

# Catch-All or Relevant Activity Controls in Singapore



**SINGAPORE  
CUSTOMS**

*We Make Trade Easy, Fair & Secure*



**26<sup>th</sup> Asian Export Control Seminar**

**27 Feb 2019**

# Singapore's Catch-All or Relevant Activity

## Relevant Activity

The development, production, handling, operation, maintenance, storage, detection, identification or dissemination of any **nuclear, chemical, or biological weapon**

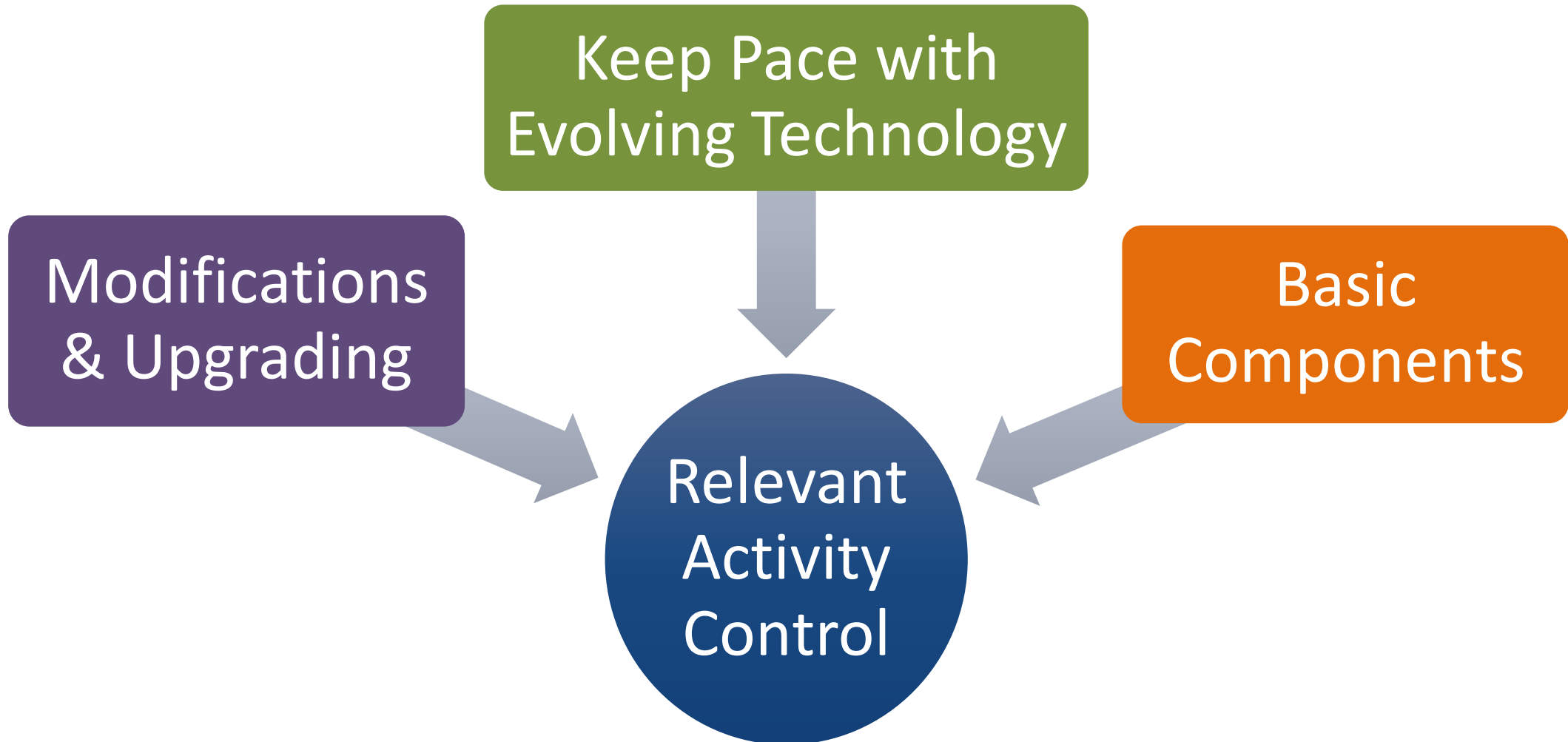
The development, production, maintenance or storage of **missiles** which are capable of delivering any such weapon



# Example of Relevant Activity (Catch-All) Shipment



# Reasons for Relevant Activity (or Catch-All)



# Permit & Approval for Controlled Export & Transshipment – Regulations of Imports & Export Regulations

## Permit for export or transshipment

3.– (1) ... no goods shall be ... exported out of Singapore ... or transshipped in Singapore, except in accordance with a permit granted by the Director-General.

## Approval of competent authority

5.— (1) An application for the approval of the competent authority in relation to ... any controlled export or controlled transshipment shall be made before any contract for the ... export or transshipment of the goods has been entered into.



# Permits for Transfers – Strategic Goods (Control) Act

## Transfer of strategic goods, etc.

5.—(2) No person shall —

(a) export, tranship or bring in transit any goods;

(b) export any document in which any technology is recorded, stored or embodied; or

(c) transmit any technology,

if —

(i) he has been **notified** by an authorised officer or a senior authorised officer that the goods or technology is intended or likely to be used, wholly or in part, for or in connection with a relevant activity;

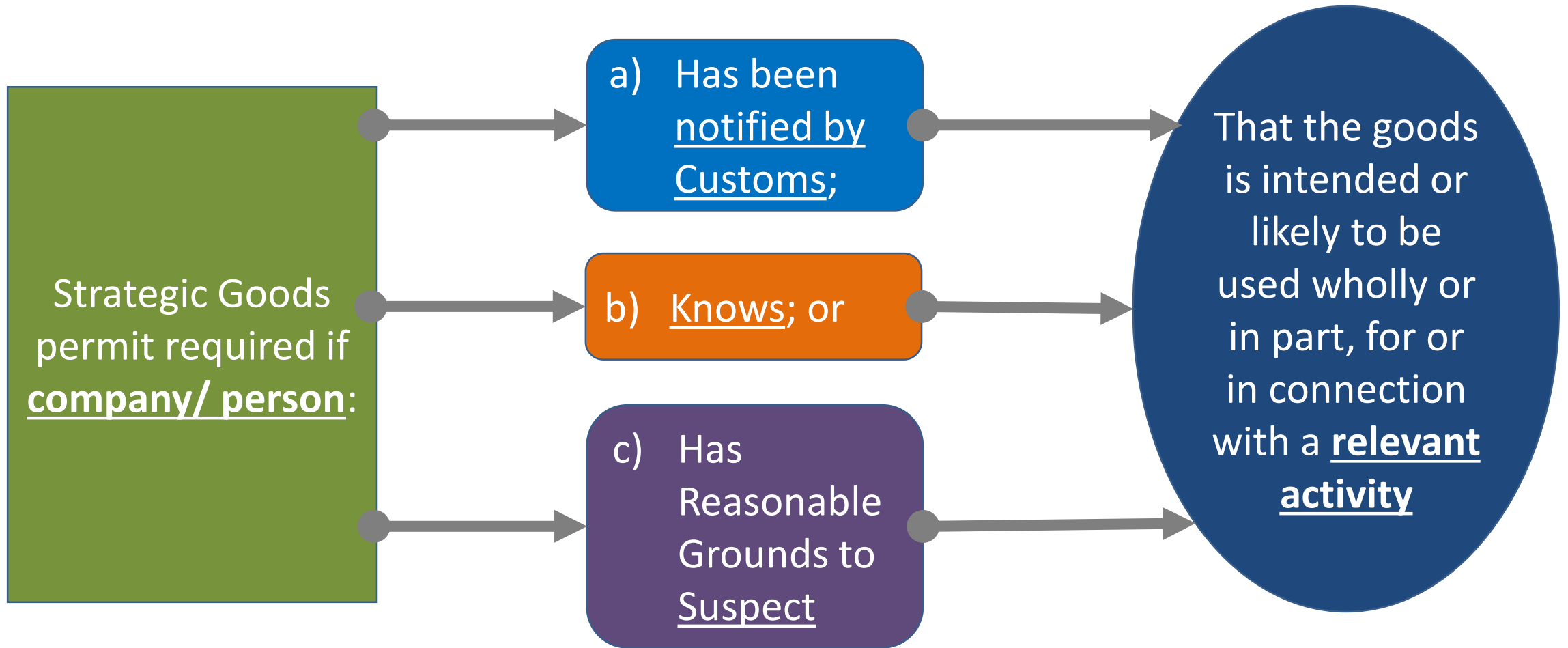
(ii) he **knows** that the goods or technology is intended to be used, wholly or in part, for or in connection with a relevant activity; or

(iii) he has **reasonable grounds to suspect** that the goods or technology is intended or likely to be used, wholly or in part, for or in connection with a relevant activity.

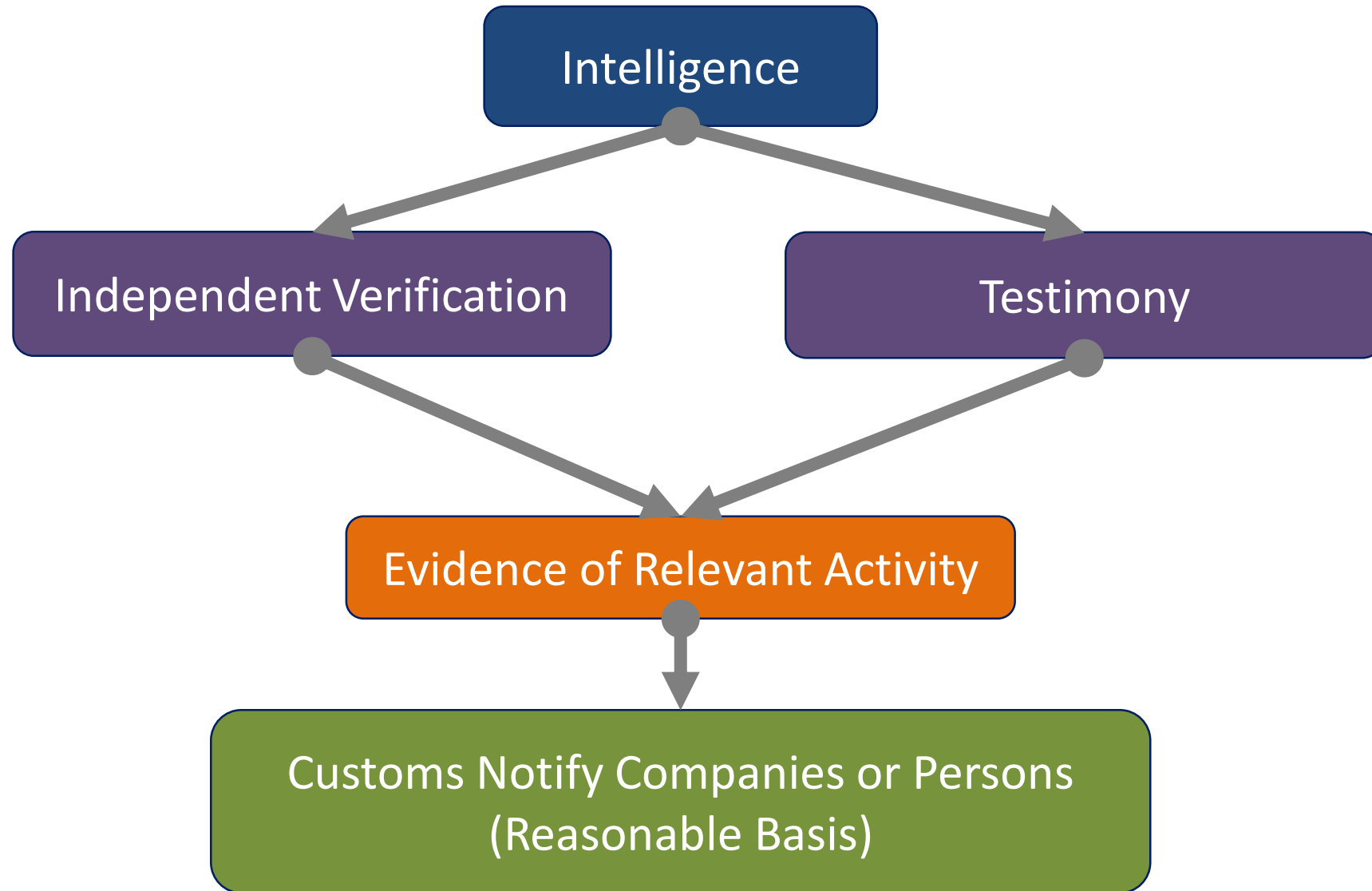
(3) Subsection...(2) do not apply to an act authorised by a permit.



# Singapore's Relevant Activity (or Catch-All) Clause



# Relevant Activity (or Catch-All) Control Notification





# Relevant Activity (or Catch-All) from Knowledge or Grounds to Suspect

## “Knows”:

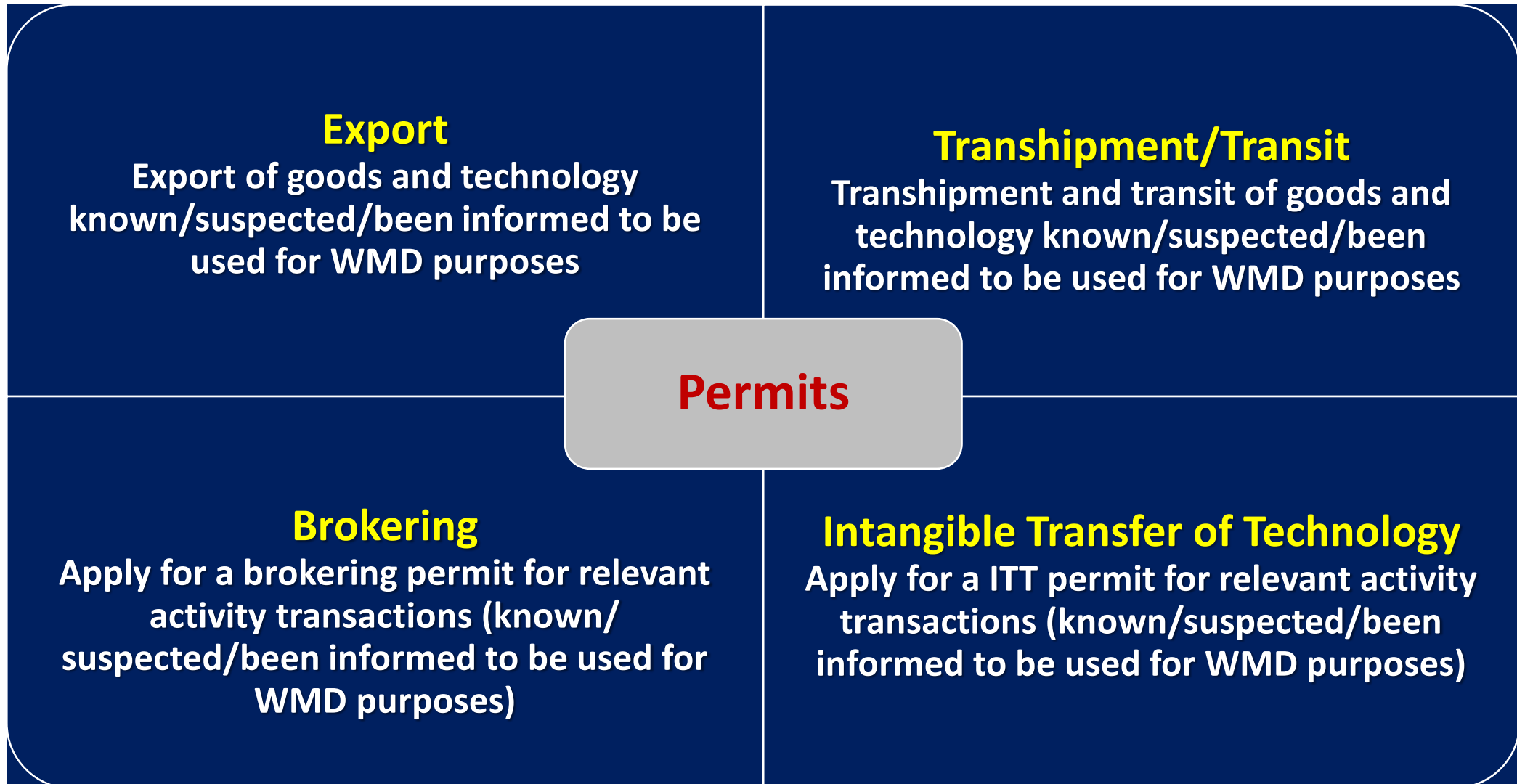
- Relevant activity can be invoked if there is evidence that the company/person knows that the goods would be intended for a relevant activity
- Requires **mens rea** for the company/person to be culpable

## “Has Reasonable Grounds to Suspect”:

- Relevant activity can be invoked if there is evidence showing that the company/person has reasonable grounds to suspect that the goods would be intended for a relevant activity
- Requires proof that company **ignores obvious red flags.**



# Permits For Relevant Activity (or Catch All)



# Relevant Activity (or Catch-All) Offences

## a) Has been Notified

- Did not take up a requisite permit after being notified to do so

## b) Knows

- Did not take up a permit despite knowing that goods would be used for relevant activity

## c) Has Reasonable Grounds to Suspect

- Did not take up a permit despite having grounds to suspect that goods would be used for relevant activity



# Seizure & Forfeiture - Strategic Goods (Control) Act

## Power to seize and remove

16.— (3) The authorised officer or senior authorised officer may seize and remove any article or document in respect of which he has reasonable cause for believing that an offence under section 5 or 6 has been or is being or is about to be committed.

## Forfeiture

17. —(1) A court may order that anything shown to the court's satisfaction to be the subject-matter of an offence under section 5 or 6 or to have been used in the commission of such an offence shall be forfeited to the Government, and either destroyed or otherwise dealt with in such manner as the court may order.



# Penalties for Offences (SGCA)

## 1<sup>st</sup> Conviction (per count)

- Fine for up to **\$100,000** or **3 times** the value of the goods – whichever is higher; or
- Imprisonment for up to **2 years**; or
- **Both**

## 2<sup>nd</sup> or Subsequent Conviction (per count)

- Fine for up to **\$200,000** or **4 times** the value of the goods – whichever is higher; or
- Imprisonment for up to **3 years**; or
- **Both**



# Best Practices - Relevant Activity Compliance

## Screen

- Always screen customers and end-users **against denied or sanctioned parties lists** prior to each sale for WMD proliferation risk.

## Enquire

- When in doubt, enquire more **details on the end use** of the items.

## Assess

- Assess the sale transaction for **WMD proliferation risk**.

## Inform

- Inform **Customs if** you know or **suspect** that your items may be or likely to be used for **relevant activity**.

## Submit

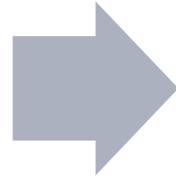
- Submit to Customs either an **application to seek preliminary advice** on strategic goods transaction **or** a **permit application for relevant activity**.



# Best Practices - Relevant Activity Compliance

Gather information about the shipment

- Consignee details
- Information on intermediaries
- Delivery information
- Item description & details (model/ CASRN, etc)
- Technical specifications



Email to  
Customs\_STGC@customs.gov.s  
g

- Include information or explanation on why you suspect that the shipment may be intended for relevant activity end-use.



# Thank You

