

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

MALAYSIA

The following communication, dated 4 December 1997, has been received from the Permanent Mission of Malaysia.

Submitted herewith are Malaysia's replies to the Questionnaire. Please note that, effective 17 October 1997, some additional products are subject to automatic licensing for the purpose of data collection (see pages 6-8).

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Import controls are administered by the one authority, the Royal Customs and Excise Department but a number of Ministries and Government Agencies are responsible for legislation and approval of licences. Consequently, replies to the Questionnaire have been organized according to specific products or goods, and the legislative instruments under which import controls for them are maintained.

Products subject to import licensing administered by Ministry of International Trade and Industry (MITI) under Customs (Prohibition of Imports) Order 1988

Outline of systems

1. Importation of selected industrial products are subject to import licensing administered by MITI.

Purpose and coverage of licensing

2. Licences are categorised into automatic and non-automatic licensing:

- 2.1 Automatic licensing

Safety helmets, all single and multi-colour copying machines, motor-homes, golf carts, bodies (including cabs) for motor vehicle, chassis and parts thereof for motor vehicles, prime movers, wheat flour, cement, high speed duplicator, electronic control master playback, film or tapes for magnetic recording.

- 2.2. Non-automatic licensing

Sugar, natural barium sulphate, activated clay and bleaching earth, passenger and commercial vehicles, motorcycles, steel bars and including wire rods, steel billets, plastic and paper insulated wire and cables, CFC, batik sarong. Imports of all goods from Serbia and Montenegro and Israel.

3. The system applies to imports of goods originating from all countries, with the exception of all imports from Serbia and Montenegro and Israel which are subject to non-automatic licensing.

4. Automatic licensing is intended for data collection. Non-automatic licensing is intended to regulate the flow of imports, to promote selected strategic industries which have been identified to achieve certain socio-economic objectives. Imports of CFC are regulated in accordance with Malaysia's obligations under the Montreal Protocol.

5. Import licences are issued under the provision of the Customs (Prohibited of Imports) Order 1988, under subsection (1) of section 31 of the Customs ACT 1967 with effect from 1 January 1988.

Procedures

6. For products under restriction the quantity of imports is applicable globally.
 - I. MITI will issue quota allocation letter to qualified importers. The letter will contain the quantity and the source of imports.
 - II. Quotas are allocated on a yearly basis and import licences will be issued based on the quotas allocated.

- III. No.
- IV. Application for licences are accepted at any time in the current year.
- V. Time taken for processing of licences may vary between 3 to 6 working days.
- VI. All licences are valid for 3 months except for motor vehicle and steel products which is valid for 6 months.
- VII. Not applicable.
- VIII. Not applicable.
- IX. No.
- X. No.
- XI. No.
- 7.(a) Applications should be made in advance of the arrival of goods. Yes, under exceptional circumstances licence can be obtained immediately.
- (b) Yes.
- (c) No.
- (d) Yes, only MITI.
8. No.

Eligibility of importers to apply for licence

9. Yes, except for the importation of completely built-up motor vehicles which are reserved only to qualified Malaysian companies.

Documentational and other requirements for application for licence

10. Information required in the application for import licences is:
- Name and address of importer;
 - Name and address of supplier;
 - Description of goods;
 - Value and quantity;
 - Customs tariff code;
 - Country of origin;
 - Port of entry; and
 - Date and signature of applicant.
11. The form JK-69 itself will become an import licence after it has been approved and signed by an authorised officer.
12. No.

13. No.

Conditions of licensing

14. The validity period of import licences varies between 3-6 months. Licences can be extended for another three months.

15. There is no penalty for non-utilization.

16. The licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Yes.

Additional products subject to import licensing administered by MITI under Customs (Prohibition of Imports)(Amendment)(No. 4) Order 1997 effective from 17 October 1997

Outline of systems

1. Importation of selected heavy and construction machineries including parts are subject to import licensing administered by MITI. The additional products under coverage are as follows:

- 1.1. Ship's derricks; cranes, including cable cranes; mobile lifting frames, straddle carriers and works trucks fitted with a crane.
- 1.2. Fork-lift trucks; other works trucks fitted with lifting or handling equipment.
- 1.3. Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers.
- 1.4. Other moving. grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; (excluding snow-ploughs and snow-blowers).
- 1.5. Parts suitable for use solely or principally with the machinery of heading Nos. 84.25 to 84.30.
- 1.6. Special purpose motor vehicles, other than those principally designed for the transport of persons or goods excluding fire fighting vehicles (for example breakdown lorries, crane lorries, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units).

Purpose and coverage of licensing

2. Licences are administered under automatic licensing system.

3. The system applies for imports of goods originating from all countries.
4. Automatic licensing is intended for data collection.
5. Import licences are issued under the provision of the Customs (Prohibition of Imports) (Amendment)(No. 4) Order 1997 with effect from 17 October 1997.

Procedures

6. For products under restriction, the quantity of imports is applicable globally.
 - I. No.
 - II. Application for licences are accepted at any time in the current year.
 - III. Time taken for processing of licences vary between 7 to 10 working days.
 - IV. All licences are valid for 3 months except for motor vehicle and steel products which are valid for 6 months.
 - V. Not applicable.
 - VI. Not applicable.
 - VII. No.
 - VIII. No.
 - IX. No.
- 7.(a) Applications should be made advance of the arrival of goods. Yes, under an exceptional circumstances licence can be obtained immediately.
 - (b) Yes.
 - (c) No.
 - (d) Yes, only MITI.
8. No.

Eligibility of importers to apply for licence

9. Any legally incorporated companies and business enterprise including sole proprietor.

Documentation and other requirements for application for licence

10. Information required in the application for import licences is:
 - Name and address of importer;
 - Name and address of supplier;
 - Description of goods;

- Value and quantity;
- Customs tariff code;
- Country of origin;
- Port of entry; and
- Date and signature of applicant.

11. The form JK-69 itself will become an import licence after it has been approved and signed by an authorised officer.

12. No.

13. No.

Conditions of licensing

14. The validity period of import licences is for three months.

15. There is no penalty for non-utilization.

16. The licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Yes.

Fish and fish products Fish Marketing Regulation 1973

Outline of systems

1. "Fish includes any varieties of marine, brackish water or fresh water fishes, crustacea, aquatic mollusca, marine sponges, trepang and other aquatic life and the products therefrom, but does not includes turtle or their egg."

Fish Marketing Regulation 1973 made under Section 4(2) and Section 23 of the Lembaga Kemajuan Ikan Malaysia (Fisheries Development Authority Of Malaysia) Act 1971.

2. The Fish Marketing Regulation 1973 regulates Malaysian trades in fish and fish products. Apart from regulating the local marketing of fish this regulation also controls the import fish.

3. The regulation applies to the importation of fish and fish products from all countries.

4. The Fish Marketing Regulation does not restrict quantity or value of imports of fish but contributes to the control of fish within the control area (Malaysia).

5. Regulation 4A of the Fish Marketing Regulation 1973 requires as follows:

- Subregulation (1) - No person shall import any fish into or from a Control Area unless he is licensed to do so.
- Subregulation (2) - Any fish imported as mentioned in subregulation (1) shall pass through a legal entry point as may be specified by the authority from time to time.
- Subregulation (3)- Any person who imports any fish without a licence or in breach of any of the conditions in the licence shall be guilty of an offence.

The licensing is a statutory requirement. The legislation does leave the designation of products to be subject to licensing to administrative discretion. It is not possible for the government (or the executive branch) to abolish the system without legislative approval but the authority has the powers to give an exemption by notification in the government gazette to any other class of person within any Control Area from the requirement of Regulation 4.

Procedures

6. Not applicable.
- 7.(a) Application should be made well in advance to allow time for any necessary checks on details supplied. Licences can be obtained within one month from the date of application being submitted.
- (b) Licence cannot be issued immediately.
- (c) Licence may be issued in any period of the year.
- (d) The consideration of licence application is done by a single administrative organ. However some requests may require written testimonial from the Malaysian counterpart(s) who associates or renders facilities, if any.
8. Other than the standard criteria, application for a licence may be refused if there is a contravention of any requirements of any other local authorities. Reason for refusal will normally be provided. The applicant has the right to appeal, either to the authority or finally to the relevant minister.

Eligibility of importers to apply for a licence

9. Any person, firm or institution may apply for a licence but the applicant must be a Malaysian Citizen who holds the position of company director or who owns a registered business.
- (a) Not applicable.
- (b) Not applicable.

A list of licensed importers is available on request from the authority.

Documentational and other requirements for application for licence

10. Application for licences must be submitted on an "Application for Licence To Import Fish".
- For a licence application, the following information must be supplied:

- name and address of the applicant (person or organisation);
 - detail of organisation;
 - nature of business;
 - detail of fish trading facilities;
 - detail of fish handling;
 - proposed legal entry; and
 - where applicable, the necessary documents attached to the application.
11. -
- The airways bill;
 - The shipping bill; and
 - Letter of testimonial from overseas importer
12. A yearly fee of RM200.00 applies to the granting of each import licence.
13. Not applicable.

Conditions of licensing

14. The import licence is valid for a period of twelve months. The licences may be extended upon request of the holder.
15. No.
16. Licences are not transferable.
17. No.

Other procedural requirements

18. Importers of fish or fish products should familiarise themselves with the requirement of the Food Act 1983 and the Food Regulation 1985 enforced by the Malaysian Health Ministry.

Plant and planting materials
Plant Quarantine Act 1976
Plant Quarantine Regulations 1981

Outline of system

1. The Plant Quarantine Act 1976 amends and consolidates the laws relating to the control, prevention and eradication of agricultural pests, noxious plants and plant diseases and to extend co-operation in the control of the movement of pests in international trade for matters connected therewith.

The Plant Quarantine Regulations 1981 exercise the powers conferred by section 23 of the Plant Quarantine Act 1976. It stipulates the requirement which must be met for the entry of plants, growing media, organic fertilizers, soil, living or dead organisms including micro-organism and any hosts of plant pest and/or carrier of plant pests into Malaysia, and at the same time for the prevention of entry of pests of quarantine importance into the country.

Purpose and coverage of licensing

2. Under the Plant Quarantine Regulations 1981, an import permit is imposed for the importation of the following:

- plant (except any plant imported for consumption, medicinal, processing or manufacturing purposes; any processed plants; any plant or parts of plant used as packaging or packing materials; and any garbage, dunnage and pallet);
- growing media or any rooting compost;
- organic fertilizers;
- soil; and
- living or dead organisms including micro-organisms.

3. The regulations apply to the importation of goods from all countries, with an exception for countries in the American Tropics and, the provisions under this category of goods are as follows:

Provision to Import Plant and Plant Produce From American Tropics

The importation of plants and plant products (including belonging to the species of *Hevea*) from the American Tropics² or from any other country in which the South American Leaf Blight disease is present, is prohibited except where:

- the importation is made for research purposes;
- the importation is consigned to the Director;
- such plant has been subject to quarantine or treatment at a place approved by the Director i.e. places outside the South East Asia and Pacific Region, American Tropics or any other region or country where the South American Leaf Blight disease is present or believed to be present.

Importation of plant for consumption, medicinal, processing or manufacturing purposes and any processed plants by air from the American Tropics is prohibited except when the import is accompanied by an import permit. Such plant should have been subject to quarantine situated outside the South East Asia and the Pacific Region and is accompanied by a Phytosanitary Certificate to that effect and signed by the officer-in-charge of the place of such quarantine treatment.

4. The Plant Quarantine Act and Plant Quarantine Regulations seek to protect the Malaysian environment from pest and species of plants by controlling or restricting the importation of plants which are host of quarantine pests and diseases.

5. The controls on the importation of goods specified in this category are statutory requirements under the Plant Quarantine Regulations 1981. The Plant Quarantine Branch of the Department of Agriculture is responsible for administration of the Plant Quarantine Regulations.

Procedures

6. Not applicable.

7.(a) Application should be made one month before the arrival of the goods to allow time for any necessary checks regarding information on the goods to be imported. This will also allow

²Countries in the American Tropics are as follows: Brazil, Paraguay, Bolivia, Peru, Ecuador, Colombia, Venezuela, Guyana, Surinam, French Guiana, Trinidad and Tobago, Barbados, Puerto Rico, Jamaica, Dominican Republic, Haiti, Cuba, Panama Canal Zone, Costa Rica, Nicaragua, Honduras, Guatemala, Belize, Mexico, El Salvador.

the importer to send a copy of the import permit to the country of export for necessary arrangement by the exporter and the Quarantine Authority according to the conditions attached to the permit. In certain circumstances import permit can be obtained one week after the date of application provided that the goods have not arrived at the point of entry. No import permit will be issued for goods which have already arrived at the point of entry.

- (b) It will not be possible to issue import permit immediately on request for any agriculture consignment.
- (c) Import permit may be issued in any period of the year.
- (d) Applications for Import permit for plants and related goods into Malaysia involve a single approach to the appropriate component (Peninsular Malaysia, Sabah or Sarawak) of the Plant Quarantine Branch of the Department of Agriculture.

8. Beyond the failure of an applicant to meet standard criteria, a request for permission to import can be refused at the discretion of the Director. Reasons for refusal will normally be advised. An applicant may appeal or correspond with the Director to question his/her decision.

Eligibility of importers to apply for licence

- 9.(a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply for Import permit.

Documentational and other requirements for application for licence

10. The importer should approach the Plant Quarantine Branch, Department of Agriculture of the appropriate component directly, specifying details of what aspect of plant or goods to be imported. The officer on duty will then forward the appropriate form to the importer for completion. The address for correspondence is:

For Peninsular Malaysia:

Plant Quarantine Branch
Department of Agriculture
Jalan Gallagher
50632 Kuala Lumpur
Malaysia.

For Sabah:

Plant Quarantine Unit
Department of Agriculture Sabah
Menara Khidmat
Jalan Belia
88632 Kota Kinabalu
Sabah, Malaysia

For Sarawak:

Plant Quarantine Unit
Department of Agriculture Sarawak
Bangunan Tun Datuk Patinggi Tunku Haji Bujang
Jalan Simpang Tiga
93632 Kuching
Sarawak, Malaysia.

In certain circumstances, general information, pest and diseases of the plant, method of eradicating or controlling these pest and diseases will be required.

11. Import permits must be obtained prior to importation and are required on importation. For plants/planting materials, besides Import permit, Phytosanitary Certificates from the exporting countries are required upon importation. For soil, growing and rooting media, living or dead organisms, besides Import permit, Sanitary Certificates are required upon importation. For cereals and grains imported from countries endemic from Khapra Beetle (*Trogoderma granarium*), no import permit is required, but the consignment must be accompanied by a Phytosanitary Certificate from the exporting country. Countries where Khapra Beetle is endemic are: Bangladesh, India, Pakistan, Sudan, Turkey, Thailand, Philippines, Burma, Indonesia, Morocco and Sri Lanka.

12. A fee of 15 Ringgit (RM15) shall be charged for the issuance of an import permit in respect of a consignment. Where importations require periods of quarantine containment or treatment, e.g. spraying, fumigating, cleaning, to eliminate the risk of entry of pests, diseases etc. into Malaysia, the importer will be required to bear the costs of such action. Specific details of charges may be obtained on enquiry directed to the appropriate permit issuing authority.

13. No.

Conditions of licensing.

14. An Import permit is valid for a period of three months from the date it is issued. An import permit which has expired may be extended only once for a further period not exceeding one month from the date of its expiry upon payment of 5 Ringgit (RM5).

15. No.

16. No.

17. Conditions may be imposed on the permit regarding:

- (i) treatments required;
- (ii) additional declaration on certain quarantine pests and diseases; and
- (iii) post-entry requirements.

Specific details may be supplied on enquiry.

Other procedural requirements

18. No.

19. Not applicable.

Radioactive material/irradiating apparatus
Atomic Energy Licensing Act 1984 [Act 304]

Outline of system

1. The importation of radioactive materials/irradiating apparatus is prohibited under the provisions of the Atomic Energy Licensing Act 1984 unless approval is obtained from appropriate authority i.e. Atomic Energy Licensing Board.

Under the Atomic Energy Licensing Act 1984, licences and approvals are issued to persons (which means any individual, partnership, private or public body) for the importation of radioactive material/irradiating apparatus that are subject to the legislation. This legislation is enforced at the ports of entry by authorised officers from Atomic Energy Licensing Board. All records in relation to the issuing of import approvals and authorization are maintained in hardcopy.

Purposes and coverage of licensing

2. The goods covered include any radioactive materials, nuclear materials, prescribed substances and irradiating apparatus.

3. The regulations apply to the importation of goods from all countries.

4. The importation of radioactive material/irradiating apparatus is regulated as a protective measure and for regulatory monitoring on atomic energy activities. The monetary value is not a criterion for control.

5. The control on importation of the specified goods is a statutory requirement under Section 12 and 17 of the Atomic Energy Licensing Act 1984. The system cannot be abolished without legislative approval.

Procedures

6. Information concerning restriction on the quantity of imports are defined in the conditions of licence. For users, the quantity is restricted to the quantity and type of products being licenced. For traders, there is no restriction on the quantity but restricted to the type of radioactive material/irradiating apparatus stated in the licence (being licenced).

7.(a) Application should be made in advance of arrival of the goods i.e. fourteen (14) days before actual importation.

(b) Approvals cannot be issued immediately as importers must obtain a Licence from Atomic Energy Licensing Board (translation enclosed as Appendix 1) in order to be granted an approval to import.

(c) Approvals may be issued in any period of the year.

(d) Importers must obtain a Licence from Atomic Energy Licensing Board first before applications to import radioactive materials or irradiating apparatus is considered. Approval to import is issued by the Enforcement Division of Atomic Energy Licensing Board.

8. Application for a licence can be refused on the discretion of the relevant authority (Atomic Energy Licensing Board). Applicants can appeal to the relevant minister in writing within thirty (30) days after being notified of such decision as stated under the Atomic Energy Licensing (Appeal) Regulations 1990.

Eligibility of importers to apply for licence

9.(a) Not applicable.

(b) All persons (which means any individual, partnership, private or public body) are eligible to apply for permission to import after obtaining a licence for such activities from Atomic Energy Licensing Board.

Documentational and other requirements for application for licence

10. Application of licence is based on Radiation Protection (Licensing) Regulations 1986. For approval to import, applications must be made using standard form from Atomic Energy Licensing Board (translation enclosed as Appendix 2A & 2B). Information required is:

- importer's name, address and licence number;
- details of goods to be imported;
- details of the goods' container; and
- time and place of landing.

11. Documents required upon actual importation are:

- enclosed as Appendix 3.

12. Upon application of licence, a deposit of RM15 is required. Licensee will be charge a licence fee upon acquiring the licence. For users, the sum will depend on the quantity of radioactive material/irradiating apparatus and the purpose of that specified material. For traders, a fixed sum of RM200 will be required upon licence issuance. Application forms for approvals to import must be bought for RM1.00 per copy.

13. No.

Conditions of licensing

14. Approvals are valid for a maximum period of three (3) months and apply to one consignment only.

15. No.

16. No.

17. A permission granted under conditions of licence may specify conditions or requirements to be complied with by the holder of the permission.

Other procedural requirements

18. No.

19. No.

Animal and animal products

While the Royal Malaysian Customs and Excise Department is responsible for the physical control of all imports into Malaysia, the Department of Veterinary Services, Malaysia is the enforcement authority of both the legislation and licensing of all animal and animal products imported into the country. In addition, licences from the Department of Wildlife Protection and National Parks are required for the importation of wildlife.

Outline of systems

1. Import licensing system for all types of animals and animal products in Malaysia, including livestock and wildlife is mainly controlled by the Department of Veterinary Services Malaysia under the provisions of the Animal Ordinance 1953. In particular, the Animal Importation Order (1962) and the Animal Rules (1962) under the Ordinance are invoked to regulate the importation.

In addition, the Wildlife Act (refer to the Department of Wildlife Protection and National Parks) in conjunction with the CITES legislates the control on importation of wildlife in terms of conservation.

Purpose and coverage of licensing

2. Animal Ordinance 1953
 Animal Importation Order 1962
 Animal Rules 1962

Animal Ordinance 1953, Animal Importation Order 1962 and Animal Rules 1962 apply to all live animals, animal products and animal by-products including biologics of animal origin.

The Department of Veterinary Services Malaysia is the sole authority for the implementation of the statutory requirements under these legislations.

3. The system applies to all animals and animal products from all countries.
4. The Animal Ordinance and other rules and regulations above are intended to regulate the import and export of all animals and animal products within the context of the sanitary requirements including the protection of animal life and health and the protection of human health.
5. Licensing is a statutory requirement under the Animal Ordinance 1953 for the control of importation of all animals and animal products.

The legislations do not allow for administrative discretion regarding the designation of animal and products that are subject to licensing. It is also not possible for the government (or the executive branch) to abolish the system without legislative approval.

Procedures

6. Not applicable.
- 7.(a) Application for an import licence should be made well in advance before the importation or arrival of the goods. This is to allow time to check and verify the information supplied in

the import documents as well as for processing and issuance of the licence. However, in certain circumstances import licences can be obtained within a shorter period in particular for goods arriving without import licences.

- (b) Yes, for valid and specific reasons, subject to compliance to the import regulations.
 - (c) No, there is no limitation in respect to period during which applications for licences and importation can be made. Importation may be made at any period of the year.
 - (d) Applications for licence to import animals or animal products into Malaysia involve a single administrative body, the Department of Veterinary Services (DVS) which serves as a "one-stop agency". However, in the case of wildlife or products thereof, written permission should also be obtained from the Wildlife Department and are in particular subject to CITES regulations in relation to conservation of endangered species of wild fauna and flora.
8. Not applicable.

Eligibility of importers to apply for licence

- 9. (a) Not applicable.
- (b) All persons, firms, corporate bodies and institutions are eligible to apply for import licence.

Documentational and other requirements for application for licence

10. Application for a licence to import animals and animal products into Malaysia must be made in writing to the Director General of Veterinary Services Malaysia. The informations and the type of documents required will depend on type of animals and products, purpose of import and country of origin.

11. Types of documents required upon actual importation are:

- (i) For the importation of live animals:
Import licence/permit; and
Veterinary Health Certificate/Quarantine Certificate.

In case of wildlife animals:

Refer also to the Department of Wildlife Protection and National Parks.

- (ii) For importation of animal products (meat and meat products of beef, mutton, venison or poultry):
Import licence/permit;
Veterinary Certificate/Meat Inspection Certificate; and
Halal Certificate.

12. Import fees are as follows:

- (i) For a licence to import cattle - RM 5.00 per head;
- (ii) For a licence to import sheep, goats or pigs - RM 3.00 per head;
- (iii) For a licence to import horse - RM 10.00 per head;
- (iv) For a licence to import monkeys - RM 2.00 per head;

- (v) For a licence to import dogs or cats - RM 5.00 per head;
- (vi) For a licence to import any animal other than those specified above - RM 3.00 per head;
- (vii) For a licence to import birds - RM 0.10 per bird (Except day old chicks F.O.C);
- (viii) For a licence to import eggs - RM 2.00 per licence;
- (ix) For a licence to import animal carcasses and products thereof - RM 3.00 per cw;
- (x) For a licence to import poultry carcasses and products thereof - RM 6.00 per head; and
- (xi) For a licence to import bones, hides, skins, bone, blood or meat meal, fertilizer, tallow, semen, sera, vaccine, skimmed milk powder or any product of animal or bird - RM 3.00 per licence.

13. No.

Conditions of licensing

14. The period of validity of a licence is 30 days. However, in certain circumstances subject to the discretion of the Director General of Veterinary Services, the validity of a licence may be extended for a period of not more than 30 days. This can be done by endorsement on the said licence.

15. No.

16. No.

17. No.

Other procedural requirements

18. No.

19. Not applicable.

Pesticides

Pesticides may be imported into Malaysia subject to the provisions of the Pesticides Act 1974. Two sets of rules and regulations have been promulgated and implemented for the control of importation of pesticides under the Act. These are:

- (i) The Pesticides (Registration) Rules 1976; and
- (ii) The Pesticides (Importation for Educational and Research Purposes) Regulations 1981.

The first set of rules/regulations control the import and manufacture of pesticides intended for sale in the local market while the second set controls the importation of unregistered pesticides that are imported in limited quantities for research and educational purposes.

Importation of pesticides for sale

Outline of systems

1. Any person who intends to import a pesticide for sale must obtain a registration from the Pesticides Board of Malaysia.

The importer of the pesticide must at the point of import provide the Royal Customs and Excise Department with a certified copy of the registration certification of the pesticide as provided for under the Customs (Prohibition of Import) Order 1988.

Purpose and coverage

2. All pesticides as defined under the Act that are imported or manufactured for sale has to be registered with the Pesticides Board.
3. The rules apply to all pesticides imported from all countries.
4. There is no restriction on the quantity of registered pesticide that may be imported. These rules are intended to ensure that pesticides imported are of good quality and at the same time not cause any adverse effect to man and the environment.
5. Registration of pesticides is mandatory under the Pesticides Act 1974.

Procedures

6. Not applicable.
- 7.(a) The time required for processing an application before a product could be registered depends on how well the applicant is able to fulfil the requirements as specified under the Pesticides (Registration) Rules 1976. In general it would take about 6 months or more. Goods arriving at the port without a registration would not be permitted to enter the country.
- (b) A registration cannot be granted immediately.
- (c) An application for registration can be done in any period of the year.
- (d) Consideration for registration of pesticides is effected by only one administrative organ. The importer does not have to approach other administrative organs.
8. Applications are rejected if they do not meet the requirements set by the Pesticides Board. Applications may also be rejected if in the opinion of the Pesticides Board the risks associated with the use of the products outweigh the benefits.

If an applicant is not satisfied with the decision of the Board not to register his product, he may appeal to the Minister of Agriculture whose decision shall be final.

Eligibility of importers to apply for licence

9. Application for pesticide registration may only be made by a locally registered company. The registration fee for a product is RM 400. Products registered by the Board including the names of companies registering the products are published in the Government Gazette monthly.
10. Information required for registration are quite similar to that of the Food and Agriculture Organisation (FAO) Guidelines on Pesticide Registration and also that implemented in many other countries. In addition to the application forms, the applicant is required to submit technical data to support his application, a letter of consent from the source of the product, a sample of the product and 4 sets of proposed draft labels. (A copy of the application form is attached for reference.)

11. Upon actual importation, a certified true copy of the registration certificate has to accompany other documents as per under the Customs Order. The certified true copy of the certificate should also include information on the amount imported, the port of entry, and the approximate date the importation.

12. There is no additional charge other than the registration fee of RM400 mentioned in 9.

13. Not applicable.

Conditions of licensing

14. Validity period is for 3 years. A product has to be re-registered to extend the validity of registration for another 3 years.

15. No.

16. No.

17.(a) Not applicable.

(b) There are provisions for the Pesticides Board to specify conditions for registration of pesticides.

18. The applicant has to also fulfill other requirements of the Royal Customs and Excise Department.

19. Not applicable.

Importation of pesticides for research and educational purposes

Outline of systems

1. Under the Pesticides (Importation for Educational and Research Purposes) Regulations 1981, unregistered pesticides may be imported for research and educational purposes with an import permit issued by the Pesticides Board of Malaysia.

Purpose and coverage

2. Any person who intends to import an unregistered pesticide for the purpose of research and education in limited amounts may do so by obtaining a permit from the Board.

3. The regulations apply to all pesticides originating from all countries.

4. These regulations are intended to encourage research on unregistered pesticides and at the same time minimise the possible adverse effects that could result from the experimentation with such pesticides. Each permit is for specific quantities of pesticide(s) to be imported. Companies may apply to import the pesticides again if they can justify the need for the importation.

5. The relevant law is the Pesticides (Importation for Educational and Research Purposes) Regulations 1981, under the Pesticides Act, 1974. It is a mandatory requirement under the regulations that an unregistered pesticide for educational and research purposes may only be imported with an import permit issued by the Pesticides Board.

Procedures

- 6.I. Products imported under this category are often in the early stages of development and hence do not have sufficient data for registration. The Board has not set any quotas and each application is considered on its own merits. The above regulations have been gazetted in the Government Gazette and in addition the Board has also published guidelines and has dialogues with the relevant concerned parties. The guidelines are also available through the internet. There is no exception or derogations from this requirement under these regulations.
- II. The amount permitted for each permit depends, inter-alia, on the stage of development of the product, the purpose of the import, the research facilities of the importer and the expertise of the importer to handle such products. Each Import permit is only valid for one consignment (which may consist of a number of pesticides) and the import should be made within 6 months from the date of issue of the permit.
- III. Officers of the Board carry out inspections to ensure that pesticides imported are used for the intended purposes. Unused allocations cannot be added to quotas for a succeeding period, the applicant has to apply for a new permit. The need to make known the names of importers of pesticides does not arise as many of these products that are imported are still in the developmental stage and considered as confidential by the importers.
- IV. Not applicable. The amount is stated on the permit on approval.
- V. The time for processing an application depends on whether the applicant is able to comply with the requirements of the regulations. Approvals are normally given within 2 weeks from the date of application if the applicant could meet the requirements of the Board.
- VI. Importers may import the pesticide(s) within 6 months from the date of approval of permit.
- VII. Yes.
- VIII. Applications are evaluated as soon as it is received. Evaluation is based on data submitted and further data may be required if it does not fulfill the requirements of the regulations. New importers are treated in a similar manner as the experienced importer. Each application is evaluated on its own merit.
- IX. Not applicable.
- X. Not applicable.
- XI. Not applicable.
7. Not applicable.
8. Applications are rejected if they do not meet the requirements set by the Pesticides Board or if in the opinion of the Board the risks involved in the importation outweigh the benefits. Applicants are usually given the reasons for the rejections of their applications. If an applicant is not satisfied with the decision of the Board not to issue a permit, he may appeal to the Minister of Agriculture whose decision shall be final.

Eligibility of importers to apply for licence

9. Application for a permit may be made by locally registered companies, research institutions and institutions of higher learning.

10. Information required are as stipulated in the application form and the Guidelines for Importation of Pesticides for Educational and Research Purposes published by the Board. (A copy of the relevant form is attached). The applicant should submit 2 sets of application forms (one of which is an original), a letter of collaboration from collaborators if the research is jointly carried out with other parties and an application fee of RM 10.

11. Upon actual importation, the original permit has to accompany other documents as per under the Customs Order.

12. As mentioned, the application fee for a permit is RM10.

13. Not applicable.

Conditions of licensing

14. Validity period for a permit is 6 months. Validity period cannot be extended.

15. No.

16. No.

17.(a) as stated on the permit.

(b) not applicable.

18. The applicant has to also fulfill other requirements of the Royal Customs and Excise Department.

19. Not applicable.

Rice, glutinous flour, rice vermicelli, mill machinery Custom (Prohibition of Import) Order 1986

Outline of system

1. The import licence is issued under the Customs (Prohibited Imports) Regulations. The Director General of the Royal Customs and Excise Department authorises the officers from the Padi and Rice Supervisory Department, Ministry of Agriculture to issue the Import Licence.

Purposes and coverage of licensing

2. The products under licensing are as follows:

rice;
rice/glutinous flour;
rice vermicelli; and
mill machinery.

3. The regulation applies to the importation of goods from all countries.

4. The licensing is intended to ensure a stable supply of rice in the country.

5. The import licence is a requirement under the Royal Customs and Excise Regulations. This requirement cannot be abolished without legislative approval.

Procedures

- 6.I. The authority monitors the amount of goods imported as the requirement of the country. All the imports should have an import licence issued from the authority.
- II. There are no quotas.
- III. The licence is allotted for rice, by-products and milling machinery. All the goods should have an import licence and a Business Registration Company.
- IV. There is no period of time.
- V. The period for processing the applications is between 1 to 3 days.
- VI. A minimum time remaining times between the granting of licences and the date of opening of the period of importation is 27 days.
- VII. The licence applications are effected by a single administrative organ.
- VIII. Non complete application are rejected. The application of licence is based on a first-come first-serve basis. The amount allowed is based on local requirements. The procedures between new and old imports are the same.
- IX. Yes, import licences are required.
- X. Not applicable.
- XI. All the products imported are for domestic consumption.
- 7.(a) There is no specific period. The licence can be obtained in 1 to 3 days.
- (b) Yes, a licence can be granted immediately upon request.
- (c) The application can be made throughout the year.
- (d) The application for a licence is effected by a single organ.
8. Incomplete applications are rejected. The application be made through the Rice and Padi Supervisory Department, Ministry of Agriculture.
9. (a) The licence will be issued to the holder of the Rice wholesale licence, issued by the Rice and Padi Supervisory Department.

Documentational and other requirements for application for licence

10. The information required in an application is as follows:
 - Name and address of applicant;
 - Goods Code numbers;

- Quantity of goods and price;
 - exporting country;
 - Port/place of discharge;
 - Mode of transport; and
 - Name of declarant/IC number/status/signature.
11. The documents Required Upon Actual Importation are:
- Custom Form (JK 69);
 - Rice Wholesale Licence/Business Registration;
 - The last imported licence;
 - The last expired custom declaration Form (KI); and
 - The application letter.
12. There is no administrative and licence fee required.
13. No payment of advance required with the issuance of licence.

Conditions of licensing

14. The validity of a licence is between 2 month to 6 months. The validity of a licence cannot be extended. A new application should be submitted.
15. There is no penalty for the non-utilization of a licence or a portion of a licence.
16. Licence is not transferable.
17. The applicant has to state the quantity of the goods to be imported.

Other procedural requirements

None.

Importation of round cabbage and unroasted coffee beans
Customs Order (Prohibition of Imports) 1990

1. The Regulations for the issuance of import permit are governed by the Customs Order (Prohibition of Imports) 1990. Under this Customs Order, any person who wishes to import goods listed in this Order have to apply to the Authorities concerned for an Approved permit (AP).

For round cabbages and unroasted coffee beans the approving Authority is the Federal Agricultural Marketing Authority.

Purpose and coverage of licensing

2. Under the AP system the importation of the listed commodities in the Customs Order (Prohibition of Imports) 1990 is controlled. For round cabbages and unroasted coffee beans the issue of AP is administered by the Federal Agricultural Marketing Authority (FAMA).
3. The system applies to goods originating in and coming from all countries.

4. The use of import permits is intended to prevent oversupply, stabilize prices and to protect the local producers. No alternative method has been found to achieve the above objectives more effectively.

5. The Import permit is regulated by the Customs Order (Prohibition of Imports) 1990. This permit is a statutory requirement. This legislation does not allow for administrative discretion regarding goods subject to import control. It requires legislative approval for the abolition of this system.

Procedures

- 6.I. No information is published concerning allocation of quota and application procedures. However this information is available upon request from the government and export promotion bodies of exporting countries and their trade representatives. This is a global quota.
- II. For round cabbages, the size of quota is determined on a monthly basis. However for unroasted coffee beans the quota is determined on a quarterly basis. No quotas are determined on a yearly basis.
- III. Quota is allocated to local qualified importers and coffee manufacturers. To ensure the licencees utilize the quota allocated, they are required to produce previous Custom declaration documents. Quotas are maximum rather than targets and therefore it is not necessary for a permit holder to use up his total allocation. The names of importers are made known to governments and export promotion bodies, upon request.
- IV. Application for permits are accepted at any time of the year.
- V. For new applications, the maximum time for processing is 45 days . This is to ensure that applicants are bona fide applicants.
- VI. Permits are issued for the following month's use.
- VII. An approval permit is issued by the Federal Agricultural Marketing Authority.
- VIII. The quotas are issued to existing consortiums who will then distribute it among their members. Permit holders are required to be a member of any of the existing consortiums. Quotas allocated to consortiums are based on their past performance (2 years).
- IX. Not applicable.
- X. Not applicable.
- XI. Not applicable.
- 7. Not applicable.
- 8. Not applicable.

Eligibility of importers to apply for a licence

- 9.(a) All person, firms and institution are eligible to apply.
- (b) Not applicable.

Documentational and other requirements for application for licence

10. Applicants must submit an application form with the following information:

- (a) Importer's name and address;
- (b) Supply source:
 - Name and address of supplier;
 - Country of origin;
 - entry point of imports;
 - Price per unit;
- (c) Market outlet;
- (d) Size of factory and capacity (unroasted coffee beans);
- (e) Trading facilities.

11. Import permit and Custom form JK No. 1.

12.(i) Processing fee RM 50.00.

(ii) Approval permits RM 5.00/permit.

13. None.

Conditions of licensing

14. The period of validity of Approved Permit is one month for round cabbages and 3 months for unroasted coffee beans. The validity date of Approved Permit cannot be extended.

15. None.

16. None.

17.(a) None.

(b) Not applicable.

Other procedural requirements

18. None.

19. Not applicable.

Palm oil

Palm Oil Industry (Licensing) Regulations 1979

In exercise of the powers conferred by subsection (1) of section 12 of the Palm Oil Registration and Licensing Authority (Incorporation) Act 1976, the Palm Oil Registration and Licensing Authority, with the approval of the Minister, makes the following regulations:

Outline of system

1. The Palm Oil Industry (Licensing) 1979 came into force on 31st. March 1979. With the implementation of the regulations, those involved in the palm oil trade must obtain a licence from the

Palm Oil Registration and Licensing Authority (PORLA). This is for the imports of oil palm products including oil palm fruit and oil palm planting materials.

Purposes and coverage of licensing

2. The Regulations control:
 - the import of oil palm fruit;
 - the import of palm oil;
 - the import of palm kernel;
 - the import of palm kernel cake;
 - the import of palm fatty acids; and
 - the import of oil palm planting material.
3. The regulations apply to the importation of goods from all countries.
4. The primary objective of the licensing Regulations is mainly palm oil regulate, all activities related to the oil palm industry and to check malpractices that are detrimental to the industry as a whole. The Authority will also impose regulations governing the quality standards of palm oil products. The main purpose of the Licensing Regulations is to regulate all activities related to the palm oil industry.
5. The controls on the importation of goods specified in this category are statutory requirements under the legislations detailed below:
 - Palm Oil Industry (Licensing) Regulations 1979;
 - Plant Quarantine Act; and
 - Customs Regulation.

The licensing of an applicant by the Authority shall not be construed as a recognition by the Authority that the applicant has complied with the requirements of any other written law affecting the activities that the applicant proposes to engage in by virtue of the licence or as exempting him from compliance with those requirements.

The legislation does not allow for administrative discretion regarding palm oil products subject to import controls. It is not possible for the Government or executive branch to abolish the systems without legislative approval.

Procedures

6. Not applicable.
- 7.(a) A licence has to be obtained before importing any palm oil products.
- (b) In the case of most importations in this category it will not be possible for permission to be issued immediately on request.
- (c) Licence may be issued in any period of the year.
- (d) The importer has to obtain a licence from the Royal Customs and Excise Department and in the case of oil palm fruit or oil palm planting material, a Quarantine certification from the Department of Agriculture, under the Ministry of Agriculture.

8. Beyond the failure of an applicant to meet standard criteria, a request for permission to import can be refused at the discretion of the Authority. Reasons for refusal will normally be informed. An applicant may choose to correspond with the Minister to appeal the decision of the Authority.

Eligibility of importers to apply for a licence

9.(a) Not applicable.

(b) All firms and institutions are eligible to apply for permission to import oil palm products except oil palm planting material which are only allowed for research purposes.

Documentational and other requirements for application for licence

10. Applications for permission to import must be made in writing to:

PORLA Head Office
Lot. 6, SS 6, Jalan Perbandaran,
47301 Kelana Jaya,
Selangor.

Two application forms must be submitted together with the following documents.

- (a) Copy of Registration of Company/Registration of Business/Registration of Co-operative.
- (b) Copy of Form 49 (Companies Act 1965).
- (c) Copy of Form 24.
- (d) Copy of Form 44.
- (e) Memorandum & Article of Association.
- (f) Supporting letter or letter of intent from prospective overseas buyer.

B. Company profile and experience.

C. Justification for need to import palm oil products.

11. Licence must be obtained prior to importation.

12. Yes. 100 Ringgit Malaysia for a licence which is valid for 1 year.

13. No.

Conditions of licensing

14. The period of validity is one year and can be renewed annually.

15. No.

16. No.

17. Yes.

(i) To submit a copy of custom declaration Form No. 1.

(ii) The licensee must inform PORLA as and when they import.

- (iii) The schedule of arrival of palm oil products must be submitted in advance to the Authority.
- (iv) Palm oil imported to Malaysia shall not be carried in ships tanks previously carrying cargoes listed in the banned list as and when specified by the Authority.

Other Procedural Requirements

- 18. No.
- 19. Not applicable.

Explosives including propellant powders, prepared explosives, other propellant powders, safety fuses, detonating fuses, percussion or detonating caps, igniters, detonators, pyrotechnic articles, nitrocellulose, nitroglycerin, mercury fulminate, lead azide, lead styphnate, picric acid (trinitrophenol tetranitrate (petn), nitroguanidine & trimethylenetrinitra-mine, fireworks

Explosive Act 1957 (Act 207) Explosives Rules 1923 Corrosive and Explosives Substances and Offensive Weapons Ordinance 1958 (Act 357)

Outline of system

1. The Explosives Act 1957 (Act 207) regulates the importation, sale, use, transportation, purchase, importation and possession of all classes of explosives in Malaysia.

The Explosives Rules 1923 regulates and provides the details of the procedures involved in enforcing the Explosives Act 1923.

The Corrosive and Explosive Substances and Offensive Weapons Act 1958 (Act 357) provides certain penalties relating to the unlawful possession of corrosive and explosive substances and carrying of offensive weapons.

Purposes and coverage of licensing

2. Apart from regulating the importation of the abovementioned items, Act 357 also governs the importation of:

- Sulphuric Acid;
- Nitric Acid;
- Hydrochloric Acid;
- Formic Acid;
- Acetic Acid;
- Phenols;
- Ammonia;
- Potassium Hydroxide; and
- Sodium Hydroxide.

3. The regulations apply to the importation of goods from all countries.

4. The Acts are intended to safeguard life and property and to ensure that the main enforcement agency in respect of explosive i.e. the Royal Malaysian Police is given notice for the safe storage, handling, transportation and provision of escorts for the purposes of this category of Dangerous Goods.

5. The controls of importation of goods specified in this category are statutory requirements under the legislation listed in paragraph 1.
6. Not applicable.
- 7.(a) Application should be made well in advance of arrival of the goods to allow time for any necessary checks to be made regarding details supplied etc. Generally no import permission can be given for goods which have arrived at the point of entry where no pre-arranged permission is available.
- (b) In the case of most importations in this category it will not be possible for permission to be issued immediately upon request.
- (c) Permits may be issued in any period of the year.
- (d) Application for the licence prescribed under this Act shall be made to the licensing officer between sunrise and sunset.
- (e) It shall be lawful for a consignee, or any English-speaking agent appointed by him, possessing a licence from the licensing officer, to land, remove or ship any explosive therein detailed between sunrise and sunset, after giving at least six hours notice of his intention to do so to the licensing officer and to convey them to such place as in such permit named; provided that the rules regarding conveyance of explosive are strictly complied with.
8. Beyond the failure of an applicant to meet standard criteria, a request for permission to import can be refused at the discretion of the relevant minister. Reasons for refused will normally be advised. Under normal circumstances the Chief Police Officer of the relevant state may issue a licence to import. An applicant may appeal to the Minister in the event of an unfavourable decision.

Eligibility of importers to apply for a licence

- 9.(a) Not applicable.
- (b) All persons, firms and institutions are eligible to apply.

Documentational and other requirements for application for licence

10. Applications for permission to import must be made in writing to the relevant Chief Police Officer. The form of the application and information required will depend on the nature of the explosive for which permission is sought. Where there are queries or doubts to be clarified, the importer may refer to the Royal Malaysia Police Headquarters. The address for correspondence is:

Inspector General of Police
Royal Malaysia Police Headquarters
Bukit Aman
50560 Kuala Lumpur.
(Att: Licensing Officer (General Licences))

11. Licence must be obtained prior to importation and is required upon importation. A declaration is required for the importation of certain classes of explosives and will be made known to the importer at the point of application for an import licence.

Before any explosive is landed under these rules, the consignee shall give to the Harbour master such undertaking with or without security, as the said officer thinks sufficient, to obey, in the event of the explosive failing to satisfy the prescribed test, such directions as to its disposal as the licensing officer may see fit to prescribe.

In certain instances which shall be made known to applicant at the point of importation, samples for testing may be required for the issuance of a certificate of fitness for importation. In this respect Form F and Form G shall apply. The classes of explosives subject for testing are as per the second schedule annexed.

12. The following fees shall be liable under these rules:

For every permit to import, export or remove explosive - RM 1.00;
For every permit to purchase, sell or possess explosives - RM 1.00;
For every licence for a hulk or floating magazine for explosives yearly - RM 200.00;
For every licence for a store or magazine for explosives, of capacity exceeding 640 cubic feet yearly - RM 25.00.

13. No.

14. The period of validity of a permission would depend on the nature of the importation. Specific details to be supplied on enquiry. Legislation will normally not allow for continuing permission.

15. No.

16. No.

17. Conditions may be applied in respect of such issues as custody, end use, disposal or distribution of imported goods. Specific details may be supplied on enquiry.

Other procedural requirements

18. No.

19. Not Applicable.

Any piece of equipment, apparatus, appliance or any other device capable of producing the sound of a siren or any other sound resembling that of a siren irrespective of its mode of operation

1. The Prohibition is intended to ensure no equipment, apparatus, appliance or any other device capable of producing the sound of a siren or any other sound resembling that of a siren irrespective of its mode of operation is used by any other agency other than the Police. Fire Services or Ambulance in so far as the sound produced corresponds to the sound used by the said agencies may be imported subject to the approval of the Licensing Agency ie. the Royal Malaysian Police.

2. Apart from regulating the importation of the above mentioned sirens either to be used on vehicles and buildings or other installations, the prohibition subject to Approved Permits in certain cases is to ensure no confusion or instances of misuse arising from the uncontrolled usage of these items.

3. The regulations apply to the importation of goods from all countries.

4. No.

5. The controls on the importation of goods specified in this category are statutory requirements under the legislation detailed in para 1 above.

The legislation does not allow for administrative discretion regarding goods/items subject to import controls. It is not possible to abolish the systems without legislative approvals.

6. Not applicable.

7.(a) Application should be made well in advance of arrival of the goods to allow time for any necessary checks to be made regarding details supplied etc;

(b) In the case of most importations in this category it will not be possible for permission to be issued on request; and

(c) Permits may be issued in any period of the year.

8. Beyond the failure of an applicant to meet standard criteria, a request for permission to import can be refused at the discretion of the Licensing Officer.

Eligibility of importers to apply for a licence

9.(a) Not applicable;

(b) All persons, firms and institutions are eligible to apply.

Documentational and other requirements for application for licence

10. Applications for permission to import must be made in writing to the Licensing Officer. The form of the application and information required shall be in the form of customs form (JK 69) or any other mode prescribed from time to time. The address for correspondence.

The Inspector General of Police
Royal Malaysia Police
Bukit Aman
50560 Kuala Lumpur.
(Att: Licensing Officer (General Licensing))

Particulars to be submitted in support of the said application for an import licence are as follows:

(a) Customs Form (JK 69);

(b) A sample of the said model to be imported to be submitted for testing by the Royal Malaysian Police;

(c) The intended use of the siren;

(d) The brochure/catalogue containing the mode of operations and required electrical circuitry to operate the item; and

(e) The estimated date of arrival in the country.

11. Permits must as far as possible be obtained prior to importation and are required on importation.
12. No.
13. No.

Conditions of licensing

14. The period of validity of a licence would depend on the nature of the importation: Specific details to be supplied on enquiry. Legislation will normally allow for renewals of import licences.
15. No.
16. No.
17. Conditions may be applied in respect of such issues as custody, end use, disposal or distribution of imported goods. Specific details may be supplied on enquiry.

Other procedural requirements

18. No.
19. Not applicable.

Dress serving, used or worn as shield or protection against attack including bullet proof vests Emergency (Prohibition of Uniforms And Dresses Regulations 1974 (As Amended by P.U.(A) 349/1978)

Outline of system

1. This legislation is enforced covering all forms of bullet proof vests. Permits are required for importing, making, manufacturing etc. of dress serving, used or worn as shield or protection against attack. The Inspector General of Police may by order prohibit, throughout Malaysia or in any part thereof, the making, sale, wearing or possession of any uniform or distinctive dress, or of any part thereof, or of any part thereof, of any article of clothing having the appearance or colour of such uniform or distinctive dress, and may by the same or by a different order exempt, absolutely or conditionally, any person or class of persons from all or any of the provisions of the prohibiting order.

Purposes and coverage of licensing

2. No person shall import, make, manufacture, assemble, sell, buy, wear, have in his possession or custody or have under his control any dress or any part thereof of whatever material made which may serve, be used or worn as a shield or as protection against attack. Without obtaining a permit issued in that behalf by the Inspector - General of Police or by a senior police officer duly authorised, by name or office, in that behalf by the Inspector - General of Police.
3. The system applies to the importation of goods from all countries.
4. The quantity or value of imports is subject to the discretion of the Inspector - General of Police. The Inspector - General of Police or a duly authorised senior police officer may refuse to issue a permit under this regulation without assigning any reason therefor.

5. Licensing is a statutory requirement and designation is by statute. It is not possible to change designations or abolish the system without legislative approval.

6. Not applicable.

7.(a) Application should be made well in advance of arrival of the goods to allow time for any necessary check to be made regarding details supplied etc. Generally no import permission can be given for goods which have arrived at the point of entry where no pre-arranged permission is available;

(b) In the case of most importations in this category it will not be possible for permission to be issued immediately on request; and

(c) Permits may be issued at any period of the year at the discretion of the Inspector-General of Police.

8. Apart from statutory or ordinary administrative requirements there are no other criteria. Reasons for refusal need not be given as provided for in the statute.

Eligibility of importers to apply for licence

9.(a) Whilst all persons may apply, the eligibility of the applicant will be considered on the merit of each case.

Documentational and other requirements for application for licence

10. Applications for permission to import must be made in writing to the relevant Chief Police Officer for administrative requirements and forward transmission to the Inspector-General of Police. (General Licensing)

Applications must be made in writing specifying the details which will be made known to be applicant at the time of application.

Documents to be submitted upon application are as follows:

- (a) Application Form;
- (b) Copy of Business Registration;
- (c) End - User Certificate; and
- (d) Photograph (Passport size)

Applicants are also subject to vetting (criminal record and other).

11. A permit must be obtained prior to importation. Any article which constitutes the subject matter of these Regulations shall be forfeited for disposal by the Chief Police Officer of the area as he thinks fit if such importation is made without a permit.

12. None. Subject to review without prior notice.

13. No.

14. The period of validity of permit would depend on the nature of the importation. Specific details to be supplied on enquiry. Legislation will normally not allow for continuing permission.

15. No.

16. No.

17. Conditions may be applied in respect of such issues as custody, end use, disposal or distribution of imported goods. Specific details may be supplied on enquiry.

Other procedural requirements

18. No.

19. Not applicable.

Firearms and ammunitions

Arms Act 1960

Outline of systems

1. The importing of firearms is controlled under the Arms Act 1960 (Act 206).

Purposes and coverage of licensing

2. The purpose is to control strictly the importation and use of all firearms in Malaysia.

3. The Act covers all imports of firearms and ammunition.

4. Yes.

5. It is statutory requirement under the Arms Act and the Law cannot be abolished without legislative approval.

Procedures

6. Not applicable.

7.(a) Applicant must be a Licensed Arms Dealer.

(b) Application is made only to the amount of stock approved to the Licensed Arms Dealer or to replenish the stock.

(c) Application is being made and processed by the District Police Headquarters and letter submitted to the State Police Headquarters for approval by the Chief Police Officer of the state.

8. The Chief Police Officer may refuse the application. In such cases, the applicant can appeal to the Inspector-General of Police for consideration and subsequently to the Minister of Home Affairs whose decision shall be final.

Eligibility of importers to apply for licence

9.(a) Any Licensed Arms Dealer.

Documentational and other requirements for application for licence

10. The application should be made vide Form Pol. 125 . The following information is to be supplied:

- Name and address of the Licensed Arms Dealer;
- Quantity of weapons to be imported;
- Description of weapons to be imported; and
- Supplier of weapons.

11. Custom Approved Permit (AP).

12. RM10.00.

13. Not Applicable.

Conditions of licensing

14. 60 days.

15. No.

16. No.

17. No.

Other procedural requirement

18. No.

19. No.

Electrical equipment
Electricity Supply Act 1990
Electricity Regulations 1994

Outline of system

1. The Department of Electricity & Supply under the Ministry of Energy, Telecommunication and Post Malaysia is responsible for the issuance of a Certificate of Approval for the manufacture, import, display, sale or advertisement of any domestic electrical equipment, any electrical equipment which is usually sold direct to the public or any electrical equipment which does not require special skills in its operation.

Purposes and coverage of licensing

2. The electrical equipment which requires a certificate of approval before importation is prescribed in regulation 97, Electricity Regulation 1994 which states:

Regulation 97.(1) No person shall manufacture, import, display, sell or advertise:

- (a) any domestic equipment;
- (b) any equipment which is usually sold directly to the public; or
- (c) any equipment which does not require special skills in its operation, unless the equipment is approved by a Director.

3. This regulation is applicable to the importation of electrical equipment from all countries.

4. The control on the importation of these categories was introduced to prevent the importation of unsafe electrical equipment for use by the public.

5. The control on importation of these categories of electrical equipment is a statutory requirement under the Electricity Supply Act 1990. The requirement cannot be abolished without legislative approval.

Procedures

6. Not applicable.

7.(a) Application should be made by the importer in advance of arrival of the goods. Licences cannot be obtained within a shorter time-limit.

(b) Approval cannot be granted immediately upon request.

(c) Certificate of approval is valid for 12 months and subject to renewal.

(d) Applicants for import approval required by Regulation 97, Electricity Regulation 1994 are required to apply from the Department of Electricity & Gas Supply. Equipment under consideration for Certificate of Approval is to be type tested by an approved testing body to ensure the equipment complies to any of the following standards:

Malaysian Standard (MS)
IEC Standard (IEC)
British Standard (BS)
Singapore Standard (S)
German Standard (VDE)
European Community (CEE)
European Standard (EN)
Harmonise documents (HD)
Australian Standard (AS)

8 An application for the import approval may be refused if it does not meet the ordinary application criteria and conditions. Reasons for refusal are given to applicants. Applicant refused permission to import may appeal to the same department responsible for issuing the certificate of approval.

A certificate of approval can be cancelled at the discretion of the Director General on reasons stated in Regulation 108, Electricity Regulation 1994.

Regulation 108. (1) The Director General may cancel a Certificate of Approval issued in respect of any equipment referred to in Regulation 97 if:

- (a) the equipment is found to be unsafe for use upon any examination or test thereof;
 - (b) the person to whom the Certificate was issued, uses it for a purpose different for that for which it was issued or in a manner calculated to mislead or deceive the public;
 - (c) the person has contravened or failed to comply with any of the provisions of the Act or these Regulations; or
 - (d) the holder of the Certificate has obtained the Certificate by making or causing to be made any false or fraudulent declaration, certification or representation, either in writing or otherwise.
- (2) Where a Certificate of Approval is cancelled by the Director General pursuant to subregulation (1), the Certificate shall be returned to the Director General by the person to whom the Certificate was issued within fourteen days of the person being notified in writing of the cancellation.

9.(a) Not applicable.

(b) All persons, firms and institutions in Malaysia are eligible to apply for the certificate of approval.

Documentational and other requirements for application for licence

10. The applicant is required to fill an application form (JBE(PE)3) and attach together the necessary documents and information as stated below:

- (i) Type Test Report from approved laboratories and approved standards (Type Test report should not be more than 5 years from the date it was tested);
- (ii) One (1) Sample for an examination.

The application form JBE (PE)3 can be purchased at RM1.00/copy.

It is further required that any electrical equipment intended for domestic use operating a voltage 240V shall be fitted with fully insulated 13A fused 3 pin plug of sleeved model complying to MS 589 or BS 1363. The fuse-link shall be approved type to BS 1362. However for electrical equipment having Class II type of insulation, a 2-rounded pin of sleeved model complied to CEE7-17 is acceptable. The flexible conductor shall be of sheated type having a nominal conductor area suitable to the rated current.

11. Proof of Certificate Of Approval is required for clearance by customs at the point of entry.

12. A processing fee of RM 20.000 shall be charged for an application and a fee per model shall be paid for the Certificate of Approval upon approval as tabulated below:

Voltage rating	Initial Fees For 12 months	Renewal Fees For 12 months
(a) 240V	RM 200	RM100
(a) 415V	RM 300	RM200

13. No.

Conditions of licensing

14. A certificate of approval is valid for 12 months and can be renewed. Renewal of a Certificate of Approval shall be made not less than two months before the date of expiry of the certificate. The request can be made in writing by submitting a photocopy of the previous certificate of approval.

15. No.

16. Please refer to the following Electricity Regulation 1994:

Regulation 107. (1) No certificate of approval issued under regulation 97 shall be transferred by the holder of the Certificate to any other person except with the written permission of the Director General.

(2) The holder of a Certificate of Approval issued under regulation 97 shall obtain approval from the Director General in writing for any change of name or address in connection with the business and the certificate shall be amended or replaced without payment of any fee.

17.(a) Not applicable.

(b) Condition may be imposed usually:

- Electrical equipment to be marked or label as described in Electricity Regulation 1994 as stated below:

Regulation 98. Where an equipment has been approved for manufacture, import, display, sale or advertisement by a Director, the person to whom a Certificate of Approval has been issued under regulation 97 may be required by the director to mark or label the equipment in a manner to be determined by the Director.

Other procedural requirements

18. No.

19. Not applicable.

Intoxicating liquor, tobacco and denatured spiritCustoms Regulations 1977Customs (Prohibition of Import) Order 1988Outline of system

1. Under Regulation 18 of the Customs Regulation 1977, no person shall import intoxicating liquor, tobacco or denatured spirit except under and in accordance with a licence issued by or under the direction of the Director General; provided that intoxicating liquor or tobacco which a senior officer of customs is satisfied is intended for private consumption of the importer and not for sale or intoxicating liquor or tobacco exempted from the payment of customs duty under the provision of section 14 of the Customs Act 1967 may be imported without such licence.

Purposes and coverage of licensing

2. To control smuggling of intoxicating liquor, tobacco and denatured spirit into Malaysia.
3. The system applies to all countries.
4. No. Licensing is not intended to restrict quantity or value of imports. No other methods of accomplishing the purpose has been considered because the present licensing system is found to be effective enough to control the import activity of the goods in order to prevent smuggling.
- 5.(a) The control on the importation of liquor, tobacco and denatured spirit are statutory requirements under the Customs Regulations 1977.
- (b) No discretion.
- (c) The legislation does not allow for administrative discretion regarding importation of liquor, tobacco and denatured spirit subject to import controls. It is not possible for the government or executive branch to abolish the system without legislative approval.

Procedures.

6. Not applicable.
 - 7.(a) Application should be made well in advance before the goods are imported. Licence for import of liquor can be issued within a shorter time limit but is not applicable for import of tobacco.
 - (b) In the case of liquor, a licence can be issued immediately on request (individual) but not applicable for tobacco.
 - (c) Licence may be issued in any period of the year.
 - (d) Yes. The application for licence to import of liquor, tobacco and denatured spirit only involve the Royal Malaysian Customs and Excise Department.
8. Black listed (those who have committed offences under the law & regulation) applicants may not be considered. Reasons for refusal will normally be informed. Unsuccessful applicants may submit appeal to the Minister of Finance for consideration.

Eligibility of importers to apply for licences.

- 9.(a) Not applicable.
- (b) All persons, firms, institutions are eligible to apply.

Documentational and other requirements for application for licence.

10. Application to be made in writing to the Director General of Customs. Information requirement depend on type of goods to be imported as follows:

10.1. Liquor and denatured spirit - information required include quantity, brand, country of origin, point of entry, date of import, applicant's name, address.

10.2. Tobacco - applicant is required to submit documents to show status of company, agency appointment and paid up capital.

11. Customs Form No. 1, invoices, shipping documents and import licence.

12. Yes. The fee for any such licence shall be RM10 for each calendar month or part thereof or RM48 for six months or RM96 for 12 months.

13. No deposit required.

Conditions of licensing.

14. Such licence shall be for any period not exceeding one year but shall expire not later than 31 December following the date of issue.

Yes. Renewal is permitted.

15. No penalty.

16. Non-transferable.

17.(a) Not applicable.

(b) Conditions include the licence being not transferable, specific point of entry, storage facilities, stock records to be maintained. There shall be clearly and conspicuously printed in a prominent position on every container of cigarettes, imported, the following words:

(a) AMARAN KERAJAAN MALAYSIA MEROKOK MEMBAHAYAKAN KESIHATAN (WARNING BY GOVERNMENT OF MALAYSIA SMOKING IS HAZARDOUS TO HEALTH).

(b) Tidak melebihi 20mg tar, 1.5mg nikotina (Not more than 20mg tar, 1.5mg nicotine).

Other procedural requirements.

18. No.

19. Not applicable.

Telecommunication apparatus Custom (Prohibition of Imports) Order 1987

Outline of system

1. In conjunction with Customs (Prohibition of Imports) Order 1987, the telecommunication authority, Telecommunications Department Malaysia is conferred with the powers to issue import permits for all types of telecommunication apparatus, including spare parts and accessories. The importation of prescribed telecommunication and radiocommunication equipment is prohibited unless permission has been granted by the said department.

Purposes and coverage of licensing

2. The goods covered by this system are those listed in:
 - (a) Customs (Prohibition of Imports) Order 1987, which include:
 - apparatus or equipment to be attached to or connected to a public telecommunication network or system,
 - all radio communications apparatus capable of being used for telecommunication in the frequency band lower than 3000 Ghz, except for:
 - receivers that are designed for use in the broadcasting services, and,
 - public mobile radiotelephone apparatus having a valid licence issued by the Telecommunication Authority of Singapore.
 - (b) Customs (Absolute Prohibition) Order 1987, which include:
 - broadcast receivers capable of receiving radio communication within the ranges (68 - 87) MHz and (108 174) MHz except those designed to receive meteorological broadcasts at spot frequencies (except those for the use of the telecommunication authority).
3. The regulations apply to importation from all countries.
4. The control on the importation of these goods is to prevent the importation of models which do not comply with technical specifications of the Telecommunications Department, to ensure safety, compatibility and to avoid interference problem to the network. The monetary value is not a criterion for control.
5. The control on the importation of these goods is a statutory requirement under the Customs (Prohibition of Imports) Order 1987 and Customs (Absolute Prohibition) Order 1987, and cannot be abolished without legislative approval.

Procedures

6. Not applicable.
- 7.(a) Applications should be made in advance of arrival of the goods. In certain circumstances, import permit can be given for goods which have inadvertently arrived at the point of entry.
- (b) Permits may be issued promptly if a genuine emergency exists.
- (c) Permits may be issued in any period of the year.
- (d) Application for import permits for telecommunication and radio communication equipments are processed by the Telecommunications Department Malaysia.
8. Application for permission import can be refused if the importation involves non-approved equipments, until approval is obtained. The applicant will be duly informed to submit an application for type approval of the said equipment.

Eligibility of importers to apply for licence

9. All persons, firms and institutions are eligible to apply for import permits.

Documentational and other requirements for application of licence

10. For permission to import, applications must be submitted in writing to the Telecommunications Department Malaysia. The application should include the following information:

- reasons for importation;
- a completed set of Custom forms, JK69;
- three (3) copies of Airway bill / Bill of lading / Invoice; and
- a copy of the Certificate of Registration issued by the Telecommunications Department Malaysia for type-approved products.

11. As above.

12. No fees are charged.

13. No deposit or advance payment required.

Conditions of licensing

14. Permit applies to one consignment only and valid for three (3) months. Validity period not extendable, a new application is required.

15. No.

16. Licences are not transferable between importers.

17. Permission to import is conditional on the equipment being already type approved by the Telecommunications Department Malaysia. For non-type approved equipment, approval has to be obtained prior to importation, and importation of samples for type approval purposes are limited to two (2) units per model.

Other procedural requirements

18. No.

19. Not applicable.

1. Sawlogs/wood in the round/roughly squared or half-squared but not further manufactured

2. Large scantling & squares of 60 sq. inches & above
Customs (Prohibition of Imports) Order 1988

Outline of system

1. Under the Customs (Prohibition Of Imports) Order 1988 (the Order), administered by the Malaysian Timber Industry Board (MTIB), empowered by the Customs Act 1967, the import licences are issued to persons, firms or organisations for the importation of round logs, roughly squared or half squared logs and large squares and scantlings of 60 square inches and above to be further processed in the country (Malaysia).

Purposes and coverage of licensing

2. Round logs and the timber products mentioned that are subject to control under this Order are as listed under Item 15 of the Order.
3. The system applies to timber products originating from all countries.
4. There are no restrictions in relation to the quantity or value of imports.
5. Customs (Prohibition Of Import) Order 1988, Licensing is a statutory requirement and designation is by statute. However, the approval of import licences are subject to administrative discretion of the Ministry responsible for timber and timber products, i.e. the Ministry of Primary Industries. It is not possible to change designations or abolish the system without legislative approval.

Procedures

- 6.I. Information with regard to importation is published in the Order. There is no restriction whatsoever on the amount allocated to each importer.
 - II. The quotas are allocated on the discretion of the Ministry, determined and valid on yearly basis and import licences will be issued based on the quotas allocated.
 - III. Final authorization by the Royal Malaysian Customs and Excise Department will determine whether import licences issued are actually used for imports. Unused quotas will be allowed to be re-used within the year allocated. Names of importer and amount imported may be made known to the Ministry, if requested.
 - IV. Application for licences are accepted at any time.
 - V. Time taken for processing of licences many vary from minutes to one working day, depending on the documentation furnished to MTIB, whether sufficient or, otherwise.
 - VI. Import licences issued shall be valid immediately upon issuance and shall remain valid for 60 days from the date issued.
 - VII. Import licences are issued by MTIB. Prior approval must be obtained from the Ministry. Imports are also required to be inspected by the Forestry Department.
 - VIII. Allocations of import licences are given on a first-come, first-served basis. There is no limit on the number of licences issued. However the total imports cannot exceed the quotas allocated by the Ministry. Application for licences are examined on receipt of the documents required.
 - IX. Import licences are required for imports from all countries.
 - X. Not applicable.
 - XI. No.
- 7.(a) Applications should be made in advance of the arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.
 - (b) Licences may be issued immediately provided prior approval has been obtained by the importers from the Ministry of Primary Industries and properly completed documentation furnished to MTIB.

- (c) Licences may be issued in any period of the year.
- (d) Applications for import licences for sawlogs, round logs and half-squared logs are processed by MTIB based on approval obtained through the Ministry of Primary Industries prior to final approval by the Malaysian Customs Department.

8. Not applicable.

Eligibility of importers to apply for licence

- 9.(a) Not applicable.
- (b) All persons, firms and organisations are eligible provided they are domiciled in Malaysia.

Documentational and other requirements for application for licence

10.(a) For permission to import sawlogs or round logs (under item 15 of the Order) application should be made in writing to the Ministry, including the provision of the following information:

- importer's name and address;
- point of entry;
- quantity to be imported;
- species of timber to be imported;
- name of buyers or place to be processed;
- purpose of importation: to be processed for own use/for re-export; and
- country of origin of goods.

Documents to be furnished to MTIB upon approval from the Ministry should comprise:

- Approval letter from the Ministry;
- Import form JK 69;
- Customs Declaration Form No. 1 (CD 1) in 4 copies;
- 2 copies of log list, detailing species and quantity of each species;
- A copy of letter to the Forestry Department requesting for inspection of imported logs; and
- A copy of letter from the relevant Forestry Department area offices confirming the registration of property harmer marking.
- For permission to import Large Scantlings and squared timber of cross-section of 60 square inches and above, the documents to be furnished to MTIB comprise:
- Import Form JK 69; and
- 4 copies of Custom Declaration - Form No.1 (CD1).

11. Actual authorization will be made by Royal Malaysian Customs and Excise Department on the CD1 and JK 69.

12. No.

13. No.

Conditions of licensing

14. Import licence issued will be valid for 60 days from the date of issuance. Extension will not be allowed. Should the licence expire before actual importation is done, the importer must apply for a new import licence.

15. No.

16. No.

17. Not applicable.

Other procedural requirements

18. No.

19. Not applicable.

Therapeutic Substances and Goods
Poisons Act 1952 (Revised 1989)
Sale of Drugs Act 1952 (Revised 1984)

Outline of systems

1. Under the Malaysian Poisons Act 1952 (Revised 1989), all substances listed in the Poison List require licences prior to importation.

Under the Malaysian Sale of Drugs Act 1952 (Revised 1989), the medicinal products are required to be registered by the Drugs Control Authority. The Control of Drugs and Cosmetics Regulations 1984 which was enacted under the Sale of Drugs Act 1952, prohibits the import of products not registered in Malaysia.

Purposes and coverage of licensing

2. The licensing systems covered are as follows:

2.1. All substances listed as poisons.

2.2. All products registerable under the over-the-counter medicinal products.

Currently an exemption applies in the case of:

- products/medicines containing poisons and non-poisons may be imported into Malaysia by parcel post or hand luggage for his own personal use or for that of his family. The quantity, at any one time, may not exceed one month's use by one person.

The package containing poison shall be clearly marked on the outside with name of the recipient, the name of poison and the quantity.

3. The law applies to the importation of poisons and products from all countries.

4. No.

5. Not applicable.

Procedures

6. Not applicable.

7.(a) Import licence must be applied prior to any importation.

- (b) Request for an immediate licence is subject to a genuine and emergency request.
- (c) Applications may be issued in any period of the year.
- (d) Licence to import poisons and medicinal products containing poison is issued only to a registered pharmacist. This licence called Type 'A' Poison Licence can be issued by the licensing officers of the various states.

The licence to import medicinal products that have been already registered by the Drugs Control Authority, can only be issued by the Authority.

8. No. In the event of any exemption from the requirement of the Law, the applicant can only be granted an exemption by the Minister of Health, Malaysia.

Eligibility of importers to apply for licence

- 9.(a) Licences are issued to individuals and not firms.
- (b) Not applicable.

Documentational and other requirements for application for licence

10. The applicant shall be required to file in a standard application form which include the following particulars:

- (a) a photograph of the applicant;
- (b) name and address; and
- (c) National Identity Card Number.

- 11.(a) A certified copy of the registration certificate issued by the Pharmacy Board of Malaysia.
- (b) For the over-the-counter products the requirement does not restrict only to pharmacist and the requirement as in 7(d) does not apply.
- 12.(a) No fees for the licence issued to pharmacist to import substances containing poisons.
- (b) Fees for the licence to import medicinal products are RM 100.00 per licence.

13. No.

Conditions of licensing

- 14. Licence is valid for a calendar year.
- 15. No.
- 16. No.
- 17. No.

Other procedural requirements

18. Applicants for import licences should be familiar with the Poisons Act 1952 and Sale of Drugs Act 1952. The forms and flow chart for the application is made available at the licensing counter.

19. Not applicable.

Control of import of scheduled wastes (toxic and hazardous wastes)
Customs (Prohibition of Import) (Amendment)(No. 3)Order 1993

Outline of systems

1. The Order regulates the importation of scheduled wastes as required under the Basel Convention, of which Malaysia is a party. This Order is enforced by the Royal Customs and Excise Department with the condition that prior written approvals are obtained from the Director-General of the Department of Environment.

Purposes and coverage of licencing

2. The Order applies to scheduled wastes as defined in the Environmental Quality (Scheduled Wastes) Regulations 1989.

3. All countries.

4. The permitting system ensures that Malaysia's commitments as a party to Basel Convention is met. It is not intended to place specific restriction on certain countries but to ensure environmentally sound management of hazardous waste and to protect the Malaysian environment from illegal trafficking.

5. Customs Act 1967. Amendments to the waste under control can be made by the Minister.

Procedures

6. Not applicable.

7.(a) Approval must be obtained before the waste leaves the country of export. Approvals usually given within 2 months. No permits are issued without the prescribed documents.

(b) No.

(c) No.

(d) Yes. The Department of Environment and the Royal Customs and Excise Department.

8. An application is rejected if not approved by the country of export. Reasons for refusal are given to applicants. Appeals are reconsidered by the Director-General of Environment.

Eligibility of importers to apply for licence

9.(a) Not applicable.

(b) Any person may apply.

Documentational and other requirements for application for licence

10. Please see Guidelines for the Import of Scheduled Wastes as attached.
11. See 10 above.
12. See 10 above.
13. A refundable Performance Bond of predetermined amount is also required.

Conditions of licensing

14. Depends on request or circumstances.
15. No.
16. Non-transferable.
- 17.(a) No.
- (b) Yes.

Other procedural requirements

18. Yes. Every application is subject to a thorough evaluation of environmental and economic impacts.
19. Not applicable.