

MEMORANDUM CIRCULAR NO. 22-05
Series of 2022

SUBJECT: : **Guidelines on Non-Strategic Good Certificate Repealing DTI Memorandum Circular No. 20-03 S.2020**

WHEREAS, under Section 3 of the Strategic Trade Management Act (STMA), the following activities shall be subject to an authorization issued by the Strategic Trade Management Office (STMO): export, import, transit, transshipment, re-export, or 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 is composed of three (3) annexes: Military Goods (Annex 1), Dual-Use Goods (Annex 2), and Nationally Controlled Goods (Annex 3).

WHEREAS, the STMO issued Memorandum Circular (MC) No. 21-10: *Guidelines on Commodity Classification* to assist stakeholders in determining whether an item, software, or technology is a good covered under the NSGL.

WHEREAS, any natural or juridical person who engages or intends to engage in the activities covered under Section 3 of the STMA shall be responsible for classifying commodities according to the NSGL.

WHEREAS, Sections 2.d.4 and 2.d.5 of the *Memorandum of Agreement (MOA) on Trade Facilitation* provides that the Bureau of Customs (BOC)/ Investment Promotion Agencies (IPAs) may request from the exporter a Non-Strategic Good Certificate (NSGC) to verify items to be exported as non-strategic.

WHEREAS, there is a need to amend STMO MC No. 20-03: *Guideline in Obtaining Non-Strategic Good Certificate* considering the above-mentioned issuances and outline new procedures that will facilitate legitimate trade of goods that might be subject to scrutiny by any border control agency.

NOW, THEREFORE, this Circular is hereby issued repealing STMO MC No. 20-03 for the information and guidance of all concerned stakeholders.

- 1. Non-Strategic Good Certificate.** Non-Strategic Good Certificate (NSGC) certifies that a commodity, software, or technology for the export, import, or re-export is not listed in the National Strategic Goods List (NSGL), and the transaction is not covered under Section 11 of the STMA.
- 2. Coverage.** Any natural or juridical person regularly engaged in the export, import, or re-export of goods listed in Appendix A of this Circular. Items listed in Appendix A are goods with HS codes and/ or descriptions similar to strategic goods. Hence, these items may be subject to further scrutiny by the Bureau of Customs (BOC),

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Philippine Economic Zone Authority (PEZA), or other Investment Promotion Agencies (IPAs).

3. Types of Non-Strategic Good Certificate. Non-strategic Good Certificate could be obtained either through self-certification or an STMO-issued certificate.

3.1 Self-Certification for Non-Strategic Good Coverage. The covered person executes the self-certification through a notarized affidavit. The affidavit shall categorically state that the item for export, import, or re-export is not covered by the NSGL. *(Please refer to Appendix B of this Circular for the Affidavit of Non-Strategic Good Coverage template.)*

3.2 Non-Strategic Good Certificate issued by the STMO. The STMO may issue an NSGC upon the request of the BOC, PEZA, or other IPAs.

4. Process for Obtaining Non-Strategic Good Certificate

4.1 Self-Certification for Non-Strategic Good Coverage

4.1.1 The covered person shall conduct a classification of their commodities vis-à-vis the NSGL. STMO MC No. 21-10: *Guideline on Commodity Classification* is available at the STMO website through this link: t.ly/uEJe.

4.1.2 Registration and authorization application shall be required if the commodity upon classification is a strategic good. Guidelines on Registration and Export Authorization is available at the STMO website through these links: t.ly/tXxN and t.ly/AA9w.

4.1.3 For non-strategic goods with HS codes listed in Appendix A, the covered person may proceed with their export, import, or re-export and may submit a notarized affidavit in cases when BOC, PEZA, or IPAs request proof that the commodity in question is not strategic.

4.1.4 The notarized affidavit shall state that the commodity in question is a non-strategic good since its technical specifications does not meet the specifications of strategic goods outlined in the NSGL and shall be verified by the following:

- 4.1.4.1 the technical person who conducted commodity classification in accordance with STMO MC No. 21-10; or,
- 4.1.4.2 the manufacturer of the commodity.

4.1.5 The copy of the affidavit shall form part of the overall shipping documentation attached to the Export Declaration form and shall be collected by the BOC, PEZA, or IPAs. The STMO shall receive original copies of the collected affidavit from the collecting agency.

4.1.6 In support of the affidavit, the covered person shall also attach the following documents:

- 4.1.6.1 Photos for visual description of the commodity;

- 4.1.6.2 Technical description of the commodity;
- 4.1.6.3 Other documents that are applicable i.e., brochures, portfolio, etc.; and
- 4.1.6.4 Export and Shipping documents i.e. Export Declaration, E2M Lodge, Bill of Lading/Airway Bill, etc.

4.2 STMO-Issued Non-Strategic Good Certificate

- 4.2.1** The BOC, PEZA, or IPAs may request NSGC issued by the STMO if they suspect that the item is for export, import, or re-export and may require authorization from the STMO.
- 4.2.2** The BOC, PEZA, or IPAs shall coordinate with the STMO regarding their initial commodity assessment through the means outlined in the *Section 2.A.2 of the MOA on Trade Facilitation* to wit:
 - 4.2.2.1 Through the dedicated phone line established by the STMO; or
 - 4.2.2.2 Via Email, or through available chat applications, such as Viber, Telegram, Line or WhatsApp.
- 4.2.3** The covered person shall fill out the necessary information through this link, <https://forms.gle/s7pYqEcg2dXSZtJLA> attaching the copy of the export declaration form, technical specification of the item, and notarized affidavit, if available.
- 4.2.4** The STMO shall review the submitted information and issue a letter to the requesting agency certifying non-strategic good coverage. A copy of the letter shall be furnished to the covered person.

- 5. Penalties.** Any violation of the foregoing provisions shall be considered an unlawful act under Sections 19 or 20 of the STMA and shall be penalized accordingly.

This Order shall take effect immediately.
14 February 2022, Makati City.

Recommending Approval:

ATTY. JANICE S. DIMAYACYAC
Director III

Approved by:

ATTY. LUIS MANUEL M. CATIBAYAN
Director IV

APPENDIX A
LIST OF ITEMS COVERED BY THE SELF-CERTIFICATION
FOR NON-STRATEGIC GOODS
(ver.2022.1)

HS Code	Commodity Description
6815.1	Stone articles and articles of other mineral substances; non-electrical articles of graphite or other carbon
6815.99	Stone articles and articles of other mineral substances; n.e.c. or included in heading no. 6815
7019	Glass fibres (including glass wool) and articles thereof (for example, yarn, woven fabrics).
7019.31	Glass fibres; non-woven products, mats
7019.32	Glass fibres; non-woven products, thin sheets (voiles)
7019.39	Glass fibres; webs, mattresses, boards and similar non-woven products excluding mats and thin sheets
7019.4	Glass fibres; woven fabrics of rovings
7019.51	Glass fibres; woven fabrics (other than of rovings), of a width not exceeding 30cm
7019.52	Glass fibres; woven fabrics (other than of rovings), of a width exceeding 30cm, plain weave, weighing less than 250g/m ² , of filaments measuring per single yarn not more than 136 tex
7019.59	Glass fibres; woven fabrics (other than of rovings), n.e.c. in item no. 7019.5
7019.9	Glass fibres; n.e.c. in heading no. 7019
7228.1	Steel, alloy; bars and rods, of high speed steel
7228.3	Steel, alloy; bars and rods, hot-rolled, hot-drawn or extruded
7228.4	Steel, alloy; bars and rods, forged
7228.5	Steel, alloy; bars and rods, cold-formed or cold-finished
7228.6	Steel, alloy; bars and rods n.e.c. in heading no. 7228
7228.8	Steel, alloy or non-alloy; hollow drill bars and rods
7604	Aluminum bars, rods and profiles
7604.1	Bars and rods
7604.21	Hollow profiles
8413	Pumps for liquids, whether or not fitted with a measuring device; liquid elevators. - Pumps fitted or designed to be fitted with a measuring device
8413.11	Pumps for dispensing fuel or lubricants, of the type used in filling-stations or in garages

HS Code	Commodity Description
8413.19	Electrically operated
8413.2	Water pumps
8414	Air or vacuum pumps, air or the other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters
8414.1	Vacuum pumps
8414.2	Bicycle pumps
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated
8473.3	Assembled Printed Circuit Boards
8511	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engine
8512	Electrical lighting or signaling equipment (excluding articles of heading 8539), windscreen wipers, defrosters and demisters, of a kind used for cycles or motor vehicles
8517	Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless networks (such as a local or wide area network), other than transmission or reception apparatus of heading 8443, 8525, 8527 or 8528
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders and other connectors, junction boxes), for a voltage not exceeding 1,000 volts; connectors for optical fibres, and optical fibre bundles or cables.
8536.1	Fuses
8536.2	Automatic circuit breakers
8536.5	Other switches
8413.70.42	With inlet diameter not exceeding 200mm, electrically operated
8414.59.49	Fans of a kind used solely or principally for cooling microprocessors
8415.90.14	Evaporators or condensers for air conditioning machines for motor vehicles
8511.40.99	Motor assy fan
8511.50.99	Generator assy, alternator assy, mounting
8512.20.99	Lamp unit, unit headlamp

HS Code	Commodity Description
8517.62.51	Wireless LANs
8517.70.29	Other printed circuit boards, assembled
8517.70.39	Switch fabric card spare
8525.80.40	Television cameras
8536.50.99.	Lever combination, hazard and back-up switches, of a kind used for motor vehicles
8544.42.94	Electric cables
9029.20.10.	Speedometers for motor vehicles

Appendix B

REPUBLIC OF THE PHILIPPINES)
_____) S.S.

AFFIDAVIT OF NON-STRATEGIC GOODS/ STMA COVERAGE

I, (**Name of Affiant**), duly authorized representative of the (**Name of Company**), a corporation/company duly organized and existing under the laws of the Philippines, with address at (**Complete Business Address**) after having been duly sworn to in accordance with law, hereby certify on behalf of the corporation/company, that:

1. The company recognizes its obligation provided under Memorandum Circular (MC) No. 21-10, issued by the STMO, which states, that any natural or juridical person engaged or intending to engage in the activities covered under the STMA shall be responsible for classifying commodities in accordance with the National Strategic Goods List (NSGL).
2. The products below are not covered by the NSGL:

HS Code	Goods Description	Brand	Model	Country of Origin

3. The abovementioned commodities are non-strategic since the technical specifications of the commodities do not meet the specifications of strategic goods outlined in the NSGL as verified by the following:
 - a. the technical person who conducted commodity classification in accordance with STMO MC No. 21-10; or,
 - b. the manufacturer of the commodity.
4. In support of this affidavit, we are attaching supporting documents, as follows:
 - a. Photos for visual description of the product/s;
 - b. Technical description of the product/s; and
 - c. Other documents that are applicable i.e., brochures, portfolios, etc.
5. [*Not applicable for import activity*] That we are likewise attaching herewith the Export and Shipping documents as follows:
 - a. Export Declaration
 - b. E2M Lodge
 - c. Bill of Lading/ Airway Bill
 - d. (Other applicable shipping documents)

6. That this affidavit is executed in order to attest to the truthfulness of the foregoing narration of facts in compliance with the requirement of the STMO as the basis for the non-application for registration and authorization.

7. It is understood that any misrepresentation made hereunder may constitute a violation of the STMA.

8. This will not serve as a commodity classification conducted by STMO licensing officers and shall be without prejudice to the imposition of appropriate administrative and criminal penalties for STMA violations done by virtue of this affidavit.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of _____ at _____.

Affiant

SUBSCRIBED AND SWORN to before me this ____ day of _____ at _____, affiant exhibiting to me his/her Passport/Driver's License _____ issued on _____ in _____.

Doc. No. _____
Book No. _____
Page No. _____
Series of _____