

**CIRCULAR ON THE AMENDMENTS TO THE STRATEGIC TRADE REGULATIONS
2010 (P.U. (A) 482/2010)**

- A. Permit Application Period for Export, Transit, Transhipment and Special;
 - B. End Use Statement and Delivery Verification Statement Forms; and
 - C. Non-Requirement of Transhipment Permit for Strategic Items under Category Codes No. 5A2 and 5B2
-

1. Amendments have been made to the Strategic Trade Regulations 2010 by the Strategic Trade Regulations (Amendment) 2011 (P.U. (A) 393/2011) (please refer to Appendix A) which was published in the *Federal Gazette* on 30 November 2011 and comes into effect on 1 December 2011. The key amendments are as follows:

A. Permit Application Period For Export, Transit, Transhipment and Special

a. **Export Permit**

- (i) Application for **single-use export permit** shall be made not less than **30 days** before the strategic items or unlisted items concerned is brought on board the conveyance on which it is to be exported or in case of strategic technology, before the transmission of the technology.
- (ii) For **bulk or multiple-use permit**, the application shall be made not less than **30 days** before the first export of the strategic items concerned.

b. **Transit Permit**

- (i) Application for **single-use transit permit** shall be made not less than **5 working days** before the arrival in Malaysia of the conveyance on which the strategic items or unlisted items concerned are to be brought in transit.
- (ii) For **bulk or multiple-use permits**, which was introduced in this amendment, application for permit shall be made not less than **30 days** before the first bringing in transit of the strategic items concerned.

c. **Transhipment Permit**

- (i) Application for **single-use transhipment permit** shall be made not less than **5 working days** before the strategic items or unlisted items concerned is brought on board the conveyance on which it is to be transhipped.
- (ii) For **bulk or multiple-use permits**, application shall be made not less than **30 days** before the first transhipment of the strategic items concerned is carried out.

d. Special Permit

Application for **special permit** shall be made not less than **30 days** before:

- (i) the strategic items or unlisted items concerned is brought on board the conveyance on which it is to be exported or transhipped;
- (ii) the arrival in Malaysia of the conveyance on which the strategic items or unlisted items concerned are to be brought in transit, in the case of bringing in transit; or
- (iii) the transmission of the strategic technology concerned is to be carried out.

B. End Use Statement and Delivery Verification Statement Forms

a. The forms for **End-Use Statement** which is Form 5 and for **Delivery Verification Statement** which is Form 6 have been amended for more clarity and user friendly.

b. **Returning period for the Delivery Verification Statement** is as follows:

- (i) For **single-use or special permit**, not later than **2 months from the date of export/ transit/ transhipment** unless otherwise authorized by the relevant Authority.
- (ii) For **bulk or multiple-use permit**, whenever requested by the relevant Authority.

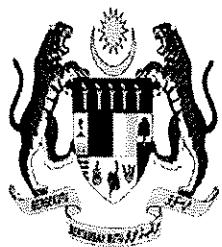
C. Non-Requirement of Transhipment Permit for Strategic Items under Category Codes 5A2 and 5B2

Category Codes No. 5A2 and 5B2 have been deleted from the dual-use items list under the **Third Schedule of the Strategic Trade Regulations 2010**. Hence, strategic items under these Category Codes no longer need **transhipment permit** provided the **conditions under Regulation 25** are fulfilled.

2. Apart from the amendments stated above, some editorial amendments were also made to the Strategic Trade Regulations 2010. Please take note that all these amendments are **effective since 1 December 2011**. The use of the previous version of Form 5 and Form 6 is acceptable until 31 December 2011.

9 December 2011

Strategic Trade Controller
Strategic Trade Secretariat
Ministry of International Trade and Industry (MITI)
Malaysia



30 November 2011
30 November 2011
P.U. (A) 393

WARTA KERAJAAN PERSEKUTUAN
*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN PERDAGANGAN STRATEGIK
(PINDAAN) 2011

STRATEGIC TRADE (AMENDMENT) REGULATIONS 2011



DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PERDAGANGAN STRATEGIK 2010
PERATURAN-PERATURAN PERDAGANGAN STRATEGIK (PINDAAN) 2011

PADA menjalankan kuasa yang diberikan oleh seksyen 55 Akta Perdagangan Strategik 2010 [Akta 708], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Perdagangan Strategik (Pindaan) 2011**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Disember 2011.

Pindaan peraturan 10

2. Peraturan-Peraturan Perdagangan Strategik 2010 [P.U. (A) 482/2010], yang disebut "Peraturan-Peraturan ibu" dalam Peraturan-Peraturan ini, dipinda dalam peraturan 10—
 - (a) dalam subperaturan (4), dengan memotong perkataan "bekerja" selepas perkataan "30 hari";
 - (b) dalam subperaturan (5), dengan menggantikan perkataan "2 bulan" dengan perkataan "30 hari"; dan
 - (c) dengan menggantikan perenggan (7)(c) dengan perenggan yang berikut:

"(c) pernyataan yang mengikutnya pengeksport mengaku janji bertanggungjawab untuk memberikan Pihak Berkuasa yang berkenaan suatu Pernyataan Pengesahan Penghantaran dalam Borang 6 atau dalam mana-mana borang yang boleh diterima oleh Pihak Berkuasa yang berkenaan—

- (i) dalam hal permit sekali guna, tidak lewat daripada tempoh 2 bulan dari tarikh eksport, melainkan dibenarkan oleh Pihak Berkuasa yang berkenaan; dan
- (ii) dalam hal permit pukal atau permit kegunaan pelbagai kali, apabila diminta oleh Pihak Berkuasa yang berkenaan; dan”.

Pindaan peraturan 11

3. Peraturan-Peraturan ibu dipinda dengan menggantikan peraturan 11 dengan peraturan yang berikut:

“Permit Transit

11. (1) Bagi maksud subseksyen 14(1) Akta, dalam hal pembawaan dalam transit, seseorang boleh memohon bagi suatu permit transit iaitu—

- (a) permit sekali guna;
- (b) permit pukal; atau
- (c) permit kegunaan pelbagai kali.

(2) Seseorang boleh memohon permit pukal atau permit kegunaan pelbagai kali hanya berkenaan dengan barang strategik.

(3) Suatu permohonan bagi permit yang disebut dalam subperaturan (1) hendaklah dibuat dalam Borang 1 oleh orang yang ingin menjalankan perbuatan yang berkenaan atau orang yang diberi kuasa yang bertindak bagi pihaknya dan disertakan dengan fi yang ditetapkan.

(4) Suatu permohonan bagi permit sekali guna hendaklah dibuat tidak kurang daripada 5 hari bekerja sebelum pengangkutan yang dengannya barang

strategik atau barang tidak tersenarai yang berkenaan permohonan itu dibuat yang hendak dibawa dalam transit itu tiba di Malaysia.

(5) Suatu permohonan bagi permit pukal atau kegunaan pelbagai kali hendaklah dibuat tidak kurang daripada 30 hari sebelum barang strategik yang berkenaan permohonan itu dibuat dibawa masuk dalam transit untuk kali pertama.

(6) Walau apa pun subperaturan (4) dan (5), Pihak Berkuasa yang berkenaan boleh, dalam mana-mana hal tertentu, membenarkan suatu permohonan bagi permit dibuat dalam suatu tempoh yang kurang dari tempoh yang dinyatakan dalam subperaturan tersebut jika adalah tidak praktik untuk permohonan itu dibuat dalam tempoh yang dinyatakan dalam subperaturan tersebut.

(7) Suatu permohonan bagi permit di bawah peraturan ini hendaklah disertakan dengan—

- (a) spesifikasi teknikal bagi barang strategik atau barang tidak tersenarai itu;
- (b) suatu pernyataan kegunaan akhir dalam Borang 5;
- (c) pernyataan yang mengikutnya pemohon mengaku janji bertanggungjawab untuk memberikan Pihak Berkuasa yang berkenaan suatu Pernyataan Pengesahan Penghantaran dalam Borang 6 atau dalam mana-mana borang yang boleh diterima oleh Pihak Berkuasa yang berkenaan—
 - (i) dalam hal permit sekali guna, tidak lewat daripada tempoh 2 bulan dari tarikh pembawaan dalam

transit, melainkan dibenarkan oleh Pihak Berkuasa yang berkenaan; dan

(ii) dalam hal permit pukal atau permit kegunaan pelbagai kali, apabila diminta oleh Pihak Berkuasa yang berkenaan; dan

(d) apa-apa dokumen atau maklumat lain yang dikehendaki oleh Pihak Berkuasa yang berkenaan.

(8) Bagi maksud peraturan ini, Pihak Berkuasa yang berkenaan boleh berunding dengan mana-mana Kementerian atau agensi lain yang berkenaan, sebagaimana yang wajar.

(9) Bagi maksud seksyen 16 Akta, permit hendaklah dikeluarkan secara bertulis dalam borang yang mengandungi sekurang-kurangnya segala elemen dan dalam turutan yang ditetapkan dalam Borang 2.

(10) Bagi maksud subseksyen 16(3) Akta—

(a) permit transit sekali guna hendaklah dikeluarkan bagi tempoh tidak melebihi 6 bulan;

(b) permit transit pukal atau permit transit kegunaan pelbagai kali hendaklah dikeluarkan bagi suatu tempoh tidak melebihi 2 tahun.”.

Pindaan peraturan 12

4. Peraturan 12 Peraturan-Peraturan ibu dipinda—

(a) dalam subperaturan (4), dengan memasukkan perkataan “bekerja” selepas perkataan “5 hari”;

- (b) dalam subperaturan (5), dengan menggantikan perkataan "dua bulan" dengan perkataan "30 hari"; dan
- (c) dengan menggantikan perenggan (7)(c) dengan perenggan yang berikut:
 - "(c) pernyataan yang mengikutnya pemohon mengaku janji bertanggungjawab untuk memberikan Pihak Berkuasa yang berkenaan suatu Pernyataan Pengesahan Penghantaran dalam Borang 6 atau dalam mana-mana borang yang boleh diterima oleh Pihak Berkuasa yang berkenaan—
 - (i) dalam hal permit sekali guna, tidak lewat daripada tempoh 2 bulan daripada tarikh pemindahan, melainkan dibenarkan oleh Pihak Berkuasa yang berkenaan; dan
 - (ii) dalam hal permit pukal atau permit kegunaan pelbagai kali, apabila diminta oleh Pihak Berkuasa yang berkenaan; dan".

Pindaan peraturan 13

- 5. Peraturan 13 Peraturan-Peraturan ibu dipinda—
 - (a) dalam subperaturan (3), dengan menggantikan perkataan "dua bulan" dengan perkataan "30 hari"; dan
 - (b) dengan menggantikan perenggan (4)(c) dengan perenggan yang berikut:
 - "(c) pernyataan yang mengikutnya pemohon mengaku janji bertanggungjawab untuk memberikan Pihak Berkuasa yang berkenaan suatu Pernyataan Pengesahan Penghantaran dalam Borang 6 tidak lewat daripada tempoh 2 bulan dari tarikh barang strategik atau barang tidak tersenarai yang berkenaannya

permohonan itu dibuat meninggalkan Malaysia, melainkan dibenarkan oleh Pihak Berkuasa yang berkenaan; dan”.

Pindaan Jadual Pertama

6. Jadual Pertama Peraturan-Peraturan ibu dipinda—

(a) dalam Borang 2—

- (i) dengan memotong perkataan “No.” dalam butiran 1;
- (ii) dengan memotong perkataan “orang” dalam butiran 4; dan
- (iii) dengan memotong perkataan “No.” dalam butiran 5;

(b) dalam Borang 4—

- (i) dengan memotong perkataan “No.” dalam butiran 1;
- (ii) dengan memotong perkataan “orang” dalam butiran 4; dan
- (iii) dengan memotong perkataan “No.” dalam butiran 5;

(c) dengan menggantikan Borang 5 dengan borang yang berikut:

“BORANG 5

[Perenggan 10(7)(b), 11(7)(b), 12(7)(b), 13(4)(b) dan subperaturan 14(1)]

PERNYATAAN KEGUNAAN AKHIR

Pernyataan kegunaan akhir ini hendaklah dikeluarkan oleh penerima konsain atau pengguna akhir menggunakan kepala surat penerima konsain atau pengguna akhir, mengikut mana yang berkenaan.

Nota Penting:

1. “**”menunjukkan potong mana-mana yang tidak berkenaan.
2. Tandakan (✓) pada kotak yang berkenaan.
3. Pernyataan kegunaan akhir ini mestilah ditandatangani:
 - (a) jika individu, oleh orang yang berkaitan secara langsung atau salah seorang pekerjanya yang diberi kuasa olehnya secara bertulis;
 - (b) jika perkongsian, oleh seorang pekongsi atau pekerja firma yang diberi kuasa sewajarnya secara bertulis oleh pekongsi; atau
 - (c) jika pertubuhan perbadanan, oleh pengarah, setiausaha atau pekerja yang diberi kuasa sewajarnya secara bertulis oleh pengarah atau setiausaha pertubuhan perbadanan itu.
4. Menurut subseksyen 40(1) Akta Perdagangan Strategik 2010, seseorang yang mengemukakan maklumat palsu atau mengelirukan dalam apa-apa permohonan, laporan atau dokumen lain bagi apa-apa maksud di bawah Akta ini atau undang-undang yang berkaitan melakukan suatu kesalahan dan hendaklah, apabila disabitkan, dihukum dengan denda tidak melebihi satu juta ringgit atau dengan pemenjaraan selama tempoh tidak melebihi dua tahun atau dengan kedua-duanya, dan dalam hal suatu pertubuhan perbadanan, dihukum dengan denda minimum sebanyak dua juta ringgit.

PERNYATAAN KEGUNAAN AKHIR

Dikemukakan bagi mematuhi subseksyen 14(2) Akta Perdagangan Strategik 2010 (*Akta 708*) Malaysia.

Kami (Saya) memperakui bahawa kami (saya) telah meminta (*nama, alamat dan nombor telefon pembekal*) untuk membekalkan kami barang strategik/barang tidak tersenarai* yang berikut:

Perihalan barang : _____
 Kod Kategori : _____
 Kuantiti : _____
 Jumlah Nilai : _____

untuk—

Penggunaan	<input type="checkbox"/> di _____ <small>(negara destinasi akhir)</small>	bagi _____ <small>(butiran berkenaan kegunaan akhir ATAU Industri/perniagaan yang terlibat)</small>
Penghasilan	<input type="checkbox"/> di _____ <small>(negara destinasi akhir)</small>	bagi _____ <small>(butiran berkenaan kegunaan akhir ATAU Industri/perniagaan yang terlibat)</small>

Pengedaran	<input type="checkbox"/>	di _____ (negara destinasi akhir)	bagi _____ (butiran berkenaan kegunaan akhir ATAU industri/perniagaan yang terlibat)
Pembaikan	<input type="checkbox"/>	di _____ (negara destinasi akhir)	bagi _____ (butiran berkenaan kegunaan akhir ATAU industri/perniagaan yang terlibat)
Lain-lain (Sila nyatakan: _____)	<input type="checkbox"/>	di _____ (negara destinasi akhir)	bagi _____ (butiran berkenaan kegunaan akhir ATAU industri/perniagaan yang terlibat)

Kami (Saya) memperakui bahawa barang strategik/barang tidak tersenarai itu tidak akan digunakan bagi apa-apa aktiviti terhad yang menyokong pembangunan, penghasilan, pengendalian, penggunaan, penyenggaraan, penyimpanan, inventori atau percambahan apa-apa senjata pemusnah besar-besaran dan sistem penghantarnya atau penyertaan dalam transaksi dengan orang yang terlibat dalam aktiviti sedemikian.

Kami (Saya) memperakui bahawa kami (saya) tidak akan kemudiannya mengeksport ataupun selainnya menjual semula barang itu kepada mana-mana orang atau negara yang tertakluk kepada apa-apa sanksi yang dikenakan menurut sesuatu keputusan Majlis Keselamatan Pertubuhan Bangsa-Bangsa Bersatu.

Tarikh	Tandatangan asal pengguna akhir/pegawai kerajaan*
Cop syarikat/meterai rasmi	Nama dan jawatan penandatangan dalam huruf besar";

(d) dengan menggantikan Borang 6 dengan borang yang berikut:

"BORANG 6

[Perenggan 10(7)(c), 11(7)(c), 12(7)(c) dan 13(4)(c)]

PERNYATAAN PENGESAHAN PENGHANTARAN

BAHAGIAN I

No. Permit Eksport/Transit/Pemindahan/Khas*: _____
 No. Perakuan Import Antarabangsa (jika berkenaan): _____

NOTIS PENTING

Salinan ASAL Borang ini mesti dikembalikan kepada Pihak Berkuasa yang berkenaan—

1. bagi permit sekali guna/khas, tidak lewat daripada 2 bulan dari tarikh eksport/transit/pemindahan, melainkan jika dibenarkan selainnya oleh Pihak Berkuasa yang berkenaan; atau
2. bagi permit pukal/kegunaan pelbagai kali, apabila diminta oleh Pihak Berkuasa yang berkenaan.

Kami (Saya) memperakui bahawa (*sila tandakan "X" pada kotak yang berkenaan di bawah*):

- Jumlah kuantiti yang dibenarkan untuk dieksport oleh permit ini telah dieksportkan dan semua dokumen pengesahan penghantaran boleh didapati apabila diminta oleh Pihak Berkuasa yang berkenaan.
- Sebahagian daripada kuantiti yang dibenarkan untuk dieksport/transit/pemindahan* oleh permit ini telah dieksport/dibawa dalam transit/dipindahkan* seperti yang diperincikan dalam Bahagian II. Dokumen pengesahan penghantaran yang merangkumi segala barang yang dieksportkan/dibawa dalam transit/dipindahkan* boleh didapati apabila diminta oleh Pihak Berkuasa yang berkenaan.
- Tiada penghantaran muatan telah dibuat berdasarkan permit ini.

Nama pemegang permit:	Nama dan jawatan wakil diberi kuasa:
Tarikh (hh/bb/tt):	Tandatangan wakil diberi kuasa:

BAHAGIAN II		
PENGGUNA AKHIR	NO. KLASIFIKASI BARANG	KUANTITI
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
Kami (Saya) mengisyiharkan bahawa semua maklumat yang diberikan di atas adalah benar dan tepat, setakat pengetahuan terbaik kami/(saya).		
Nama dan tandatangan Pegawai Pengesahan Penghantaran:		Tarikh(hh/bb/tt)

ARAHAN:

1. Pada masa membuat setiap penghantaran muatan di bawah permit yang dilampirkan, sila hantar kepada pengimport asing anda suatu permohonan bertulis untuk pengesahan penghantaran. Sila masukkan dalam permohonan anda nombor perakuan import (sekiranya berkenaan) yang ditunjukkan di hadapan Borang ini dan pohon pengimport asing itu memastikan bahawa nombor perakuan import ini terdapat pada pengesahan import penghantaran yang diterima daripada kerajaannya. Anda hendaklah mengemukakan dokumen tersebut apabila diminta oleh Pihak Berkuasa yang berkenaan.
2. Pengimport asing itu hendaklah dinasihatkan mengenai terma perihalan barang sebagaimana yang dinyatakan pada permit eksport/transit/pemindahan/khas*, termasuk unit ukuran (iaitu paun, kilogram, bilangan, dsb.) dan/atau nilai barang (mengikut mana-mana yang berkenaan) dan pengimport asing itu hendaklah dipohn untuk memastikan bahawa terma yang sama ini digunakan pada pengesahan penghantaran sebagaimana terma pada permit eksport/ transit/pemindahan/khas*.
3. Bagi penghantaran yang melibatkan pernyataan import antarabangsa, sila dapatkan daripada pengimport asing itu pengesahan penghantaran yang telah dikeluarkan kepadanya oleh kerajaannya bagi barang yang diperihalkan dalam permit eksport/transit/pemindahan/khas* yang dilampirkan. Jika amaun penuh yang dibenarkan tidak atau tidak akan dieksportkan, pengesahan penghantaran hendaklah diperoleh bagi amaun yang sebenarnya dihantar. Jika barang dieksportkan dalam penghantaran muatan separa, sila dapatkan pengesahan penghantaran bagi setiap penghantaran muatan separa. Pengesahan penghantaran yang merangkumi penghantaran muatan separa hendaklah disimpan dalam fail anda sehingga anda telah menerima pengesahan penghantaran bagi segala penghantaran muatan separa yang dibuat berdasarkan permit yang dilampirkan.

4. Anda hendaklah menyimpan salinan asal segala bukti penghantaran dan pengesahan import penghantaran yang hendaklah dikemukakan apabila diminta oleh Pihak Berkuasa yang berkenaan.
5. Dokumen dalam bahasa asing hendaklah disertakan dengan terjemahan bahasa Inggeris yang tepat.
“*” menunjukkan potong mana-mana yang tidak berkenaan.

”; dan

(e) dalam Borang 8—

- (i) dengan memotong perkataan “No.” dalam butiran 1;
- (ii) dengan memotong perkataan “orang” dalam butiran 4; dan
- (iii) dengan memotong perkataan “No.” dalam butiran 5.

Pindaan Jadual Ketiga

7. Jadual Ketiga Peraturan-Peraturan ibu dipinda dengan memotong butiran (*m*) di bawah tajuk “BARANG DWI KEGUNAAN”.

Dibuat 29 November 2011
[MITI/STS/(S)/536; PN(PU2)682/IV]

DATO’ SRI MUSTAPA BIN MOHAMED
Menteri Perdagangan Antarabangsa dan Industri

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE REGULATIONS (AMENDMENT) 2011

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

Citation and commencement

1. (1) These regulations may be cited as the **Strategic Trade Regulations (Amendment) 2011**.

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

Amendment of regulation 10

2. The Strategic Trade Regulations 2010 [P.U. (A) 482/2010], which are referred to as the "principle Regulations" in these Regulations, are amended in regulation 10—

(a) in subregulation (4), by deleting the word "working" after the word "30";

(b) in subregulation (5), by substituting for the words "2 months" the words "30 days"; and

(c) by substituting for paragraph (7)(c) the following paragraph:

"(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 2 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”.

Amendment of regulation 11

3. The principal Regulations are amended by substituting for regulation 11 the following regulation:

“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 5 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 30 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 2 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 6 months; and
- (b) a bulk or multiple-use transit permit shall be issued for a period not exceeding 2 years.”.

Amendment of regulation 12

4. Regulation 12 of the principal Regulations is amended—

- (a) in subregulation (4), by inserting the word “working” after the word “5”;
- (b) in subregulation (5), by substituting for the words “2 months” the words “30 days”; and
- (c) by substituting for paragraph (7)(c) the following paragraph:
 - “(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 2 months from the date of transhipment 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".

Amendment of regulation 13

5. Regulation 13 of the principal Regulations is amended—

- (a) in subregulation (3) by substituting for the words "2 months" the words "30 days";
- (b) by substituting for paragraph (4)(c) the following paragraph:
 - "(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 2 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"

Amendment of the First Schedule

6. The First Schedule of the principal Regulations is amended—

- (a) in Form 2—
 - (i) by deleting the word "No." in item 1;
 - (ii) by deleting the word "point" in item 4; and
 - (iii) by deleting the word "No." in item 5;

(b) in Form 4—

- (i) by deleting the word "No." in item 1;
- (ii) by deleting the word "point" in item 4; and
- (iii) by deleting the word "No." in item 5;

(c) by substituting for Form 5 the following form:

"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	<input type="checkbox"/> in _____ <small>(country of final destination)</small>	for _____ <small>(details of end-use OR industry/business activity involved)</small>
Production	<input type="checkbox"/> in _____ <small>(country of final destination)</small>	for _____ <small>(details of end-use OR industry/business activity involved)</small>
Distribution	<input type="checkbox"/> in _____ <small>(country of final destination)</small>	for _____ <small>(details of end-use OR industry/business activity involved)</small>
Repair	<input type="checkbox"/> in _____ <small>(country of final destination)</small>	for _____ <small>(details of end-use OR industry/business activity involved)</small>
Others (Please Specify: _____)	<input type="checkbox"/> in _____ <small>(country of final destination)</small>	for _____ <small>(details of end-use OR industry/business activity involved)</small>

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";

(d) by substituting for Form 6 the following form:

"FORM 6

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

DELIVERY VERIFICATION STATEMENT

PART I	
Export/Transit/Transhipment/Special*Permit No. : _____ International Import Certificate No. (<i>if applicable</i>) : _____	
IMPORTANT NOTICE	
The ORIGINAL copy of this Form must be returned to the relevant Authority— 1. for single use/special permit, not later than 2 months from the date of export/bringing in transit/transhipment, unless otherwise authorized by the relevant Authority; or 2. for bulk/multiple-use permit, upon request by the relevant Authority.	
We (I) certify that (<i>please tick whichever applicable</i>): 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/transhipment* 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/yy):	Signature of authorized representative:
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PART II		
END USER	ITEM CLASSIFICATION NO.	QUANTITY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
We (I) declare that all the information provided above is true and correct to the best of our (my) knowledge.		
Delivery Verification Officer's name and signature:	Date (dd/mm/yy)	

INSTRUCTIONS:

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/transhipment/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/transhipment/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/transhipment/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.

"*" indicates delete whichever is not applicable.

"; and

(e) in Form 8—

- (i) by deleting the word "No." in item 1;
- (ii) by deleting the word "point" in item 4; and
- (iii) by deleting the word "No." in item 5.

Amendment of the Third Schedule

7. The Third Schedule of the principal Regulations is amended by deleting item (m) under the heading "DUAL-USE ITEMS".

Made 29 November 2011
[MITI/STS/(S)/536; PN(PU2)682/IV]

DATO' SRI MUSTAPA BIN MOHAMED
*Minister of International Trade and
Industry*

