

**REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES<sup>1</sup>**

Notification under Article 7.3 of the Agreement on Import Licensing Procedures

**MALAYSIA**

The following communication, dated 12 April 2011, is being circulated at the request of the delegation of Malaysia.

Malaysia's import licensing regime, as notified in the document G/LIC/N/3/MYS/5 has not been modified and remains valid for 2011, except for the changes to which this document refers to.

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

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## **I. PRODUCTS SUBJECT TO IMPORT LICENSING UNDER THE CUSTOMS (PROHIBITION OF IMPORTS) ORDER 2009 - (MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY)**

### **Outline of system**

1. Importation of selected industrial products is subject to import licensing administered by the Ministry of International Trade and Industry (MITI).

### **Purpose and coverage of licensing**

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

#### **Automatic Import licensing**

Safety helmets, all single and multi-colour copying machines, motor-homes, bodies (including cabs) of motor vehicles, chassis and parts thereof for motor vehicles, prime movers, wheat flour, cement, high speed photocopier, electronic control master playback, sugar, activated clay and bleaching earth, wire and cables, ship's derricks, cranes (including cable cranes), mobile lifting frames, straddle carriers and works trucks fitted with a crane (with exception of gantry cranes), palfinger fully hydraulic compact, hydraulic loading cranes, crawler cranes, cement, steel long products such as bars, wire rods and steel billets and steel flat products such as hot rolled coils, cold rolled coils, steel plates, liquid milk (sterilised/non-sterilised) in any form including flavoured milk recombined or reconstituted and twelve (12) bore shot gun cartridges.

#### **Non-automatic Import licensing**

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 and mobile radiological units), passenger and commercial vehicles, motorcycles, batik sarong, plastic wastes, chemicals listed under the Chemical Weapons Convention (CWC) Act 2005, chloro fluoro carbon (CFC) and import of all goods from Israel.

3. The system applies to import of listed goods originating from all countries. All imports from Israel are subject to non-automatic licensing.

4. Automatic licensing is intended for data collection and monitoring. Non-automatic licensing is intended to regulate the flow of imports and to promote selected strategic industries that have been identified to achieve certain socio-economic objectives. Imports of CFC are regulated in accordance with Malaysia's obligations under the Montreal Protocol. Imports of chemicals listed under the Chemical Weapons Convention (CWC) Act 2005 - Schedules 1, 2 and 3 except where such chemicals are controlled by relevant provisions under the Poison Act 1952 (Revised 1989) and Pesticides Act 1974.

5. Import licences are issued under the provision of the Customs (Prohibition of Imports) Order 2009 under subsection (1) of section 31 of the Customs Act 1967 with effect from 1 April 2008. The legislation does not allow for administrative discretion. It is not possible for the government or the executive branch to abolish the system without legislative approval.

### **Procedures**

6. Not applicable.

- 7.(a) Applications should be made in advance before the arrival of goods. Yes, licences can be obtained immediately but only under exceptional circumstances.
- (b) Yes.
- (c) No.
- (d) Yes, MITI is the single administrative organ. However, the import of chemicals listed under the Chemical Weapons Convention (CWC) Act 2005 and plastic wastes require written approval from the National Authority under the Ministry of Foreign Affairs and the Department of Environment respectively.
8. Application for a licence may be refused if there is a contravention of any requirements from any other local authorities. Yes, reasons for refusal will be given to the applicant. In the event a licence is being refused the applicant has the right to appeal to the Director of Import and Export Control Section, Ministry of International Trade and Industry.

**Eligibility of importers to apply for licence**

9. Yes, all persons, firms and institutions are eligible to apply for licences. There is no registration fee required.

**Documentational and other requirements for application for licence**

10. Information required in the application for import licences are:

- Name and address of importer;
- Name and address of supplier;
- Description of goods;
- Value and quantity;
- Customs tariff code;
- Country of origin; and
- Port of entry.

Other supporting documents such as written approval and manufacturing licence are also required.

11. The JK-69 form 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 an import licence varies between three (3) to six (6) months. Licences can be extended for another three (3) to six (6) months.

15. There is no penalty for non-utilisation of a licence.

16. Licences are not transferable.

- 17.(a) Not applicable.
- (b) For chemicals listed under the Chemical Weapons Convention (CWC) Act 2005, written approval from the National Authority under the Ministry of Foreign Affairs is required. Importation of plastic wastes is only for manufacturers undertaking plastic recycling activities approved by the Department of Environment.

### **Other procedural requirements**

18. No.
19. Not applicable.

## **II. FISH AND FISH PRODUCTS - (FISHERIES DEVELOPMENT AUTHORITY OF MALAYSIA AND DEPARTMENT OF FISHERIES MALAYSIA)**

### **A. FISH MARKETING REGULATIONS 1973**

#### **Outline of system**

1. The Fish Marketing Regulations 1973 were made pursuant to Section 4(2) and Section 23 of the Lembaga Kemajuan Ikan Malaysia (Fisheries Development Authority of Malaysia) Act 1971.

#### **Purpose and coverage of licensing**

2. The Fish Marketing Regulations 1973 regulate trade in fish and fish products. Apart from regulating the local marketing of fish, these Regulations also control the import of fish.

Note: Fish includes any varieties of marine, brackish water or fresh water fishes, crustacean, aquatic mollusc, marine sponges, trepang and other aquatic life and the products there from, but do not include turtle or their eggs.

3. These Regulations apply to the importation of fish and fish products from all countries.
4. The Fish Marketing Regulations 1973 do not restrict the quantity or value of the imports of fish.
5. Regulation 4A of the Fish Marketing Regulations 1973 requires as follows:
- Sub-regulation (1) - No person shall import any fish into or from a Control Area unless he is licensed to do so.

Note: Control Area means an area which has been specified as a Fish Marketing Control Area under Regulation 3(1)(a) – The Authority may, from time to time by notification in the Gazette – (a) specify an area as a Fish Marketing Control Area.

- Sub-regulation (2) - Any fish imported as mentioned in sub-regulation (1) shall pass through a legal entry point as may be specified by the authority from time to time.
- Sub-regulation (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.

Licensing is a statutory requirement. The legislation does not leave the designation of products to be subjected 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 power to grant 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 verification on details supplied. Licences can be obtained within two (2) weeks from the date of submission of the application.
- (b) Licence cannot be issued immediately.
- (c) Licence may be issued in any period of the year.
- (d) The consideration of a licence application is done by a single administrative organ. However some may require written approval from the Malaysian counterparts 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 requirement imposed by any other local authorities. Reasons for refusal will normally be provided. The applicant has the right to appeal, either to the authority or 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 a 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);
- Details of company;
- Details of fish trading facilities;
- Details of fish handling, category of fish and source country;
- Proposed legal entry / port of entry; and
- Where applicable, the necessary documents attached to the application.

11. Letter of Testimony from an overseas importer. (import licence, invoice from exporter, Fisheries Development Authority Malaysia (LKIM) declaration form, manifest/airway bill).

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 (12) months. Licences may be extended upon request of the holder.
15. No.
16. Licences are not transferable.
17. Conditions are indicated on the licence certificate.

#### **Other procedural requirements**

18. Importers of fish or fish products should familiarise themselves with the requirement of the Food Act 1983 and the Food Regulations 1985 enforced by the Ministry of Health Malaysia.
19. Not applicable.

### **V. ANIMAL AND ANIMAL PRODUCTS - (DEPARTMENT OF VETERINARY SERVICES)**

#### **Outline of system**

1. The Department of Veterinary Services, Malaysia is the enforcement authority of both the legislation and licensing of all animal and animal products, including livestock and wildlife imported into the country are is under the provisions of the Animal Act 1953 (Revised 2006). In addition, licences from the Department of Wildlife Protection and National Parks are required for the importation of wildlife. Since 2 January 2009, electronic application for import license has been implemented in stages, in Kuala Lumpur, Putra Jaya, Penang and Labuan. Import license can be issued within 24 hours to applicants.

#### **Purpose and coverage of licensing**

2. The Animal Act 1953 (Revised 2006), Animal Importation Order 1962 and Animal Rules 1962 apply to import of all live animals, animal products and animal by-products including biologics of animal origin. The Department of Veterinary Services of 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 Act 1953 (Revised 2006), Animal Importation Order 1962, Animal Rules 1962, Customs Act 1967 (Act 2350 Subsection 31 (1) and Customs Prohibition of Exports (Order 2009) 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 Act 1953 (Revised 2006) for the control of importation of all animals and animal products to meet SPS requirements.

The legislations do not allow for administrative discretion regarding the designation of animal and products that are subjected 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 of the goods. This is to allow time to check and verify the information supplied in the importation documents as well as for the processing and issuance of the licence.
  - (b) Yes, for valid and specific reasons, subject to compliance to the import regulations.
  - (c) No, there is no limitation in respect to the period during which applications for licences and importation can be made. Importation may be made at any period of the year.
  - (d) Applications for licences 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 subjected to CITES regulations in relation to conservation of endangered species of wild fauna and flora.
8. Application for a license may be refused if there is non compliance to any of our SPS or Halal (except pork products) requirement. The reasons will be informed to the applicant. The applicant may appeal to the Director General of Veterinary Services.

### **Eligibility of importers to apply for licence**

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

### **Documentational and other requirements for application for licence**

10. Applications 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 information and the type of documents required will depend on the type of animals and products, the purpose of importation and the country of origin.

11. Types of documents required upon actual importation are:

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

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 permit; and
  - Veterinary Certificate/Meat Inspection Certificate, and Halal Certificate.
- (iii) For importation of animal products (pork and pork products)
- Import permit; and
  - Veterinary Certificate/Meat Inspection Certificate.

12. Import fees are as follows:

- (i) For a licence to import cattle - RM5.00 per head;
- (ii) For a licence to import sheep, goats or pigs - RM3.00 per head;
- (iii) For a licence to import horse - RM10.00 per head;
- (iv) For a licence to import monkeys - RM2.00 per head;
- (v) For a licence to import dogs or cats - RM5.00 per head;
- (vi) For a licence to import any animal other than those specified above - RM3.00 per head;
- (vii) For a licence to import birds - RM0.10 per bird (Except day old chicks F.O.C);
- (viii) For a permit to import eggs - RM2.00 per permit;
- (ix) For a permit to import animal carcasses and products thereof - RM3.00 per cwt;
- (x) For a permit to import poultry carcasses and products thereof - RM6.00 per head; and
- (xi) For a permit 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 - RM3.00 per licence.

13. No.

#### **Conditions of licensing**

14. The period of validity for 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.

### **VI. IMPORTATION OF PESTICIDES FOR SALE - (PESTICIDES BOARD OF MALAYSIA)**

#### **Outline of system**

1. Importation and manufacture of pesticides for sale are controlled by the Pesticides (Registration) Rules 2005 under the Pesticides Act 1974.

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

The importer of the pesticide must, at the point of import, provide the Royal Customs Department of Malaysia with a certified copy of the registration certification of the pesticide as provided for under the Customs (Prohibition of Imports) Order 2009.

### **Purpose and coverage of licensing**

2. All pesticides as defined under the Act, that are imported or manufactured for sale, have 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 complete are the requirements specified under the Pesticides (Registration) Rules 2005. 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 certificate of 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, i.e. Pesticides Board. 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. All applicants will be informed on the reasons why the applications are rejected.

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 and Agro-based Industry 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 would depend on the hazard class of the pesticide in question i.e. Class 1a (RM5,000), Class 1b(RM5,000), Class II (RM3,500), Class III (RM2,500) and Class IV (RM2,000). The fee will be paid in two stages, i.e. RM1,500 upon submitting an application, and the balance (which is according to the hazard class assigned to the product) once the product has been approved and the registration certificate is given. Products registered by the Board including the

names of companies registering the products are published in the Government Gazette on a monthly basis.

### **Documentational and other requirements for application for licence**

10. Information required for registration is quite similar to that of the Food and Agriculture Organisation (FAO) Guidelines on Pesticide Registration and also those implemented in many other countries. In addition the applicant is required to submit technical data to support his application which includes:

- A letter of consent from the source of the product;
- A sample of the product; and
- 4 sets of proposed draft labels.

11. Upon actual importation, a certified true copy of the registration certificate has to accompany other documents as per 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 of the importation.

12. As stated in item 9 above, the applicant pays RM1,500 upon submitting an application and pays the balance according to the hazard class assigned once the product has been approved and the registration certificate is given. The application fee of RM1,500 is not refundable should the application be rejected. This fee is for the purpose of checking all data submitted and verifying that they meet the requirements of the Pesticides (Registration) Rules 2005.

13. Not applicable.

### **Conditions of licensing**

14. Validity period is for five (5) years. A product has to be re-registered to extend the validity of registration for another five (5) 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 also has to fulfil other requirements of the Royal Customs Department of Malaysia.

19. Not applicable.

## **VII. IMPORTATION OF PESTICIDES FOR RESEARCH AND EDUCATIONAL PURPOSES - (PESTICIDES BOARD OF MALAYSIA)**

### **Outline of system**

1. Under the Pesticides (Importation for Educational and Research Purposes) Regulations 1981, unregistered pesticides may be imported for research and educational purposes or as pesticide analytical standards 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, or as pesticide analytical standards, in limited amounts, may do so by obtaining a permit from the Pesticides Board.

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

4. The 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 a specific quantity 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 these regulations that an unregistered pesticide for research and educational purposes, or as pesticide analytical standards, 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 published in the Government Gazette; the Board has also published guidelines and has had an exchange of dialogue with the relevant concerned parties. The Guidelines are also available on the website. There is no exception or derogations from this requirement under these regulations.

II. The amount of pesticide allowed 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 six (6) months from the date of issue of the permit.

III. Officers of the Board would carry out inspections to ensure that the 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.

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 two (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 six (6) months from the date of approval of permit.
- VII. Consideration for registration of pesticides is effected by only one administrative organ. The importer does not have to approach other administrative organs.
- 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 fulfil 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. Reasons for the refusal of applications will normally be advised. The applicant has the right to appeal to the Minister of Agriculture and Agro-based Industry 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.

#### **Documentational and other requirements for application for licence**

- 10. Information required is stipulated in the application form and in the Guidelines for Importation of Pesticides for Educational and Research Purposes published by the Board. The applicant should submit two sets of application forms (one of which is an original), a letter of collaboration from partners if the research is jointly carried out with other parties, and an application fee of RM10.00.
- 11. Upon actual importation, the original permit has to accompany other documents as per under the Customs Order.
- 12. The application fee for a permit is RM10.00.
- 13. Not applicable.

#### **Conditions of licensing**

- 14. Validity period for a permit is 6 months and cannot be extended.
- 15. No.
- 16. No.
- 17.(a) As stated on the permit.

(b) Not applicable.

18. The applicant also has to fulfil other requirements of the Royal Customs Department of Malaysia.

19. Not applicable.

**VIII. RICE, GLUTINOUS FLOUR, RICE VERMICELLI, MILL MACHINERY -  
(MINISTRY OF AGRICULTURE AND AGRO-BASED INDUSTRY)**

**Outline of system**

1. The import licence is issued under the Customs (Prohibited of Imports) Order 2009. The Director General of the Royal Customs Department of Malaysia authorises the Padi and Rice Supervisory Department, Ministry of Agriculture and Agro-based Industry to issue the Import Licence.

**Purposes and coverage of licensing**

2. Products under licensing are as follows:

- Rice;
- Rice/glutinous flour;
- Rice vermicelli; and
- Mill machinery.

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

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

5. The import licence is a requirement under the Customs (Prohibition of Imports) Order 2009. This requirement can be abolished without legislative approval.

**Procedures**

6. Not applicable.

7. (a) There is no specific period.

(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 will be rejected. The application for an appeal can be made through the Rice and Padi Supervisory Department, Ministry of Agriculture and Agro-based Industry.

9. The import licence will be issued to the holder of the Rice Importers 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:
- (a) Details of consignor and consignee;
  - (b) Name and address of applicant;
  - (c) Goods Code numbers
  - (d) Description of items/goods
  - (e) Quantity of goods and price;
  - (f) Exporting country;
  - (g) Port/place of discharge;
  - (h) Mode of transport; and
  - (i) Name of declarant/IC number/status/signature.
11. Documents required upon actual importation are:
- Customs Form (JK 69);
  - Rice Wholesale Licence/Business Registration;
  - The last imported licence;
  - The last expired Custom Declaration Form (KI); and
  - The application letter.
12. RM 200.00 per year for wholesale licensing, milling licensing and import and export licensing.
13. Not applicable.

**Conditions of licensing**

14. The validity of a licence is up to thirty (30) days and cannot be extended. New application is required should the earlier licence expires.
15. There is no penalty for the non-utilisation of a licence or a portion of a licence.
16. A licence is not transferable.
17. The applicant has to state the quantity of the goods to be imported.

**Other procedural requirements**

18. None.
19. Not applicable.

**X. PALM OIL - (MALAYSIAN PALM OIL BOARD (MPOB))**

**Outline of systems**

1. Effective 1 May 2000, PORLA was merged with PORIM, thus forming Malaysian Palm Oil Board (MPOB) in exercise of the powers conferred by Section 78 of the Malaysian Palm Oil Board Act 1998 (Act 582). One of the functions of MPOB is to regulate, register, co-ordinate and promote activities relating to the supply, sale, purchase, distribution, movement, storage, survey, test, inspect, export and import of oil palm products and the milling of oil palm fruits.

### **Purposes and coverage of licensing**

2. The Act also control the importation of oil palm planting material, oil palm fruit, palm oil, palm kernel, palm kernel cake, palm fatty acids, and palm oleochemicals.

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

4. The primary objective of the licensing regulations is mainly to regulate all activities related to the oil palm industry and to keep in-check malpractices that are detrimental to the industry as a whole. The Board will also impose regulations governing the quality standards of palm oil products.

5. The controls on the importation of goods specified in this category are statutory requirements under the legislations detailed below:

- Malaysian Palm Oil Board (Licensing) Regulations 2005;
- Malaysian Palm Oil Board (Quality) Regulations 2005; and
- Malaysian Palm Oil Board (Registration of Contracts) Regulations 2005.

The licensing of an applicant by the Board shall not be construed as recognition by the Board 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 the applicant from compliance with those requirements.

The legislation does allow for administrative discretion regarding palm oil products subject to import controls.

### **Procedures**

6. Not applicable.

7.(a) A licence has to be obtained before importing any oil palm products in any situation.

(b) In the case of importations under this category, if it is urgently required, the application must state the reason and immediate request can be granted (subject to the need for urgency).

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

(d) In the case of oil palm fruit or oil palm planting material, an applicant is required to obtain an approval from the Department of Agriculture, under the Ministry of Agriculture and Agro-based Industry before licence is applied.

8. Beyond the failure of an applicant to meet the standard criteria, a request for permission to import can be refused at the discretion of the Board. The Board has no obligation to give any reasons. An applicant may choose to appeal to the Minister on the decision of the Board.

### **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.



**Documentational and other requirements for application for licence**

10. Applications for permission to import shall be made electronically (MPOB e-licensing website: <http://e-license.mpob.gov.my>). The following documents and fee must be submitted within 14 days by the applicant after receiving notice of approval from MPOB:

- (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 supplier;
- (g) Import must be for own used (or subsidiary) only; and
- (h) Import from own company (or subsidiary) only.

11. Licences must be obtained prior to importation.

12. Yes. RM100.00 per activity and per classification of oil palm products, which is valid for one (1) year or otherwise specified in the licence.

13. No.

**Conditions of licensing**

14. The period of validity is one (1) year or otherwise specified in the licence.

15. No.

16. No.

17. Yes.

- To submit Quality Declaration for import (MPOB Q3) not less than two (2) days before the date of commencement of unloading of the oil palm products;
- To submit a copy of the Customs Declaration No. 1 or No. 9 (where appropriate) or any document as may be determined by the Board whether electronically or not, which contains complete and accurate particulars and certified by Customs to the Board not later than 7 days after the date of import;
- Oil palm products imported into Malaysia shall not be loaded in storage containers where the previous load that was carried consisted of banned cargo as defined in the Malaysia Palm Oil Board (Quality) Regulations 2005; and
- Shall ensure that the palm oil imported is of good merchantable quality (GMQ)

**Other procedural requirements**

18. No.

19. Not applicable.

## **XV. ELECTRICAL EQUIPMENT – (MINISTRY OF ENERGY, GREEN TECHNOLOGY AND WATER)**

### **Outline of system**

1. The Energy Commission under the Ministry of Energy, Green Technology and Water 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 Regulations 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 operations, unless the equipment is approved by the Energy Commission.

3. These Regulations are 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 public use.

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. Limit on importation.

- (a) Application should be made by the importer in advance of arrival of the goods. Certificate of Approval cannot be obtained within a shorter time-limit.
- (b) Approval cannot be granted immediately upon request.
- (c) Certificate of Approval is valid for twelve (12) months and subject to renewal.
- (d) Applicants for import approval, required by Regulation 97 of Electricity Regulations 1994, must apply to the Energy Commission. Equipment under consideration for an approval certificate has to be assessed/examined by an approved testing body to ensure the equipment complies with any of the following standards:
  - MS (Malaysian Standard);
  - IEC (International Electro Technical Commission); or
  - BS (British Standard).

For electrical equipment tested under IEC or BS standard are subjected to additional test to include national deviation (e.g., voltage and frequency).

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 the applicants on request. Applicants who are refused permission for importation 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 Commission on reasons stated in Regulation 108, Electricity Regulations 1994. Regulation 108:

The Commission may cancel a Certificate of Approval issued in respect of any equipment referred to in Regulation 97 if:

- (a) The equipment is found or 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.

Where a Certificate of Approval is cancelled by the Commission pursuant to sub-regulation (1) of 97, the Certificate shall be returned to the Commission by the person to whom the Certificate was issued within fourteen (14) days of the written notification 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. Application Procedure.

- (i) The applicant is required to complete Form ST (PE) 3 and attach the following:
  - A processing fee of RM20.00;
  - Test report including the list of components;
  - Instruction manual;
  - Technical specification and catalogue; and
  - A sample of the product, if requested.
- (ii) The equipment under consideration for a Certificate of Approval is to be examined by an approved testing body to ensure the equipment complies with any of the following standards:
  - MS (Malaysian Standard), IEC (International Electro Technical Commission); and
  - BS (British Standard).

For electrical equipment tested under IEC or BS standard are subject to additional tests to include national deviation (e.g. voltage and frequency).

(iii) Type Test Report

The tests and certificates that are recognized by the commission are the ones issued by:

- (a) SIRIM Berhad (SIRIM) or laboratories under Laboratory Accreditation Scheme of Malaysia (SAMM) by Department of Standard Malaysia; or
- (b) Laboratory under the IECEE CB Scheme. The list of the laboratory is available from their website <http://www.cbscheme.org>. The CB test report need to be accompanied by the CB test certificate; or
- (c) Laboratories (in the scope of its accreditation) which are accredited by the accreditation body that have signed the Asia Pacific Laboratory Accreditation Cooperation (APLAC) MRA – <http://www.aplac.org>. The test reports need to be accompanied with a letter of conformation from the Department of Standard Malaysia; or
- (d) Laboratories (in the scope of its accreditation) listed as Designated Testing Laboratory under ASEAN Sectoral Mutual Recognition Agreement for Electrical and Electronic Equipment.

For items (b), (c) and (d), testing should include the national deviation in Malaysia. Failing which, additional tests need to be carried out by SIRIM; for example, to test voltage rating at 230 V (+ 10% - 6 %) for single phase or at 400 V (+ 10% - 6 %) for three phase and the frequency at 50 Hz.;

The assessment report must be either in *Bahasa Malaysia* or English language.

11. Proof of Certificate of Approval is required for clearance by the Royal Customs Department of Malaysia at the point of entry.

12. A processing fee of RM20.00 shall be charged for an application and a fee per model shall be paid for the Certificate of Approval upon approval as tabulated below:

	<b>Voltage rating</b>	<b>Initial Fees For 12 months</b>	<b>Renewal Fees For 12 months</b>
(a)	230V	RM200	RM100
(b)	400V	RM300	RM200

13. No.

**Conditions of licensing**

14. A Certificate of Approval is valid for twelve (12) months and can be renewed. Renewal of the Certificate of Approval shall be made not less than fourteen (14) days before the expiry date 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 Regulations 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 Commission.
- (2) The holder of a Certificate of Approval issued under Regulation 97 shall obtain approval from the Commission 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) Conditions may be imposed on:

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

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

- Nominal Voltages and Frequency:

The nominal supply voltages and frequency for household and similar electrical use in Malaysia are as follows;

- 230V, 50Hz for Single-phase, a.c. systems,
- 400V, 50Hz for Three-phase, 3-wire or 4-wire A.C. systems.
- The supply voltage and frequency at any point of the system under normal conditions are allowed to fluctuate between +10% and -6% from 230/400V and  $\pm 1\%$  from 50Hz respectively (Refer to MS 406: 1996).
- In line with the above, the electrical products to be used in Malaysia shall be designed to operate at the country's nominal voltage and frequency as follows:

(1) Voltage

Single-phase product shall be rated/marked at 230V. If the product is rated with multiple or a range of voltages, 230V shall be included. Testing shall be conducted based on 230V, and other relevant voltages, if the product is marked with multiple or a range of voltages.

Three-phase product shall be rated/marked at 400V. If the product is rated with multiple or a range of voltages, 400V shall be included. Testing shall be conducted based on 400V, and other relevant voltages, if the product is marked with multiple or a range of voltages.

(2) Frequency

Product shall be rated/marked at 50Hz and testing shall be conducted at 50Hz. If the product is marked with 50/60Hz or 50-60Hz then testing shall be conducted either at 50Hz or 60Hz, whichever is more unfavourable.

- Power supply cord and mains plug requirements:

The appliances shall be fitted with a suitable and appropriate approved power supply cord and mains plug. Both are regulated products and must be approved by the regulatory body before it can be used with the appliances;

- The power supply cord shall be certified to MS 140 or BS 6500 or IEC 60227-5 (PVC insulated - flexible cables/cords) or IEC 60245-4 (Rubber insulated - flexible cables/cords).

- The main plug to be used in Malaysia shall be as follows:

- 13A, fused plugs complying to MS 589: Part 1 or BS 1363: Part 1;
- 15A, plugs complying to MS 1577 or BS 546;
- 2.5A, 250V, flat non-rewireable two-pole plugs with cord for the connection of class II equipment complying to MS 1578 or BS EN 50075.

- Class 0 and Class 01 appliances as defined in MS IEC 60335 series or IEC 60335 series are not allowed to be used in Malaysia.

- Regulated minimum energy efficiency standards for electrical fans namely ceiling fans, wall fans, table fans, pedestal fans and box fans, are as follows:

<u>No</u>	<u>Type of fans</u>	<u>Minimum Co-efficient Performance (COP)</u> <u>(m<sup>3</sup>/min/W)</u>
1.	Ceiling Fan (1200 mm/48 inch – 1500 mm/60 inch)	2.5
2.	Pedestal Fan (250 mm/10 inch – 400 mm/16 inch)	1.0
3.	Table / Desk Fan (250 mm/10 inch – 400 mm/16 inch)	1.0
4.	Wall Fan (250 mm/10 inch– 400 mm/16 inch)	1.0
5.	Box Fan (250 mm/10 inch– 350 mm/14 inch )	0.5

Where 
$$\text{Co-efficient Performance (C.O.P)} \text{ of } = \frac{\text{Air Delivery (m}^3\text{/min)}}{\text{Input Wattage (W)}}$$

The test method used to determine COP is in accordance with MS 1220: 2001:

- Suspension System for Electric Ceiling Fans.

Electric ceiling fans must be provided with a special wire as a secondary suspension system.

The test method used to check compliance that the secondary suspension system of the electric ceiling fan has adequate mechanical strength is in accordance with MS 1219: Part 2: 2002.

- Components used for Fixed General Purpose Luminaries (MS IEC 60598-2-1) and Recessed Luminaries (MS IEC 60598-2-2) shall comply and be certified according to the following standards:

<b>Components</b>	<b>Standards</b>
Glow-Starters	MS IEC 60155
Starterholder	MS IEC 60400
Lampholders	MS IEC 60400
Capacitors	MS IEC 61048 & MS IEC 61049
Connecting devices	IEC 60998 (Series)
Conventional Ballast	<b><u>Safety test:</u></b> (a) MS 141: Part 1 (IEC 60920 MOD) OR (b) MS IEC 61347-1 + MS IEC 61347-2-8 and <b><u>Performance test:</u></b> MS 141: Part 2 (IEC 60921 MOD) Note: Ballast Watt Loss shall not be more than 6W for ballast of 18/20W and 36/40W.
Electronic Ballast	<b><u>Safety test:</u></b> MS IEC 61347-1 + MS IEC 61347-2-3 <b><u>Performance test:</u></b> MS IEC 60929
Internal wiring	MS 136 or BS 6004 or IEC 60227-3 The insulating material of internal wiring must be capable of withstanding the maximum temperature to which it is subjected (heat resistance).

- Requirement for Importing.

Electrical equipments that have been approved for importing into Malaysia shall comply with the consignment test by SIRIM's using application Form PP7 for every batch within the validity of the Certificate of Approval. The electrical equipments shall be affixed with the label issued by SIRIM. Application for the purchase of SIRIM's label is in Form PP8.

### **Other procedural requirements**

18. No.
19. Not applicable.

## **XVI. INTOXICATING LIQUOR, TOBACCO AND DENATURED SPIRIT - (ROYAL CUSTOMS DEPARTMENT OF MALAYSIA)**

### **Outline of System**

1. Under Regulation 18 of the Customs Regulations 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 of Customs; 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) Not subject to administrative discretion.

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. Application for a license cannot be obtained within a shorter time-limit.
- (b) No.
- (c) Licence may be issued in any period of the year.
- (d) Yes. The application for licence to import liquor, tobacco and denatured spirit only involve the Royal Customs Department of Malaysia.
8. Black listed (those who have committed offences under the law and 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. New application for cigarette only to be made in writing to the Director General of Customs. Others i.e. new application / renewal of licence for liquor, tobacco and denatured spirit, and renewal of licence for cigarette are to be made in writing to the State Director of Customs. Information required depends on the type of goods to be imported:

- (i) Liquor and denatured spirit - information required include brand, country of origin, point of entry, date of import, applicant's name, mailing and premise addresses.
- (ii) Cigarette and Tobacco – The applicant is required to submit documents to show status of the company, agency appointment, paid up capital, applicant's name, mailing and premise addresses.

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

12. Yes. The fee for any such licence shall be RM10.00 for each calendar month or part thereof or RM48.00 for six months or RM96.00 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) None.

(b) Yes, conditions include the licence being not transferable, specific point of entry, storage facilities and stock records to be maintained. All importers shall comply with the health warning requirement on cigarette packaging.

**Other Procedural Requirements**

18(a) On each packet of cigarette there shall be affixed a tax stamp as approved by the Director General of Customs.

(b) The tax stamp shall not visually obstruct the health warning and health information.

19 Not applicable.

## **XVII. TELECOMMUNICATION APPARATUS - (MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION)**

### **Outline of System**

1. The Customs (Prohibition of Imports) Order 2009 regulates amongst others the importation of telecommunication products into Malaysia. This Order is enforced by the Royal Customs Department with the condition that electronically online approvals are obtained from SIRIM QAS International Sdn Bhd, the registered certifying agency appointed by the Malaysian Communications and Multimedia Commission. The products need to be certified (type approved) by the Malaysian Communications and Multimedia Commission (MCMC) or SIRIM QAS International Sdn Bhd before the approval for import licence is granted.

### **Purposes and Coverage of Licensing**

2. The licensing system is based on Customs (Prohibition of Imports) Order 2009. Products covered include:

- (i) Line telephony or line telegraphy, including line telephone sets with cordless handsets and telecommunication apparatus for carrier-current line system or digital line system, videophones;
- (ii) Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting;
- (iii) Radar apparatus, radio navigational aid apparatus and radio remote control apparatus; and
- (iv) Parts from the above products.

3. The Order applies to the importation of telecommunication products from all countries.

4. The licensing arrangement is intended to ensure safety, electromagnetic compatibility (EMC) and interoperability of telecommunications products.

5. Customs (Prohibition of Imports) Order 2009. The system could not be abolished without legislative approval.

### **Procedures**

6. Not applicable.

7.(a) For registered applicant, approvals can be approved within minutes electronically. For unregistered applicant, licence can be approved in writing to SIRIM QAS International Sdn. Bhd. for goods already arriving at the port. SIRIM QAS International Sdn Bhd will register electronically on behalf of the applicant and the process will take a day. Approvals will only be given if the products have been type approved.

(b) Yes, registered users would be able to get approval on the same day electronically and within a day for none registered applicants.

(c) Not applicable.

(d) Importers are required to register for an online account with SIRIM QAS International Sdn Bhd. After registration, applications can be done online at <http://epermit.dagangnet.com/login.jsp>. SIRIM QAS International Sdn. Bhd. as the designated one-stop-centre agent for MCMC is responsible for certifying and labelling communication

products and the agent for Royal Customs Department of Malaysia for the issuance of import/approved permit.

8. A possibility in refusal for approval could be due to the fact that the product is not certified or prohibited items. Applications can be resubmitted if the product is certified (type approved).

**Eligibility of importers to apply for licence**

- 9.(a) Not applicable.
- (b) All persons are eligible to apply for licences.

**Documentational and other requirements for application for licence**

10. To register for electronic account, applicants are requested to fill the FM-355 form (can be retrieved at <http://www.dagangnet.com>) with a copy of individual/company supporting documents and submits to SIRIM QAS International Sdn. Bhd. As registered applicant, applications must be submitted electronically at <http://epermit.dagangnet.com/login.jsp>. For none registered applicants or one time application, application must be done in writing to SIRIM QAS International Sdn. Bhd.

11. Print-out of an approved online application.

12. Yes, the fee charged is RM25.25 per licence for registered user. A one-time registration fee of RM 310 (SME)/RM610 (Corporate) and an annual fee of RM250.00 are charged for a registered applicant. Corporate rate is considered when the organisation has more than 150 staff or/and annual revenue of more than RM25 million. Non-registered applicants or one time application will be charged RM35.00 per licence.

13. Not applicable.

**Conditions of licensing**

14. The licence is valid for three (3) months. New application is required for extension of validity.

15. No.

16. Non-transferable.

17.(a) Not applicable.

(b) Equipment should be type approved by SIRIM QAS International Sdn Bhd. For non-type approved equipment, approval has to be obtained prior to importation; importation of samples for type approval purposes is limited to two (2) units per model or as specified in the test requirements. There is also a labelling requirement for certified products.

**Other procedural requirements**

18. Only certifications (type approvals), labelling and import/approved permits are required.

19. Not applicable.

## **XVIII. THERAPEUTIC SUBSTANCES AND GOODS – (DRUG CONTROL AUTHORITY)**

### **Outline of system**

1. All substances listed in the Poisons List require a licence prior to importation under the Poisons Act 1952 (Revised-1989).

The Control of Drugs and Cosmetics Regulations 1984, which were made under the Sale of Drugs Act 1952, require pharmaceutical products (including traditional medicines) in pharmaceutical dosage form to be registered with the Drug Control Authority and the importer obtains an import licence prior to importation.

### **Purposes and coverage of licensing**

2. The licensing systems coverage is as follows:

- (i) All substances listed as poisons.
- (ii) All pharmaceutical products (including traditional medicines) in pharmaceutical dosage form

Currently an exemption applies in the case of:

- products/medicines containing poisons and non-poisons may be imported into Malaysia as part of his 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.
- (iii) For all cosmetic products, import license is no longer in use and replaced by Notification Note which also includes the authorisation to import.

**Note:** Notification Note is issued by the National Pharmaceutical Control Bureau (NPCB) as an authorization to manufacture, import or sell cosmetic products in Malaysia. The notification is carried out online via the Quest3 system, accessible on NPCB website: [www.bpfk.gov.my](http://www.bpfk.gov.my).

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

4. No.

5. Poisons Act 1952 (Revised-1989) (Act 366), Sale Of Drugs Act 1952 (Revised-1989) (Act 366), Control Of Drugs And Cosmetics Regulations 1984 (Revised) 2006. The legislation does not leave the designation of products to be subjected to licensing to administrative discretion. No, the government of the executive branch cannot abolish the system without legislative approval.

### **Procedures**

6. Not applicable.

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

(b) Request for an immediate licence is subjected to a genuine and emergency request.

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

(d) Yes, only the Ministry of Health Malaysia.

8. Applications may be refused due to failure to comply with the provisions of the law. Reasons for refusal would normally be given. Appeals will be considered by the Minister of Health Malaysia.

**Eligibility of importers to apply for licence**

9.(a) Licences are issued to a company. The company however will appoint a natural person to be responsible for the licence.

(b) Not applicable.

**Documentational and other requirements for application for licence**

10. The applicant shall be required to file in a standard application form. A complete application form for import license must be accompanied with the following documents:

- (a) Organization chart
- (b) Premise location plan
- (c) Premise layout plan
- (d) List of facilities within storage area
- (e) Complete recall procedure for product
- (f) List of products (other than registered products) which are being stored together in the storage area
- (g) Copy of Registration of Company/Registration of Business certificate
- (h) Copy of business license (from local authority)
- (i) Copy of applicant's Identification Card (I/C)
- (j) Certificate of Pharmacist Registration/Pharmacy Annual Retention/Type A Poison License (if applicant is a pharmacist)

\*Note: For renewal application, the attachments needed are (h)-(j)

11.
  - (i) Import licence issued by Drug Control Agency;
  - (ii) Type A Licence (if product contains Group A poison)
  - (iii) Import authorisation for dangerous drugs and psychotropic substances; and
  - (iv) Notification Note (for cosmetics).

12. No fees are applicable for the licence issued to pharmacist to import substances containing poisons. Fees for the licence to import medicinal products are RM500.00 per licence.

13. No.

**Conditions of licensing**

14. Licence is valid for one (1) year. The Notification Note for importation of cosmetic products is valid for two (2) years. No extension of validity period is allowed for both import licence and Notification Note.

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 and the Control of Drugs and Cosmetics Regulations 1984. The Form and flow chart for the application is made available at the licensing counter.

19. Not applicable.

## **XIX. CONTROL OF IMPORT OF SCHEDULED WASTES (TOXIC AND HAZARDOUS WASTES) – (DEPARTMENT OF ENVIRONMENT)**

### **Outline of system**

1. The Customs (Prohibition of Imports) Order 2009 regulates the importation of scheduled wastes into Malaysia. This Order is enforced by the Royal Customs Department with the condition that prior written approvals should be obtained from the Director-General of the Department of Environment.

### **Purposes and coverage of licensing**

2. The Order applies to scheduled wastes as defined in the Environmental Quality (Scheduled Wastes) Regulations 2005 and the Customs (Prohibition of Imports) Order 2009. Importation of scheduled waste requires a prior written approval from the Director General of the Department of Environment.

3. Licensing applies to imports from all countries.

4. The system is intended to control the trans-boundary movements of scheduled waste destined for disposal as well as for recovery or recycling in order to protect the Malaysian environment from illegal/illicit trafficking.

5. The relevant laws are the Customs (Prohibition of Imports) Order 2009 and the Environmental Quality (Scheduled Wastes) Regulation 2005. The system should not be abolished without legislative approval.

### **Procedures**

6. Not applicable.

7.(a) Approval must be obtained before the wastes leaves the country of export. Approvals are usually given within three (3) weeks. If the wastes arrived at the port without a license or written approval from the Director General of the Department of Environment, the wastes will be returned immediately to the exporter country by the importer and legal actions will be taken against the Parties concerned.

(b) No.

(c) No.

(d) Yes. The Department of Environment and the Royal Customs Department of Malaysia. The Royal Customs Department had listed the scheduled waste in the Fourth Schedule of Customs (Prohibition of Import) Order 2009 whereby import must be accompanied by a letter of approval issued by or on behalf of the Director General of Environment Quality Malaysia.

8. Other than failure to comply with the normal criteria, the application will be rejected whenever Malaysia do not have the environmentally sound facilities to accept the scheduled wastes. It is the policy of the Department of Environment not to allow importation of scheduled wastes, except in cases where the waste is really needed to be used as raw material, and it is not available locally. However this is to be processed on a case by case basis.

**Eligibility of importers to apply for licence**

9.(a) The importers must be the company that is using the scheduled wastes directly. No third party will be entertained.

(b) Not applicable.

**Documentational and other requirements for application for licence**

10. Please see Guidelines for the Import of Scheduled Wastes available at the Department of Environment's website ([www.doe.gov.my](http://www.doe.gov.my)).

11. Please see Guidelines for the Import of Scheduled Wastes available at the Department of Environment's website ([www.doe.gov.my](http://www.doe.gov.my)).

12. None.

13. A refundable Bank Guarantee for the amount of RM10,000.00 is required to be deposited with the Department of Environment for the scheduled wastes shipment process. The Bank Guarantee will be returned upon fulfilment of the shipment.

**Conditions of licensing**

14. Depends on the request or circumstances. Maximum validity period is twelve (12) months.

15. Not applicable.

16. Licenses are not transferable.

17.(a) No.

(b) Yes, the Department of Environment will specify the conditions in the import permit.

**Other procedural requirements**

18. Yes. Every application on import of scheduled wastes is subjected to a thorough evaluation of environmental impacts as well as country obligation to the International Convention i.e. Basel Convention.

19. Not applicable.

**XX. SAWLOGS/WOOD IN THE ROUND/ROUGHLY SQUARED OR HALF-SQUARED BUT NOT FURTHER MANUFACTURED; LARGE, SCANTLING AND SQUARES OF 60 SQUARE INCHES AND ABOVE - (MALAYSIAN TIMBER INDUSTRY BOARD (MTIB))**

**Outline of system**

1. Malaysian Timber Industry Board (MTIB) administers issuance of import licences to persons, firms or organisations for the importation of round logs, roughly squared or half squared logs and large scantling and squares 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 are subject to control under this Order are as listed under Items 48, 49, 50 and 51 Schedule 4 of the Customs (Prohibition Of Imports) Order 2009.

3. The system applies to timber products originating from all countries except Indonesia.

4. There are no restrictions in relation to the quantity or value of imports.

5. Customs (Prohibition of Import) Order 2009. Licensing is a statutory requirement and designation is by statute. However, the approvals of import licences are subjected to administrative discretion of the Import /Export Committee of MTIB responsible for timber and timber products. It is not possible to change designations or abolish the system without legislative approval.

**Procedures**

6. Not applicable.

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 that prior approval has been obtained by the importers from the Import/Export Committee and properly completed documentations are furnished to MTIB.

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

(d) Applications for import licences for saw logs, round logs, half squared logs and large scantling and squares are processed by MTIB based on approval obtained through the Import/Export Committee of MTIB prior to final approval by the Royal Customs Department of Malaysia.

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 and large scantling and squares (under item 15 of the Order) application should be made in writing to the Import/Export Committee of MTIB, including the provision of the following information:

- Name and address of importer;
- Point of entry;
- Quantity to be imported;
- Species of timber to be imported;
- Name of buyers and premise for timber processing;
- Purpose of importation: to be processed for own use/for re-export;
- Country of origin of goods; and
- Documents to be furnished to MTIB upon approval from the Import/Export Committee should comprise:
  - Approval letter from the Import/Export Committee of MTIB;
  - Import form JK 69;
  - Customs Declaration Form No. 1 (CD 1) in 4 copies; and
  - 2 copies of log list, detailing species and quantity of each species.

11. Actual authorisation will be made by MTIB and Royal Customs Department of Malaysia on the Form CD1 and JK 69.

12. Only for CITES permit import, RM 50.00 will be charged.

13. No.

**Conditions of licensing**

14. Import licence issued will be valid for sixty (60) days from the date of issuance. Extension of licence is not 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. CITES import permit is a requirement for the importation of Ramin and Karas/Gaharu products. Ramin products cover specimens or products such as logs, sawntimber, plywood, veneer and include part and derivatives i.e. moulding, furniture component and finish furniture. Karas/Gaharu products cover woodchip, sawdust and oil.

19. Not applicable.

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