

MEMORANDUM CIRCULAR NO. 22-13
Series of 2022

SUBJECT : Guidelines on the Use of General Authorization

WHEREAS, under Section 8 of Republic Act No. 10697, otherwise known as the Strategic Trade Management Act (STMA), the Strategic Trade Management Office (STMO) is created as a bureau under the administrative supervision of the Department of Trade and Industry (DTI) to serve as the executive and technical agency of the national government for the establishment of the management systems for the trade in strategic goods.

WHEREAS, under Section 3 of the STMA, the following activities shall be subject to authorization by the STMO: export, import, transit, transshipment, re-export, reassignment of strategic goods, and the provision of related services.

WHEREAS, under Section 4 of the STMA, a National Strategic Goods List (NSGL) shall be created to describe with specificity the strategic goods subject to authorization. The NSGL has three (3) annexes: Military Goods (Annex 1), Dual-Use Goods (Annex 2), and Nationally Controlled Goods (Annex 3).

WHEREAS, Section 9(d) of the STMA vests the STMO with the authority and responsibility to issue or refuse authorizations for the trade of strategic goods and the provision of related services.

WHEREAS, in support of Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, the STMO has identified the issuance of a general authorization as a mechanism to facilitate trade by identifying goods destined for specific countries that will be subject only to a notification process rather than the usual authorization application.

NOW, THEREFORE, this Circular is hereby issued for the information, guidance, and compliance of all concerned stakeholders.

1. Definition

General Authorization¹ shall mean the authorization to import, export, transit, transship, re-export, reassign specified strategic goods, or provide certain related services to destination countries under the conditions specified in the general authorization.

This authorization shall be published by the STMO on its website.

¹ Rule 1, Section 4(a) of the STMA Implementing Rules and Regulations.

2. Scope & Coverage

Any STMO-registered person may avail of the general authorization. Each general authorization shall contain the following relevant information:

- 2.1. Purpose of the general authorization, including the description of covered activities;
- 2.2. NSGL codes of covered strategic goods;
- 2.3. Countries of destination; and,
- 2.4. Set of conditions which the STMO-registered person must comply with before, during, and/or after the use of a particular general authorization.

3. Notification Process for the Use of General Authorization

- 3.1. The STMO shall publish general authorization/s on its website <https://www.dti.gov.ph/negosyo/strategic-trade-management/>.
- 3.2. The covered person shall verify whether their transaction is covered under a published general authorization.
- 3.3. The covered person who intends to use the general authorization shall send an email notification to stmo_rad@dti.gov.ph. The subject of the email shall have the following format: Notification for the Use of General Authorization_(Reference Code)²_(Name of STMO-registered person).³
- 3.4. The body of the email shall contain the following information:
 - 3.4.1. NSGL Codes of Strategic Goods;
 - 3.4.2. Countries of Destination; and,
 - 3.4.3. Possible date of return of items (for repair, maintenance, and replacement).
- 3.5. The covered person may automatically use the general authorization after sending the e-mail notification to the STMO.
- 3.6. The general authorization, with an attached authorization number and QR code, shall form part of the shipping documentation and shall be subject to checks by the Bureau of Customs or other border control agencies pursuant to **Memorandum Circular 22-04: Revised Guidelines for Export Clearance Amending MC No. 20-47.**

² Refers to the code in a specific general authorization certificate (e.g., GEN-2022-A).

³ The notification process shall be accomplished through the STMO IT platform once it is made available to the public.

4. General Conditions for the Use of General Authorization

The STMO-registered person using the general authorization shall comply with specific conditions, including but not limited to the following:

- 4.1. The general authorization shall only be valid upon the issuance of the authorization number and corresponding QR code by the STMO;
- 4.2. The strategic goods or technology are not known, believed, suspected, or intended to be used in relation to a nuclear, chemical, or biological weapons program, including their means of delivery;
- 4.3. The transfer does not violate any provisions of the STMA, its Implementing Rules and Regulations, and related issuances, including DTI MC No. 20-13 on STMO's List of Prohibited End-Users;
- 4.4. The STMO may at any time require the records specified under Section 5.2. of this Circular to be audited and verified by an authorized STMO officer;
- 4.5. The temporary exports (e.g., repair/maintenance, exhibition/fair, etc.), the retransfer to the Philippines or the end-user shall take place within the period specified in the relevant General Authorization; and,
- 4.6. Other conditions as specified in the general authorization.

5. Responsibilities of Persons Using General Authorization

The person using the general authorization shall have the following responsibilities:

- 5.1. Submit to the STMO an annual report on the usage of the authorization. The report shall be submitted on or before 15 June of each year to stmo_icd@dti.gov.ph with the subject Annual Report on the Use of General Authorization (Name of STMO-registered person-Authorization Number). The template may be accessed through this link: bit.ly/3ghmpGE.⁴ However, for General Authorizations issued between 01 April to 15 June, the report shall be submitted the following year.
- 5.2. Keep records of the transaction and/or books of accounts, business and computer systems, and all commercial and technical data related to the transaction for ten (10) years from the date of the completion of the transactions, including the following:
 - 5.2.1. Export Declaration;
 - 5.2.2. Commercial Invoice;
 - 5.2.3. Packing List;
 - 5.2.4. End-use statement;

⁴ Annual Reporting shall be done through the STMO IT platform once it is made available to the public.

5.2.5. Warranty Certificate, if applicable; and,

5.2.6. Service Report (e.g. Repair/Replacement Report, Maintenance Report, etc.)

5.3. Notify the applicable conditions of the authorization to the consignee.

5.4. Immediately inform the STMO should there be any changes in the particulars or information submitted in the notification.

5.5. Immediately inform the STMO if they become aware of information concerning the use of goods, in whole or in part, for the development, production, use, maintenance, stockpiling, detection, identification, or dissemination of weapons of mass destruction, means of their delivery, for military purposes in an embargoed destination, or for purposes of endangering national security.

5.6. Cooperate with the STMO on the conduct of a post-authorization audit.

5.7. Allow the records or documents of covered transactions to be inspected and copied by an authorized STMO officer.

6. Revocation or Amendment of General Authorization

The STMO may revoke or amend a general authorization pursuant to Section 9, Rule IV of the STMA IRR.

This Circular shall take effect immediately.

15 June 2022, Makati City.

Recommending Approval:


ATTY. JANICE S. DIMAYACYAC
Director III

Approved by:

ATTY. LUIS MANUEL M. CATIBAYAN
Director