



MINISTRY OF INTERNATIONAL TRADE DAN INDUSTRY

CIRCULAR FOR EXPORT, TRANSIT, TRANSHIP OR BROKERING OF AIRCRAFT PARTS UNDER THE STRATEGIC TRADE ACT (STA) 2010

Purpose

This Circular is intended to provide guidelines on an application for export, transit, tranship or brokering of aircraft parts under the Strategic Trade Act (STA) 2010.

Background

2. The Strategic Trade Act (STA) 2010 does not control strategic items based on the Customs tariff code. The classification of strategic items are in Category Codes specified in the Strategic Trade (Strategic Items)(Amendments) Order 2014.
3. STA controls aircrafts and aircraft parts/components which are divided into two (2) categories:

Military List (ML)

Aircraft parts/components which are specially designed for military purpose, as stated in the Category Code ML10.

Dual-Use List

Aircraft system, engines and technologies for civil use as stated in the Category Codes 7A003, 9A001 and 9A003.

Please refer to **Annex I** for the details.

Specific Exemption

4. If companies that deal with Category Codes 7A003 and 9A001 are able to provide any certifications or equivalent documents recognised by the Department of Civil Aviation (DCA) or any International Civil Aviation Organisation to the Royal Malaysian Customs (RMC), the companies are automatically excluded from the requirement of permits.

5. If companies are acting on behalf of the Government of Malaysia, the companies are automatically excluded from the requirement of permits.

Please refer to the Regulation 22 of the Strategic Trade Regulations 2010 for the details

Current Practice

6. Based on the current practice, the exporter shall classify the items and declare the items as strategic or non-strategic accordingly. RMC has the authority to verify this self-declaration made by the exporter by referring to the Strategic Trade Secretariat (STS), MITI as deemed necessary.
7. In the event that RMC detains items although declared by exporter as non-strategic, the exporter may take the actions as in **Annex II**.
8. Please take note that the exporter is entirely responsible to ensure accuracy of shipment declaration. False declarations are punishable offences.

Effective Date

9. This circular takes effect from *20* November 2014.


Strategic Trade Controller
Strategic Trade Secretariat
Ministry of International Trade and Industry
Malaysia

Date : *20* November 2014

File : MITI/STS/656

Military Items

Category Codes	Items Description	Note	Relevant Authority
ML10	<p>"Aircraft", "lighter-than-air vehicles", Unmanned Aerial Vehicles ("UAVs"), aero-engines and "aircraft" equipment, related equipment, and components, as follows, specially designed or modified for military use:</p> <ol style="list-style-type: none"> a. Manned "aircraft" and "lighter-than-air vehicles", and specially designed components therefor; b. Not used since 2011; c. Unmanned aircraft and related equipment, as follows, and specially designed components therefor: <ol style="list-style-type: none"> 1. "UAVs", Remotely Piloted Air Vehicles (RPVs), autonomous programmable vehicles and unmanned "lighter-than-air vehicles"; 2. Launchers, recovery equipment and ground support equipment; 3. Equipment designed for command or control; d. Propulsion aero-engines and specially designed components therefor; e. Airborne equipment, including airborne refuelling equipment, specially designed for use with the "aircraft" specified by ML10.a. or the aero-engines specified by ML10.d., and specially designed components therefor; 	<p><u>N.B.</u>: For guidance and navigation equipment, see ML11.</p>	Controller

f. Pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and ground equipment, developed specially for "aircraft" specified by ML10.a. or for aero-engines specified by ML10.d.;

g. Military crash helmets and protective masks, and specially designed components therefor, pressurised breathing equipment and partial pressure suits for use in "aircraft", anti-g suits, liquid oxygen converters used for "aircraft" or missiles, and catapults and cartridge actuated devices, for emergency escape of personnel from "aircraft";

h. Parachutes, paragliders and related equipment, as follows, and specially designed components therefor:

1. Parachutes not specified elsewhere in the Military Item List in this Schedule;

2. Paragliders

3. Equipment specially designed for high altitude parachutists (e.g. suits, special helmets, breathing systems, navigation equipment);

i. Controlled opening equipment or automatic piloting systems, designed for parachuted loads.

Note 1: ML10.a. does not apply to "aircraft" and "lighter-than-air vehicles" or variants of those "aircraft" specially designed for military use, and which are all of the following:

a. Not a combat aircraft;

b. Not configured for military use and not fitted with equipment or attachments specially designed or

modified for military use; and

- c. Certified for civil use by the civil aviation authority.

Note 2: ML10.d. does not apply to:

- a. Aero-engines designed or modified for military use which have been certified by civil aviation authorities for use in "civil aircraft", or specially designed components therefor;
- b. Reciprocating engines or specially designed components therefor, except those specially designed for "UAVs".

Note 3: For the purposes of ML10.a. and ML10.d., specially designed components and related equipment for non-military "aircraft" or aero-engines modified for military use applies only to those military components and to military related equipment required for the modification to military use.

Note 4: For the purposes of ML10.a., military use includes: combat, military reconnaissance, assault, military training, logistics support, and transporting and airdropping troops or military equipment.

Note 5: ML10.a. does not apply to "aircraft" that meet all of the following:

- a. Were first manufactured before 1946;

		<p>b. Do not incorporate items specified by the Military Item List in this Schedule, unless the items are required to meet safety or airworthiness standards; and</p> <p>c. Do not incorporate weapons specified by the Military Item List in this Schedule, unless inoperable and incapable of being returned to operation.</p>
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Dual-Use Items

Category Codes	Items Description	Note	Relevant Authority
7A003	<p>Inertial systems and specially designed components, as follows:</p> <p>a. Inertial Navigation Systems (INS) (gimballed or strapdown) and inertial equipment, designed for "aircraft", land vehicle, vessels (surface or underwater) or "spacecraft" for navigation, attitude, guidance or control and having any of the following and specially designed components therefor:</p> <ol style="list-style-type: none"> 1. Navigation error (free inertial) subsequent to normal alignment of 0.8 nautical mile per hour (nm/hr) 'Circular Error Probable' ('CEP') or less (better); or 2. Specified to function at linear acceleration levels exceeding 10 g; <p>b. Hybrid Inertial Navigation Systems embedded with Global Navigation Satellite Systems(s) (GNSS) or with "Data-Based</p>	<p>NB: SEE ALSO 7A103.</p> <p><u>Note 1:</u> The parameters of 7A003.a. and 7A003.b. are applicable with any of the following environmental conditions:</p> <ol style="list-style-type: none"> a. Input random vibration with an overall magnitude of 7.7g rms in the first 0.5 hour and a total test duration of 1.5 hour per axis in each of the 3 perpendicular axes, when the random vibration meets all the following: <ol style="list-style-type: none"> 1. A constant Power Spectral Density (PSD) value of 0.04 g²/Hz over a frequency interval of 15 to 1 000 Hz; and 	Controller

Referenced Navigation" ("DBRN") System(s) for navigation, attitude, guidance or control, subsequent to normal alignment and having an INS navigation position accuracy, after loss of GNSS or "DBRN" for a period of up to four minutes, of less (better) than 10 metres 'Circular Error Probable' ('CEP');

c. Inertial Measurement equipment for heading or True North determination and having any of the following and specially designed components therefor:

1. Designed to have heading or True North determination accuracy equal to or less (better) than 0.07 deg sec (Lat) (equivalent to 6 arc minutes rms at 45 degrees latitude); or

2. Designed to have a non-operating shock level of 900 g or greater at a duration of 1 msec or greater;

d. Inertial Measurement equipment including Inertial Measurement Units (IMU) and Inertial Reference Systems (IRS), incorporating accelerometers or gyros specified in 7A001 or 7A002.

2. The PSD attenuates with frequency from 0.04 g²/Hz to 0.01 g²/Hz over a frequency interval from 1000 to 2000 Hz;

b. An angular rate capability about one or more axes of equal to or more than + 2.62 rad/s (150 deg/s); or

c. According to national standards equivalent to a. or b. above.

Note 2: 7A003 does not control inertial navigation systems which are certified for use on "civil aircraft" by civil authorities of a "participating state".

Note 3: 7A003.c.1. does not control theodolite systems incorporating inertial equipment specially designed for civil surveying purposes.

Technical Notes:

1. 7A003.b. refers to systems in which an INS and other independent navigation aids are built into a single unit (embedded) in order to achieve improved performance.

2. 'Circular Error Probable' (CEP) — In a circular normal distribution, the radius of the circle containing 50% of the individual measurements being made, or the radius of the circle within which there is a 50% probability of being located.

Category Codes	Items Description	Note	Relevant Authority
9A001	<p>Aero gas turbine engines having any of the following:</p> <p>a. Incorporating any of the "technologies" specified in 9E003.a., 9E003.h. or 9E003.i.; or</p> <p>b. Designed to power an aircraft to cruise at Mach 1 or higher, for more than 30 minutes.</p>	<p>NB: SEE ALSO 9A101.</p> <p><i>Note: 9A001.a. does not control aero gas turbine engines which meet all of the following:</i></p> <p>a. <i>Certified by the civil aviation authority in a "participating State"; and</i></p> <p>b. <i>Intended to power non-military manned aircraft for which any of the following has been issued by a "participating State" for the aircraft with this specific engine type:</i></p> <ol style="list-style-type: none"> 1. <i>A civil type certificate; or</i> 2. <i>An equivalent document recognised by the International Civil Aviation Organisation (ICAO).</i> 	Controller

Category Codes	Items Description	Note	Relevant Authority
9A003	<p>Specially designed assemblies and components, incorporating any of the "technologies" specified in 9E003.a., 9E003.h. or 9E003i., for any of the following gas turbine engine propulsion systems:</p> <p>a. Specified in 9A001; or</p> <p>b. Whose design or production origins are either non-"participating states" or unknown to the manufacturer.</p>		Controller

Procedure For The Exporter In The Event That RMC Detains Items Although Declared As Non-Strategic.

The exporter may write to admin.sts@miti.gov.my with the following information:

1. Full name of company and contact information (contact details);
2. Name of items and end-use;
3. No. of customs declaration form/airway bill/bill of lading;
4. Technical specifications of the items; and
5. Supporting documents that the items are not strategic.