

PHILIPPINE ATT IMPLEMENTATION

(INTERAGENCY COOPERATION)

20 February 2024 | Working Group on Effective Treaty Implementation



ENABLING LAWS

Strategic Trade Management Act (STMA)

Republic Act No. 10697 | 13 November 2015



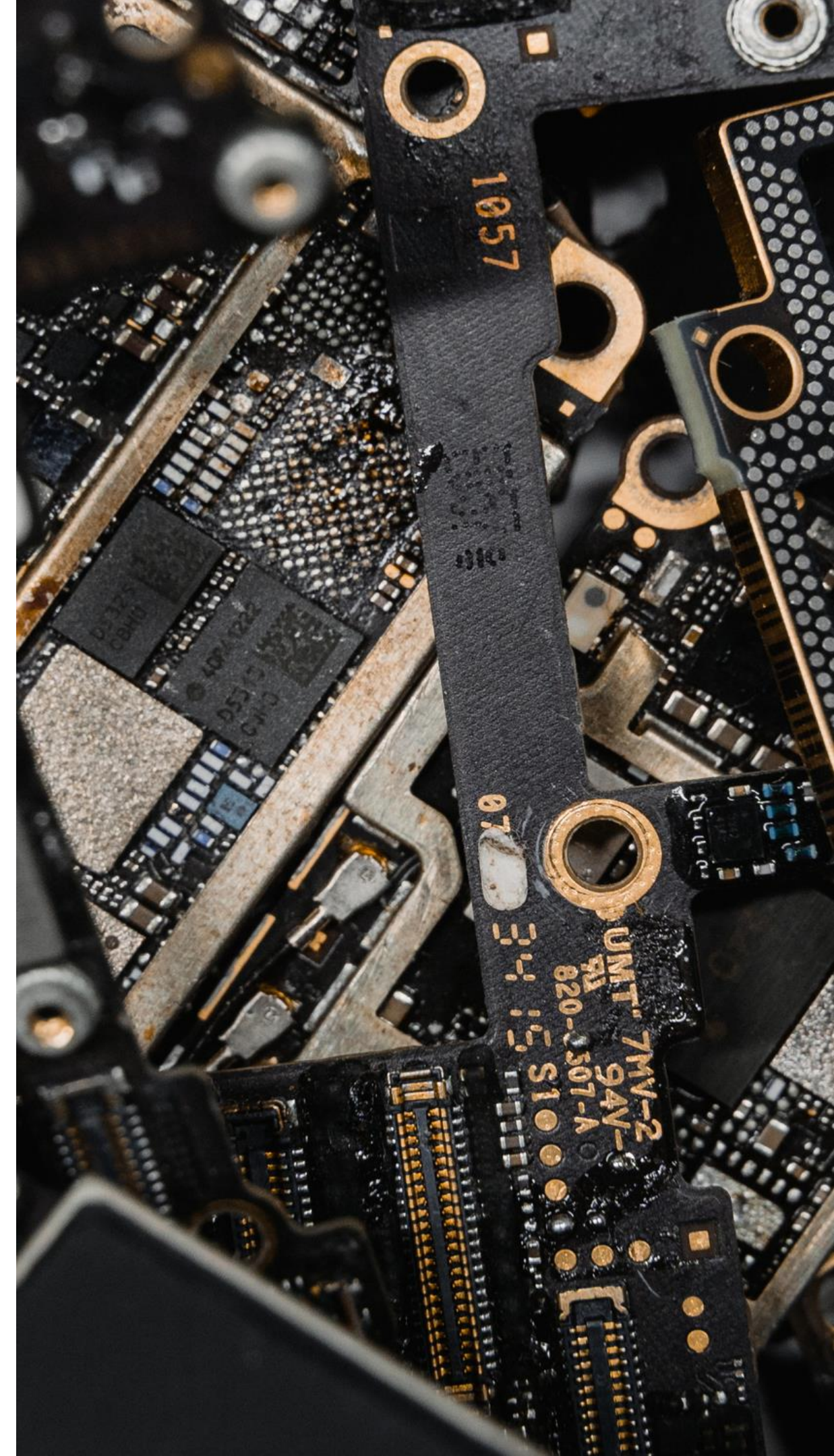
- Export, import, transit, transshipment
- Strategic Trade Management Office (STMO)

Comprehensive Firearms and Ammunition Regulation Act

Republic Act No. 10591 | 29 May 2013



- Export and import of SALW
- Philippine National Police – Firearms and Explosives Office (PNP-FEO)



STMA IMPLEMENTATION



Republic Act No. 10697 or the Strategic Trade Management Act (STMA) enacted on 13 November 2015.



Creation of the **Strategic Trade Management Office (STMO)** under the **Department of Trade and Industry**



Regulate **export, import, transit, and transshipment, reexport and reassignment** of strategic goods, software, and technology.



STMA Implementing Rules and Regulations outline the risk assessment criteria

WHOLE-OF-NATION APPROACH



Executive Secretary



Trade and Industry



Foreign Affairs



Justice



National Defense



Health



Finance



Transportation



Information and Communications Technology



National Security Council



Environment and Natural Resources



Science and Technology



Interior and Local Government



Agriculture

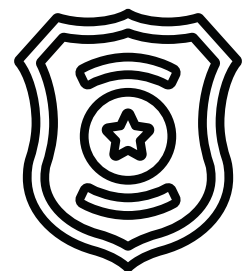
INTERAGENCY MECHANISM

NSC-STMCom Resolution No. 7 s. 2023 Amending the Resolution 01 (2018)



Subcommittee on Technical Reachback

Subcommittee on Risk Assessment



Subcommittee on Enforcement

Subcommittee on Trade Facilitation



INTERAGENCY MECHANISM

NSC-STMCom Resolution No. 7 s. 2023 Amending the Resolution 01 (2018)

Subcommittee on Technical Reachback

Members:

- Technical government agencies and national research laboratories with subject matter experts and laboratory facilities.
- Includes Armed Forces and National Defense

Functions:

- Assist the STMO in classifying strategic commodities during licensing determination through laboratory testing and/or experts' advice; and
- Assist law enforcement agencies in identifying strategic goods, in the performance of enforcement functions.

Subcommittee on Risk Assessment

Members:

- Intelligence agencies with databases on certain individuals who might be of national security concern which the STMO has no access.
- Including Foreign Affairs and Special Envoy on Transnational Crime

Functions:

- Assist the STMO in evaluating applications for registration and authorization based on the risk assessment criteria provided in the STMA Implementing Rules and Regulations.

INTERAGENCY MECHANISM

NSC-STMCom Resolution No. 7 s. 2023 Amending the Resolution 01 (2018)

Subcommittee on Enforcement

Members:

- Agencies with enforcement, intelligence, investigation, and prosecution functions

Functions:

- Establish intelligence-based risk assessment process, including profiling and targeting high-risk shipments
- Develop mechanisms on STMA-related investigation, case disposition, and prosecution including interagency information sharing

Subcommittee on Strategic Trade Facilitation

Members:

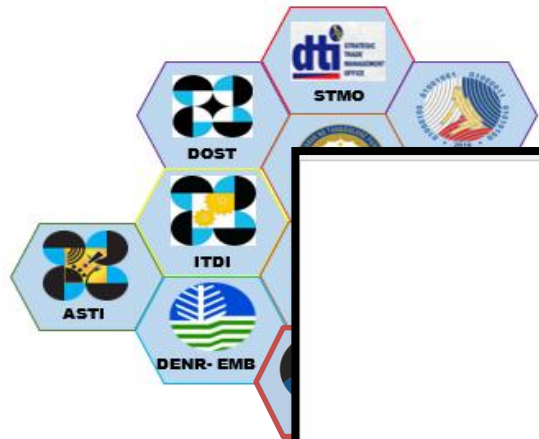
- Border control agencies such as the Customs and free trade zone authorities.

Functions:

- Establish communication mechanisms on notification of license decision and commodity identification inquiries on identified shipment and coordinate with the STMO for flagged shipments.

INTERAGENCY COORDINATION MECHANISM

NSC-STMCom Subcommittee on Technical Reachback Inter-Agency Protocol



NSC-STMCom Subcommittee on Risk Assessment Inter-agency Protocol



Updated as of 22 January 2020

Subcommittee on Technical and Risk Assessment Protocols

- *Responsibilities, capability matrix, step-by-step procedure for requesting assistance from government partners to submitting requests, including processing timeline*

Subcommittee on Enforcement Protocols

- *Outlines procedure on conduct of enforcement and request for assistance including intelligence and information sharing, investigation, prosecution*

Memorandum of Agreement between STMO and BOC including other free trade zone authorities

- *Procedures on license verification, risk profiling/targeting, technical reachback, data sharing, capacity-building, and referral of STMA violations*

TWG on STF

SCE



SPECIALIZED BOC UNIT FOR STMA-RELATED MATTERS

TRADE FACILITATION + ENFORCEMENT



License Verification



Technical Reachback



Risk Management



Training



Lead Agency responsible for criminal investigations into the export and import violations of the STMA vis-à-vis the CMTA.



Interdiction, Detainment, Seizure, Post Clearance Audit, Compliance Audit, and Notifying recipient countries of high-risk shipments

COOPERATION WITH PNP-FEO

Office of the President
Of the Philippines
Malacañang

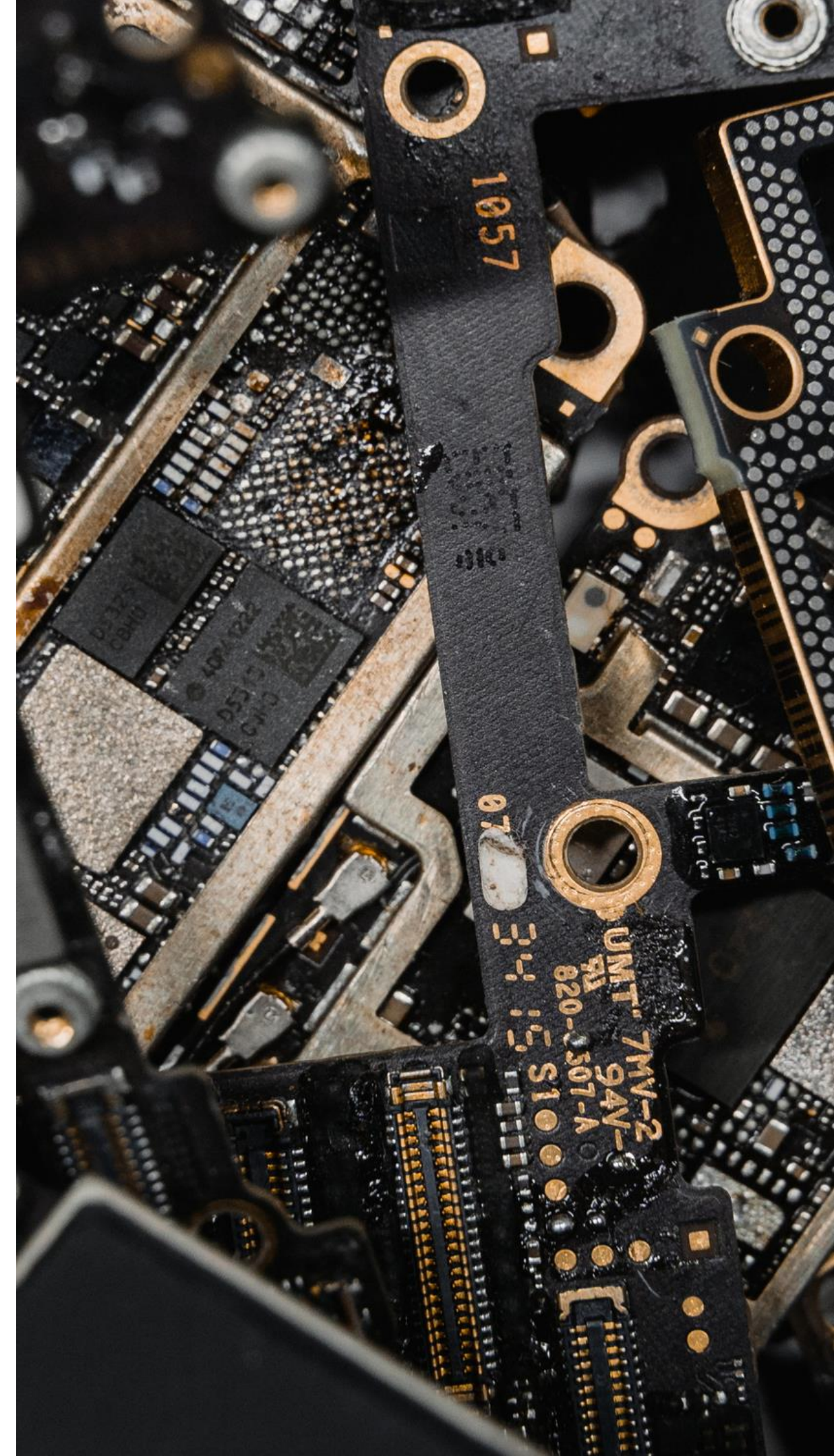
National Security Council – Strategic Trade Management Committee

Resolution 06 (2023): Approval of the regulatory jurisdiction between Department of Trade and Industry – Strategic Trade Management Office and Philippine National Police – Firearms and Explosives Office on the items under the National Strategic Goods List Annexes 1 and 2 of Republic Act No. 10697, also known as the Strategic Trade Management Act of 2015.

Adopted and signed by the NSC-STMCom at its eighth (8th) regular meeting on 24 May 2023.

WHEREAS, Section 3 of Republic Act No. 10697 or the Strategic Trade Management Act (STMA) states that the following activities shall be subject to an authorization issued by the Department of Trade and Industry – Strategic Trade Management Office (DTI-STMO): export, import, transit, transshipment, re-export, and the reassignment of strategic goods, and the provision of related services.

WHEREAS, Section 4 of the STMA states that the National Strategic Goods List (NSGL) shall describe with specificity the strategic goods subject to authorization and shall be in conformity with international commitments and nonproliferation obligations pursuant to bilateral and multilateral treaties, international conventions, and international nonproliferation regimes.



RISK ASSESSMENT CRITERIA



*Commitments under
UNSC sanctions/
international treaties
and non-proliferation
agreements*



*Preservation of regional
peace, security and
stability*



*International tensions or
armed conflict in the
destination country*



*Human rights and
international
humanitarian law*



*Terrorism or organized
criminal activities*



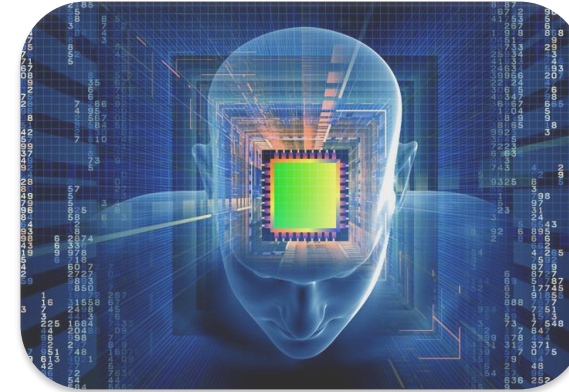
*Security interests of a
country which is an ally
to the Philippines*



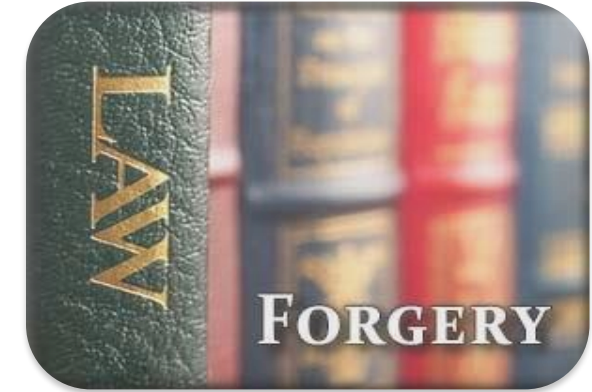
*Risk of illegal end-use or
by a restricted party*



*Risk of diversion to an
unauthorized end-user
or end-use*



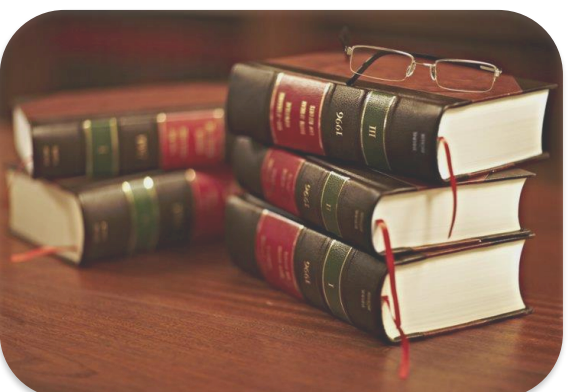
*Technical capacity of the
recipient country*



*Submit false documents,
made misleading
information and
concealed material facts*



*Criminal/ civil proceedings
related to national security
have commenced against the
applicant*



*Violation of the STMA
and its IRR*



*Goods are under a
police investigation or
court proceedings*



*Violation of an
international embargo
or sanction binding on
the Philippines*



*Other national security
or foreign policy reasons*

THANK YOU



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