

## Frequently Asked Questions (FAQs)

### UPDATES TO THE STRATEGIC GOODS (CONTROL) ORDER, STRATEGIC GOODS (CONTROL) (BROKERING) ORDER AND STRATEGIC GOODS (CONTROL) REGULATIONS

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#### 1) Why the recurrent updating of the strategic goods control list?

In line with international practices, Singapore takes reference from the Wassenaar Arrangement Munitions List, and the European Union's List of Dual-Use Items ("EUDL") as the basis for our strategic goods control list. The EUDL is an amalgamation of dual-use items controlled by the four multilateral export control regimes (the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement). We continuously review and update our control list to reflect changes to the four regimes' lists.

When there are changes to the strategic goods control list, Singapore Customs will issue Circular(s) to the trading and business community. The Circular is also available at [www.customs.gov.sg](http://www.customs.gov.sg) > News and Media > Circulars.

#### 2) Why is there a Strategic Goods (Control) Amendment Order 2022 in replacement of Strategic Goods (Control) Order 2021 this year?

In recent years, the updates to the Strategic Goods (Control) Order were made by revoking the existing Strategic Goods (Control) Order and making a new order each year. This year, in view of the minor amendments needed to update the Strategic Goods (Control) Order, the intended updates to Strategic Goods (Control) Order are incorporated in Strategic Goods (Control) Order 2021. In this regard, an amendment subsidiary legislation, "Strategic Goods (Control) (Amendment) Order 2022" will be gazetted on 1 August 2022 and will take effect on 1 October 2022. This would mean that the title of the principal Strategic Goods (Control) Order will remain unchanged, that is "Strategic Goods (Control) Order 2021" and changes will be updated directly to the Principal Order, maintaining the latest version of the Strategic Goods (Control) Order as Strategic Goods (Control) Order 2021, and the previous versions will be tracked on Singapore Statutes Online, based on the effective date of operation.

#### 3) How do I know if my products are controlled?

To determine if your product is controlled under the Strategic Goods (Control) Act, you will need to read and understand the stated descriptions in the Strategic Goods Control Order 2021 and compare with your item's technical descriptions or blue prints, and determine the corresponding Strategic Goods (Control) Order's Category Code for that item. If in doubt, you should seek advice from the relevant parties involved in the transaction having the due knowledge of the goods' technical specifications and end-use, such as the exporter or manufacturer where necessary. For more information, you may wish to refer to the Guidebook on the Determination of Strategic Goods via [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Strategic Goods Control > Resources.

#### 4) When will the Strategic Goods (Control) Amendment Order 2022 be implemented?

The Strategic Goods (Control) Amendment Order 2022 will be gazetted on 1 August 2022 and will take effect from 1 October 2022. The two months advanced gazette ahead of implementation will give traders and service providers in the trading and business community time to make necessary adjustments to their business operations.

**5) What are the implications on my business with the implementation of the Strategic Goods (Control) Amendment Order 2022?**

Possible business implications include, but not limited to:

- (a) If your item is now controlled under the Strategic Goods (Control) Order 2021, you will then need a strategic goods permit before you ship or transfer the goods, unless they fall under the exemption provision (for transshipment and transit).
- (b) If your item is no longer controlled under the Strategic Goods (Control) Order 2021, you will not need any strategic goods permit before you ship or transfer the goods.

However, you must note that a strategic goods permit will still be required, if you have been notified, or are aware, or have reasonable grounds to suspect that the goods or technology you are handling are intended or likely to be used wholly or in part, for or in connection with an activity relating to nuclear, chemical or biological weapons, or missiles capable of delivering these weapons.

You are also advised to seek clarifications from the relevant Competent Authorities on their licence or permit requirements, as they may control these goods, though they are not listed in the Strategic Goods (Control) Order 2021. You can check if your goods are controlled from the Customs website via [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Exporting Goods > Controlled and Prohibited Goods for Exports.

[For the purposes of the Strategic Goods (Control) Act, transfer means the following:

- (i) export, tranship or bring in transit any strategic goods;
- (ii) export any document in which any strategic goods technology is recorded, stored or embodied; or
- (iii) transmit (via electronic transmission or a computer) any strategic goods technology.]

- (c) For Strategic Trade Scheme (STS) bulk permit holders, if your goods are listed under the new Strategic Goods (Control) Order 2021, you may apply for a 'Product Inclusion' to your existing bulk permit(s). For goods and technology that are no longer controlled under the Strategic Goods (Control) Act (i.e. not listed in Strategic Goods (Control) Order 2021), you could request for the removal of such goods and technology from your bulk permit(s). You can contact your account managers or email your requests to [customs\\_schemes@customs.gov.sg](mailto:customs_schemes@customs.gov.sg).
- (d) With the implementation of the Strategic Goods (Control) Amendment Order 2022, you need to note that past advisories from Singapore Customs on the classification of certain strategic goods and strategic goods technology may become outdated. You are advised to re-classify the goods when your company deals with new products, when there are changes in technical specifications of existing products or when there are changes in the existing control list. This can be done by comparing the description and technical specifications provided in the Strategic Goods (Control) Order 2021. If there is doubt, you may email your enquiries to [customs\\_classification@customs.gov.sg](mailto:customs_classification@customs.gov.sg) or submit a new application for the determination of strategic goods and strategic goods technology classification. For more information on our classification advisories, you may refer to [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Strategic Goods Control > Strategic Goods Control List > Determination of Strategic Goods.
- (e) All brokers of items listed in the Strategic Goods (Control)(Brokering) Order need to be registered with Singapore Customs at least **14 working days** prior to brokering in these items.

For more information on brokering, you may refer to [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Strategic Goods Control > Permit and Registration Requirements > Brokering. If there is doubt, you may write in to [customs\\_stgc@customs.gov.sg](mailto:customs_stgc@customs.gov.sg) with your enquiries.

**6) Where can I find the Strategic Goods (Control) Order 2021 (“SGCO 2021”) and its amendments?**

The Strategic Goods (Control) Order 2021 can be accessed via [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Strategic Goods Control > Strategic Goods Control List.

A summary on its amendment can be accessed via [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Strategic Goods Control > Resources.

**7) How many days in advance do I need to apply for a strategic goods export permit or strategic goods transshipment permit?**

The application for a strategic goods **export** permit or a strategic goods **transshipment** permit should be submitted at least **5 working days** before the loading of goods onto the conveyance on which the goods are to be brought out of Singapore.

Traders are advised to submit their permit applications well in advance, with a complete set of supporting documents and information, so as to allow adequate time for the permit applications to be processed.

**8) How many days in advance do I need to apply for a strategic goods transit permit?**

The strategic goods transit permit application should be submitted at least 5 working days before the arrival of the conveyance on which the goods are to be brought in transit into Singapore.

Traders are advised to submit their permit applications well in advance, with a complete set of supporting documents and information, to allow adequate time for the permit applications to be processed.

**9) I have an urgent shipment for a product that is now classified as a controlled good due to the change in Strategic Goods (Control) Order 2021. Should I apply for an individual permit first or a bulk permit?**

If the export of this product is urgent, traders should apply for an individual permit first, as an interim measure. Thereafter, once the relevant supporting documents are ready, traders can submit an application for an STS Bulk Permit.

**10) My item is not found on the Fourth or Fifth Schedule of the Strategic Goods (Control) Regulations (“SGCR”). Can I safely conclude that a strategic goods transshipment or transit permit is not required?**

A permit is required for all strategic goods listed in the Strategic Goods (Control) Order 2021 if they remain in the free trade zone for more than (a) 45 days if they are brought into Singapore by water or (b) 21 days if they are brought into Singapore by air. A permit is also required if the goods are transhipped from one free trade zone to another free trade zone in Singapore.

In addition, if you know, have been notified, or have reasonable grounds to suspect that an item is intended or likely to be intended for nuclear, chemical or biological weapons purposes, or

missiles capable of delivering these weapons, the item will be subject to the 'catch-all' provision under the Strategic Goods (Control) Act and the requirements of the Act will apply.

**11) I am transmitting a document containing controlled technology to an entity overseas. Do I need to apply for a permit?**

Yes, you will be required to apply and obtain an approved permit for the transaction as the electronic transmission of strategic goods technology is controlled under the Strategic Goods (Control) Act. The permit may be applied by filling in the "Application for Permit to Transmit or Export (via Hand-Carry) Strategic Goods Related Software and Technology" form, which can be accessed via [www.customs.gov.sg](http://www.customs.gov.sg) > E-Services > Customs Forms & Service Links.

**12) I am hand-carrying a document containing controlled technology to an entity overseas. Do I need to apply for a permit?**

Yes, you will be required to apply and obtain an approved permit for the transaction as the export of strategic goods technology is controlled under the Strategic Goods (Control) Act.

(a) If you are personally hand-carrying the document, the permit may be applied through TradeNet® system, or by filling in the "Application for Permit to Transmit or Export (via Hand-Carry) Strategic Goods Related Software and Technology" form, which can be accessed via [www.customs.gov.sg](http://www.customs.gov.sg) > E-Services > Customs Forms & Service Links.

(b) If you are engaging the service of a postal/courier company to deliver the document, the permit may be applied through TradeNet® system.

**13) What are the penalties for failing to comply with the requirements under the Strategic Goods (Control) Act?**

Penalties for offences under the Strategic Goods (Control) Act include seizure and forfeiture of goods, fines and/or imprisonment. Offences may also be compounded for up to a maximum sum of \$10,000 per offence. The key offences and corresponding penalties are as follows:

<b>Offence</b>	<b>Penalty Upon Conviction</b>
<b>Section 5 of the Strategic Goods (Control) Act</b> (Transfer without a valid strategic goods permit)	<u>First conviction</u>  A fine not exceeding \$100,000 or 3 times the value of the goods or technology involved, whichever is greater, or imprisonment not exceeding 2 years, or both.
<b>Section 6 (1) of the Strategic Goods (Control) Act</b> (Brokering without first registering with Singapore Customs)	<u>Second or subsequent conviction</u>  A fine not exceeding \$200,000 or 4 times the value of the goods or technology involved, whichever is greater, or imprisonment not exceeding 3 years, or both.

<b>Section 9 of the Strategic Goods (Control) Act</b> (Breach of permit/registration condition)	A fine not exceeding \$50,000 or imprisonment not exceeding 12 months, or both.
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**14) Can I apply for a strategic goods permit post-shipment, and what are the penalties for late permit applications?**

All strategic goods permits must be obtained prior to the shipment or transfer of the strategic goods or strategic goods technology. If you did not apply for a strategic goods permit prior to the shipment or transfer, you may come forward in good faith to voluntarily disclose the oversight. Note that the Voluntary Disclosure Programme is not an amnesty programme. Penalties may still be imposed depending on the facts of the case and the outcome of our investigations. The Voluntary Disclosure Programme encourages self-compliance, and the information disclosed will be considered as a potential mitigating factor when deciding on the penalty to be imposed. More information on the Voluntary Disclosure Programme can be accessed via [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > Compliance > Voluntary Disclosure Programme.

**15) What goods are sanctioned by the United Nations Security Council?**

Singapore takes a serious view of its international obligations and enforces all United Nations Security Council resolutions. The Regulation of Imports and Exports Act and its regulations, specifically the Regulation of Imports and Exports Regulations, prohibit the importation into, exportation from and transit through Singapore of goods which will contravene the decisions of the United Nations Security Council in resolutions made under Chapter VII of the UN Charter. Please refer to the Seventh Schedule of the Regulations of Import and Export Regulations for the list of prohibited goods to/from countries sanctioned by the United Nations Security Council.

Please refer to the list of items via [www.customs.gov.sg](http://www.customs.gov.sg) > Businesses > United Nations Security Council Sanctions.

**16) Does Singapore enforce unilateral sanctions or embargoes imposed by foreign jurisdictions?**

Singapore does not enforce unilateral sanctions imposed by foreign jurisdictions. Natural or legal persons may still be affected by such unilateral sanctions through enforcement measures taken by the foreign jurisdictions. As such, natural or legal persons should exercise due diligence. The level of exposure to such unilateral sanctions, if any, is dependent on the respective circumstances. Traders dealing with countries subject to unilateral sanctions should make their own assessment and decisions in the light of their own commercial interests and consult their legal advisors accordingly.