHARGE OF EXPORT CONTROL COMPLIANCE	<input type="checkbox"/>	<input type="checkbox"/>