

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, transshipment 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, transship or bring in transit such strategic items without a permit or without knowledge that the export, transshipment 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, transshipment 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, transshipment 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		
<p>*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)</p> <p>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.</p> <p>If the purpose is for the addition of item(s), please fill in the current application number and sections G, H and K.</p> <p>(b) Application type:</p> <p style="text-align: center;"><input type="checkbox"/> Export <input type="checkbox"/> Transit <input type="checkbox"/> Transshipment</p> <p>(c) Permit type:</p> <p style="text-align: center;"><input type="checkbox"/> Single-use <input type="checkbox"/> Bulk <input type="checkbox"/> Multiple-use</p>		
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	

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*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/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:
(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:	<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:

***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.

<p>48. The relevant Authority may at any time require the records to be audited and verified by an authorized officer.</p>
<p>49. Every permit holder shall allow the records to be inspected and copied or extract taken by any authorized officer.</p>
<p>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.</p>
<p>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.</p>
<p>52. Please note that your company should inform the relevant Authority if it:</p> <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.
<p>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.</p>
<p>Section K: Declaration and Undertaking</p>
<p><i>For renewal of permit or updating of record:</i></p>
<p>54. Information provided on (date of original permit application in dd/mm/yyyy) is still valid.</p>
<p>55. A new application is required if there is any change in the information provided in this form.</p>

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)