



6 November 2014

(14-6492)

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Committee on Import Licensing

Original: English

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES

MALAYSIA

The following communication, dated 30 October 2014, 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/9 has not been modified and remains valid for 2014, 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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1 PRODUCTS SUBJECT TO IMPORT LICENSING UNDER THE CUSTOMS (PROHIBITION OF IMPORTS) ORDER 2012 - (MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY)

Outline of system

1. Importation of selected industrial products is subjected to import licensing administered by MITI.

Purpose and coverage of licensing

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

Automatic Import licensing

Motorcyclists' safety helmets, bodies (including cabs) of motor vehicles, chassis and parts thereof for motor vehicles, prime movers, special purpose motor vehicles other than those principally designed for the transport of persons or goods, wheat flour or meslin flours (including atta flour), sugar, ships' derricks; cranes, including cable cranes; mobile lifting frames, straddle carriers and works trucks fitted with a crane (excluding palfinger fully hydraulic compact, hydraulic loading crane, gantry cranes and crawler cranes), semi-finished products of iron and steel, including slab, bloom and billets, bars and rods, stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables, flat-rolled products of iron or non-alloy steel, flat-rolled products of iron or non-alloy steel, other tubes and pipes, and flat-rolled products of other alloy steel.

Non-automatic Import licensing

Passenger and commercial vehicles, motorcycles, kain sarong batik (by traditional batik process), used brakes and servo-brakes including used brake pad, callipers and brake lining for motor vehicles, all kinds of reusable batteries (accumulators) for motor vehicles, toxic chemicals and their precursors covered under the Convention on the Prohibition of the Development, Production, Stockpiling And Use Of Chemical Weapons and on Their Destruction 1993 (CWC) as listed in part of Schedule 1, Schedule 2 and Schedule 3, waste paring and plastic scrap and used pneumatic tyres and used re-treaded pneumatic tyres.

3. The system applies to import of listed goods originating from all countries.
4. Automatic licensing is intended for data collection and monitoring. 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 the relevant provisions under the Poison Act 1952 (Revised 1989) and Pesticides Act 1974.
5. Import licences are issued under the Customs (Prohibition of Imports) Order 2012, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import licensing are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

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 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 & Industry.

Eligibility of importers to apply for licence

9. Yes, all persons, firms or 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. No.

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.

2 LIVE FISH, FISH AND FISH PRODUCTS – (DEPARTMENT OF MALAYSIAN QUARANTINE AND INSPECTION SERVICES (MAQIS))

Outline of system

1. The Department of Malaysian Quarantine and Inspection Services (MAQIS) is the Competent Authority for the issuance of the import permit for fish and fish products into Peninsular Malaysia and Federal Territory of Labuan. The importation of live fish to Sabah is subjected to import permit administered by the Department of Fisheries Sabah. Meanwhile, the importation of live fish to Sarawak is subjected to import permits administered by the Sarawak State Fisheries Office for marine fish and the Sarawak Agriculture Office for freshwater fish. The importation of fish and fish products to Sabah and Sarawak is subjected to import license administered by the Fisheries Development Authority of Malaysia or Lembaga Kemajuan Ikan Malaysia (LKIM) in both state. MAQIS has implemented the issuance of import permit electronically since 2009 through e-permit system <http://epermit.dagangnet.com.my/epermit.jsp>.

Purposes and coverage of licensing

2. The import permit covers all fish as defined in the Fisheries Act 1985. Fish refers any aquatic animal or plant life, sedentary or not, and includes all species of finfish, crustacean, mollusca, aquatic mammals, or their eggs or spawn, fry, fingerling, spat or young, but does not include any species of otters, turtles or their eggs.

3. The system applies to all countries.

4. There are no restrictions in relation to the quantity or value of imports and currently there is no other alternative methods have been considered yet. It is because the current licensing is found to be effective in controlling the import activities.

5. The import permit is a statutory requirement under the section 40, Fisheries (Amendment) Act 2012, section 4(2) Lembaga Kemajuan Ikan Malaysia (Amendment) Act 2012 and subsections (1) and (2) under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728]. The executive branch cannot abolish the system without legislative approval.

Procedures

6. Not applicable.

7. (a) The application for import permit should be made in advance before the importation for document verification.

(b) Yes, for valid and specific reasons, subjected the consignment complies with the import regulations. However, there will be penalties/compound charged against the importer.

(c) No, there is no limitation.

(d) The issuance of import permit is administrated by MAQIS but the required supporting documents for the application must be obtained from the Department of Fisheries Malaysia (DOF) and Fisheries Development Authority of Malaysia (LKIM).

8. The application for import permit may be refused if there is non-compliance in the Sanitary and Phytosanitary (SPS) requirements or any relevant regulations as outlined by the Department of Fisheries Malaysia and Fisheries Development Authority of Malaysia (LKIM). The reason for refusal will be informed to the applicant. The applicant may appeal to the Minister of Agriculture and Agro-based Industry (MOA).

Eligibility of importers to apply for permit

9. (a) Not applicable.

- (b) All persons, firms or institutions are eligible to apply import permit.

Documentational and other requirements for applications for permit

10. The application for import permit into Malaysia must be made through e-permit system and the type of documents depends on the imported commodities.

11. The list of documentation required upon actual importation are as follows:

- (a) Import permit;
- (b) Packing list of imported species;
- (c) Fish Health Certificate from the exporting country;
- (d) CITES import / export permit if applicable;
- (e) Written permission by the Director General of Fisheries Malaysia for prohibited species, shrimp broodstocks and exotic species.

12. The user registration in the e-permit system will be charged RM200.00 for small company and RM500.00 for big company. Besides that, an annual fee for e-permit amount RM 200.00 will be imposed to the registered user. The applicant will be charged RM 20.00 per approved permit.

13. There is no any deposit or advance payment required for the issuance of import permit.

Conditions of licensing

14. The import permit is valid for 14 days and cannot be extended.

15. No.

16. No.

17. No.

Other Procedural Requirements

18. The issuance of import permit is administrated by MAQIS but the required supporting documents for the application must be obtained from the Department of Fisheries Malaysia (DOF) and Fisheries Development Authority of Malaysia (LKIM). Importers are advised to familiarise themselves with the requirement of the Food Act 1983 and Food Regulations 1985 enforced by the Ministry of Health of Malaysia, the Fisheries Act (Amendment) 2012 and the Lembaga Kemajuan Ikan Malaysia Act (Amendment) 2012.

19. Not applicable.

3 PLANT AND PLANTING MATERIALS – (DEPARTMENT OF AGRICULTURE)

Outline of systems

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 disease 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 were made pursuant to 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);
 - fresh flowers and leaves, dried flowers and leaves, herbarium;
 - growing media or any rooting compost;
 - organic fertilizers;
 - soil;
 - living or dead organisms including non-pathogenic micro-organisms;
 - mangoes;
 - importation of all commodities as listed below for processing or consumption from Thailand only;
 - Rose apple (*Syzygium samarangense*)
 - Sweet potato (*Ipomea batatas*)
 - Taro/Dasheen (*Colocasia esculenta*)
 - Groundnuts (*Arachis hypogaeae*)
 - Potato (*Solanum tuberosum*)
 - Ubi kemili/Kembili (*Coleus parviflorus*)
 - Lemon grass (*Cymbopogon citratus*)
 - Bird/Hot pepper (*Capsicum frutescens*)
 - Turmeric (*Curcuma domestica*)
 - Ginger (*Zingiber officinale*)
 - Greater galangal (*Alpinia galangal*)
 - Yambean (*Pachyrhizus erosus*)
 - Kaffir lime leaves (*Citrus hystrix*)
 - Importation of all commodities as listed below for processing or consumption from All Countries except from countries endemic to South American Leaf Blight, countries endemic to disease of plants of Palmae and countries endemic from Khapra Beetle (*Trogoderma granarium*) commencing 1st January 2015,
 - Soy bean (*Glycine max*)
 - Corn/maize grain (*Zea mays*)
 - Cocoa bean (*Theobroma cacao*)
 - Coffee beans (*Coffea Arabica*, Robusta coffee, *Coffea liberica*)
 - Tobacco leaves (*Nicotiana tabacum*),
 - Cotton (*Gossypium hirsutum*)
 - Fresh orange and lime (*Citrus spp.*),
 - Fresh banana (*Musa spp.*),
 - All plant-based commodities intended for livestock or animal feed
 - Cereals and grains imported from countries endemic from Khapra Beetle (*Trogoderma granarium*) commencing 1st January 2015;
 - packing materials originated from jute and bamboo;
 - products and plants of palmae family;
 - logs, lumber, and other wood article; and
 - Lumber and other wood article of any species of plants from countries endemic to South American Leaf Blight, African Cocoa Region and countries endemic to disease of plants of Palmae.

3. The Regulations apply to imports from all countries, with the exception of countries in the American Tropics and countries endemic to disease of plants of *palmae* family. The provisions under this category of goods are as follows:

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

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

Note: "Director" means the Director General of Agriculture for Peninsular Malaysia whose responsibility extends to the Federal Territory of Labuan, the Director of Agriculture for the State of Sabah or the Director of Agriculture for the State of Sarawak, as the case may be.

Importation of plants 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 plants should have been subjected to quarantine situated outside the South East Asia and the Pacific Region and are 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 1976 and Plant Quarantine Regulations 1981 seek to protect the Malaysian agriculture industry and environment from pests, diseases and invasive alien species by controlling or restricting the importation of plants which are host of quarantine pests and disease.

5. The controls on the importation of goods specified in this category are statutory requirements under the Plant Quarantine Regulations 1981. The Plant Biosecurity Division of the Department of Agriculture is responsible for the 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 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. Import permits can be obtained through online application (E-Permit: <http://epermit.dagangnet.com>) within five (5) working days 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 permits may be issued in any period of the year.

(d) Applications for an import permit for plants and related goods into Malaysia involve a single approach to appropriate component (Peninsular Malaysia, Sabah and Sarawak) of the Plant Quarantine Branch of the Department of Agriculture.

8. Other than the standard criteria, application for an import permit may be refused at the discretion of the Director General of Agriculture for Peninsular Malaysia and Federal Territory of Labuan, Director of Agriculture for Sabah or Director of Agriculture for Sarawak. Reasons for refusal will normally be provided. The applicant however, has the right to appeal either to Director General of Agriculture for Peninsular Malaysia and Federal Territory of Labuan, Director of Agriculture for Sabah or Director of Agriculture for Sarawak.

Eligibility of importers to apply for import permit

9.(a) Not applicable.

(b) All persons, firms and institution are eligible to apply for Import Permit.

Documentational and other requirements for application for import permit

10. The importer should approach the 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 and Federal Territory of Labuan:

Plant Biosecurity Division

Department of Agriculture
Levels 1 – 3, Wisma Tani Kuala Lumpur,
Jalan Sultan Salahuddin,
50632 Kuala Lumpur
Malaysia

Ministry of Agriculture and Agro-based Industry Malaysia
Department of Malaysian Quarantine and Inspection Services (MAQIS)
MAQIS Office Federal Territory of Labuan
Jalan Patau-Patau
Peti Surat 82071
87030 Federal Territory of Labuan

- For Sabah:

Enforcement and Crop Protection Section
Department of Agriculture Sabah
Wisma Pertanian Sabah
Locked Bag 2050
88632 Kota Kinabalu
Sabah, Malaysia

- For Sarawak:

Plant Protection and Quarantine Branch
Department of Agriculture Sarawak
Annex Complex, Jalan Kumpang,
93200 Kuching
Sarawak, Malaysia

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

11. Import permits must be obtained prior to importation and are required on importation. For plants/planting materials, besides an import permit, a phytosanitary certificate from the exporting countries is required upon importation. For soil, growing and rooting media (refers to peat, compost, moss, etc.) living or dead organisms, besides an import permit, sanitary certificates are required upon importation. Prior to 1st January 2015, no import permit is required for cereals and grains imported from countries endemic from Khapra Beetle (*Trogoderma granarium*), 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, Philippines, Myanmar, Morocco and Sri Lanka. However an import permit will be required after 1st January 2015.

All log, lumber and other wood articles are subjected to import permit and phytosanitary certificate.

12. A fee of 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, disease etc. into Malaysia, the importer will be required to bear the costs of such action. Specific details of charges may be obtained on enquires directed to the appropriate permit issuing authority.

13. No.

Conditions of licensing

14. An import permit is valid for a period of three (3) months from the date it is issued except for matured coconut and fresh coconut meat (for consumption) which is only valid for 1 month.

15. No.

16. No.

17. Conditions may be imposed on the permit regarding:

- treatments required;
- additional declaration on certain quarantine pests and diseases; and
- post-entry requirements.

Other procedural requirements

18. Pest Risk Analysis (PRA) shall be conducted and completed on the following categories of commodities before the issuance of Import Permit:

- i. Any new commodity or new commodity form which has never being imported into Malaysia;
- ii. Importation of existing commodity from a new country of origin;
- iii. Changes in phytosanitary status of the existing importation of allowed commodities.

19. Not applicable.

4 RADIOACTIVE MATERIAL/IRRADIATING APPARATUS - (ATOMIC ENERGY LICENSING BOARD)

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 (AELB).

Under the Atomic Energy Licensing Act 1984, licences and approvals are issued to persons (which mean any individual, partnership, private or public body) for the importation of radioactive material/irradiating apparatus that are subject to the legislation. All records, in relation to the issuing of import approvals and authorisation, are maintained in hard and soft copies.

Applications of import/export permit for radioactive materials/irradiating could be done through online system namely ePermit.

Purposes and coverage of licensing

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

3. The Atomic Energy Licensing Act 1984 (Act 304) applies to the importation of goods from all countries, and the provision for import and export control have been included under Schedule of the Customs Act.

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.

Procedures

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

- 7.(a) Application should be made in advance prior to the 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 the Licensing Division of the Atomic Energy Licensing Board 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 the Atomic Energy Licensing Board before applications to import radioactive materials or irradiating apparatus is considered. Approval to import is issued by the Licensing Division of the Atomic Energy Licensing Board.
8. Application for a licence can be refused on the discretion of the 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 (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 e-permit

10. Application of licence is based on Radiation Protection (Licensing) Regulations 1986. The Atomic Energy Licensing Board has been implementing the e-Permit Online System where application of import and export of radioactive materials, nuclear materials, prescribed substances and irradiating apparatus, is carried out electronically. The information required includes:

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

11. Selective documents (which are necessary and relevant) are required upon actual importation namely:

The Enforcement Form (AELB) together with other documents (whichever necessary and relevant) namely:

- certified copy of special form certificate;
- certified copy of compliance for packaging of radioactive material for transportation;
- certified copy of customs declaration for goods imported/exported;
- copy of certified approval letter by origin authority;
- copy of certificate if performance test by Malaysian Nuclear Agency (Nuclear Malaysia);
- copy of decay chart for radioactive material;
- copy of airway bill/bill of landing;
- copy of permission to transport dangerous materials via air permit from the Civil Aviation Department;
- ownership statement (LPTA/BM/3); and
- sales statement (LPTA/BM/2).

12. A deposit of RM15 is required upon each license application. The licensee will be charged 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 the issuance of a licence. For the e-Permit System, the licensee will be charged approximately RM 35 per successful permit.

13. No.

Conditions of licensing

14. Approval is valid for a maximum period of three (3) months either from the validity date of the import licence or validity of Radiation Protection Officer (RPO) Licence (whichever comes first) and applies to one consignment only.

15. No.

16. No.

17. Permission granted under conditions of the licence may specify conditions or requirements which must be complied by the holder of the permission.

Other procedural requirements

18. No.

19. Not applicable.

5 ANIMAL AND ANIMAL PRODUCTS - (DEPARTMENT OF VETERINARY SERVICES)

Outline of system

1. The Department of Veterinary Services, Malaysia (DVS) is the competent authority in term of SPS, veterinary health and veterinary public health for imported animal and animal products.

However, starting 2013, The Department of Malaysian Quarantine and Inspection Services (MAQIS) which is a new department under the Ministry of Agriculture and Agro Based Industry Malaysia (MOA) has taken over the role of import permit issuance for all animal and animal products that imported to Peninsular Malaysia and Labuan the enforcement of the Malaysian Quarantine and Inspection Services Act 2011 [Act 728].

The role of import permit issuance for all animal and animal products that imported to Sabah still issued by the Department of Veterinary Services and Animal Industry, Sabah and for Sarawak still being issued by the Department of Agriculture, Sarawak.

Animal Act 1953 (Reviewed 2006) has been amended in 2013 in order for MAQIS to take over matters related to imports and exports of animal and animal products.

MAQIS issues the import permit for animal and animal based products based on the approval list provided by DVS. DVS provides the approval list based on risk assessment on SPS and veterinary inspection.

In addition, licences from the Department of Wildlife Protection and National Parks are required for the importation of wildlife.

Purpose and coverage of licensing

2. Under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728], import permit is mandatory for import of animal and animal based products into Malaysia.

3. The requirement for import permit under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728] applies to all animals and animal products imported from all countries.

4. The requirement for import permit under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728] does not intend to limit the value or quantity of import. It is intended to regulate the import of animals and animal products within the context of the SPS or sanitary requirements.

5. Import permit is a statutory requirement under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728] for the control of importation of animals and animal products to ensure the imported animals or products 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 permit should be made well in advance before the animal or animal products leaves the exporting country or country of origin. 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, subjected the consignment complies with the import regulations. However, there will be penalties/compound charged against the importer.
 - (c) No, there is no limitation in respect to the period during which applications for import permit and importation can be made. Importation may be made at any period of the year.
 - (d) Prior to the applications for import permit to import animals or animal products into Malaysia from MAQIS, approval should be obtained from Department of Veterinary Services (DVS) which is the competent veterinary authority in Malaysia. DVS will conduct risk assessment in term of SPS and also veterinary inspection if necessary before granting approval to import. MAQIS will approve the import permit based on the approval list provided by DVS. 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 an import permit from MAQIS may be refused if there is no approval from DVS. The applicant may appeal to DVS to get the approval.

Eligibility of importers to apply for import permit

9. (a) Not applicable.
- (b) All persons, firms, corporate bodies and institutions are eligible to apply for an import permit subjected the animal or animal products intended to be imported complies with import regulations.

Documentational and other requirements for application for licence

10. Applications for an import permit to import animals and animal products into Malaysia must be made through the online permit system (E-Permit). The information 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 permit from MAQIS; and
 - Veterinary Health Certificate/Quarantine Certificate from exporting countries.
 - CITES certificate in case of wildlife animals:
(Refer also to the Department of Wildlife Protection and National Parks.)
- (ii) For importation of animal products (except pork and pork products);
 - Import permit from MAQIS
 - Veterinary Health Certificate and
 - Halal Certificate.
- (iii) For importation of animal products (pork and pork products)
 - Import permit from MAQIS
 - Veterinary Health Certificate

12. Import permit fees are as follows:

| No. | Category | Fee (RM) |
|-----|---|-----------------|
| 1 | Dog and Cat | 40 per animal |
| 2 | Restricted Breed Dog | 100 per animal |
| 3 | Deer | 5 per animal |
| 4 | Horse | 20 per animal |
| 5 | Cattle/ Buffalo | 5 per animal |
| 6 | Goat/Sheep | 3 per animal |
| 7 | Day Old Chick/Duck/Ostrich/Geese/Quail for breeding | 5 per permit |
| 8 | Trading day chick | 0.20 per animal |
| 9 | Pet Bird | 2 per animal |
| 10 | Ostrich | 5 per animal |
| 11 | Any other types of birds | 2 per animal |
| 12 | Pig | 10 per animal |
| 13 | Animal for zoo/exhibition/competition | 10 per animal |
| 14 | Research animal | 10 per permit |
| 15 | Other animal (other than listed above) | 3 per animal |
| 16 | Egg | 10 per permit |
| 17 | Meat carcass and meat products | 10 per 100kg |
| 18 | Birds carcass and birds products | 20 per 100kg |
| 19 | bones, hides, skins, milk produce, milk, vaccine or other animal products which is not stated below in (20) | 50 per permit |
| 20 | Animal excrement used as fertilizer, animal bone products for animal feed, meat products for animal feed, blood products for animal feed, animal fat, eggshell or other non-human consumption product | 20 per permit |

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 MAQIS, the validity of a licence may be extended for a period of not more than 30 days.

15. No.

16. No.

17. No.

Other procedural requirements

18. Prior to the applications for import permit to import animals or animal products into Malaysia from MAQIS through the online permit system (E-Permit), approval to import should be obtained from Department of Veterinary Services (DVS) which is the competent veterinary authority in Malaysia. DVS will conduct risk assessment in term of SPS before granting approval to import. MAQIS will approve the import permit based on the approval list by DVS.

19. Not applicable.

6 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 a pesticide for sale must ensure that such pesticides has a valid registration and has the relevant certificate of registration from the Pesticides Board of Malaysia. The right to import a product belongs only to the holder of that registration.

The importer of the pesticide must, at the point of import, provide the Royal Customs Department of Malaysia with a certified copy of the valid registration certification of the pesticide as provided for under the Customs (Prohibition of Imports) Order 2012.

Purpose and coverage of import permit

2. All pesticides as defined under the Act, that are imported or manufactured for sale, has to be registered with the Pesticides Board prior to import or manufacture. Application to import a registered pesticide is carried out through the e-permit system.
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 do not cause any adverse effect to man and the environment.
5. Registration of pesticides before it is imported or manufactured is mandatory under the Pesticides Act 1974.

Procedures

6. Not applicable.
- 7.(a) The minimum time required for processing an application for an import permit is 5 days. On a case by case basis, a shorter application time can be met if the pesticides registration is valid and the source of the goods has already been approved by the Pesticides Board. Goods arriving at the port without a valid registration or from unapproved source would not be permitted to enter the country.
- (b) A certificate of registration cannot be granted immediately, thus no import permit can be issued for an unregistered product.
- (c) An application for import can be done in any period of the year.
- (d) Consideration for import of pesticides is effected by only one administrative organ, i.e. Pesticides Board, Malaysia. The importer does not have to approach other administrative organs.
8. Applications to register a pesticide, which consequently allows for consideration of an import permit, are rejected if the pesticides 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 given the reasons why their applications for registration are rejected. Application for import permit may be rejected if the registration certificate has expired and the new registration has not been approved yet, or if the source listed in the application for the permit is not an approved source.

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 issued. Products registered by the Board including the names of companies registering the products are published in the Government Gazette on a monthly basis, and this information is available through the department website <http://www.doa.gov.my/>.

Documentational and other requirements for application for licence

10. Information required in e-permit application are the consignee and consignor details, country of origin, place of origin, the port of entry, source of supply, the estimated date of arrival, the product name, Cas. No of active ingredients, tariff code of active ingredient, the amount imported, value of import and unit type of product.

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

12. Apart from the subscription payment to the e-permit service provider for access to the e-permit system, there is no additional payment to the administrative organ for application of this import permit.

13. No.

Conditions of licensing

14. Validity period is for three (3) months. If the import permit has expired, its validity cannot be extended and a fresh application has to be submitted to replace the expired permit.

15. No.

16. No.

17.(a)Not applicable.

(b) Import of pesticides listed under Annex III, Rotterdam Convention which are still registered and used in Malaysia must comply to the Prior Informed Consent Procedure (PIC) of the Rotterdam Convention before import can be allowed.

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

Under current procedures, any pesticides imported to Peninsular Malaysia and Labuan need to go through inspection and approval by the Malaysian Quarantine and Inspection Services (MAQIS) at the point of entry. The Malaysian Quarantine and Inspection Services Act 2011 [Act 728] is an Act empowering MAQIS for the purpose of providing integrated services relating to quarantine, inspection and enforcement at the entry points, quarantine stations and quarantine premises and certification for import and export of plants, animals, carcasses, fish, agricultural produce, soils and microorganisms and also includes inspection of and enforcement relating to food and for matters connected to it.

19. Not applicable.

7 RICE AND PADDY, GLUTINOUS FLOUR, RICE VERMICELLI - (MINISTRY OF AGRICULTURE AND AGRO-BASED INDUSTRY)

Outline of system

1. The import licence is issued by the Ministry of Agriculture and Agro-Based Industry under the Control of Padi and Rice Act 1994 (Act 522). The Director General of the Royal Customs Department of Malaysia authorises the Paddy and Rice Industry Division, Ministry of Agriculture and Agro-Based Industry to issue the Approval Permit (AP).

Purposes and coverage of licensing

2. Products under licensing are as follows:

- rice and paddy;
- product of rice (rice/glutinous flour, rice vermicelli, ketupat and etc.); and
- by-product of *padi* (*temukut*, husk, bran and etc.).

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 Control of Padi and Rice Act 1994 (Act 522). 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 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 Paddy and Rice Industry Division, Ministry of Agriculture and Agro-Based Industry.
9. The import licence will be issued to the holder of the Rice Importers License, issued by the Paddy and Rice Industry Division, Ministry of Agriculture and Agro-Based Industry.

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:
 - Approval Permit (AP);
 - Customs Form (JK 69);
 - Custom Declaration Form (K1);
 - Bill of Lading (BL);
 - Invoice; and
 - Phytho Certificate.
12. RM 200.00 per year per license (wholesale licence, import license and export license).
13. No.

Conditions of licensing

14. The validity of a licence is up to one (1) year and cannot be extended. It can be renewed upon

expiry.

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

16. No.

17. The applicant has to state the quantity of the goods to be imported.

Other procedural requirements

18. Under current procedures, all rice and paddy that imported to Peninsular Malaysia and Labuan need to go through inspection and approval by the Malaysian Quarantine and Inspection Services (MAQIS) at the point of entry. The Malaysian Quarantine and Inspection Services Act 2011 [Act 728] is an Act to provide MAQIS for the purpose of providing integrated services relating to quarantine, inspection and enforcement at the entry points, quarantine stations and quarantine premises and certification for import and export of plants, animals, carcasses, fish, agricultural produce, soils and microorganisms and also includes inspection of and enforcement relating to food and for matters connected to it.

19. Not applicable.

8 IMPORTATION OF ROUND CABBAGE AND UNROASTED COFFEE BEANS - (FEDERAL AGRICULTURAL MARKETING AUTHORITY (FAMA))

Outline of system

1. The importation into Malaysia of round cabbages and unroasted coffee beans are placed under Part 1 of the Third Schedule of Customs (Prohibition of Imports) Order 2012 whereby importation is prohibited except in the manner provided: For importation into Peninsular Malaysia and Labuan an import permit issued by or on behalf of the Director General of Malaysian Quarantine and Inspection Services (MAQIS) under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728]. For importation into Sabah and Sarawak – an import permit issued by Director General of Federal Agriculture Marketing Authority Malaysia (FAMA).

Purposes and coverage of licensing

2. This system is to ensure the orderly importation of round cabbages and un-roasted coffee beans into the country.

Importers intending to import the products mentioned above are required to register (subject to evaluation) with FAMA as importers. The applicants need to provide information about their experience in trading the products, trading area, outlets owned by importers, distribution network, handling facilities, processing facilities (for coffee) etc.

Import permits shall be used within the expiry date specified in the permits. While cabbages imported by containers are generally given one (1) week from the date of arrival (subject to expiry within that month) and coffee beans are given two (2) weeks from the date of arrival declared, cabbages that are imported by bulk (non-container) are given until the end of each month.

3. Goods originating from all countries are subjected to this system.

4. The licensing requirements are also for the purpose of monitoring the imported amount of round cabbages and coffee beans into the country.

5. The licence is statutorily required. This legislation does not leave the designation of products to be subjected to administrative discretion.

Procedures

6. The importation of both round cabbages and coffee beans from any country are subjected to application of import licenses.

- I. Information pertaining to the licensing requirements is available on the website of FAMA (<http://www.fama.gov.my/>). Importers are well informed of the system and requirements of the licensing system. New applicants may also approach FAMA for information on the licensing requirement.
 - II. The amount of round cabbages and coffee beans imported are mentioned in the import licences. An importer is required to apply for a licence every time he intends to import. Prior to applying for import licenses for these produce, such importers need to secure quota granted on monthly basis for cabbages and yearly basis for coffee beans. Such quota is valid for two (2) years. The quantity of the quota in the case of coffee beans is usually determined by the capacity of the processing plant while in the case of cabbages is determined by the ability of the applicant to purchase (financially sound) and availability of suitable buyers and logistics to market the cabbages.
 - III. There is no special preference for domestic producers for like goods. Unused approved amounts are not added for a succeeding period.
 - IV. Applications for licences can be made immediately subject to registration with the relevant service provider for electronic application.
 - V. Processing of licences can be done within fifteen (15) minutes to a maximum of four (4) hours on any working day.
 - VI. Applications for licences can be made and approved well ahead of the actual date for importation.
 - VII. MAQIS is the sole authority for this application and approval of permits. However an importer needs to secure quota with FAMA before applying for such permits.
 - VIII. All genuine owners of coffee processing plants or marketers of round cabbages are eligible to register as importers. Importers who misuse the import permits for profiteering may be de-registered as importers.
 - IX. Not applicable.
 - X. Not applicable.
 - XI. Not applicable.
- 7.(a) Application for a licence to import must be made at least 24 hours before arrival for non-container consignments, whilst for arrivals by container, application must be made at least three (3) days prior to estimated date of arrival. Licences may be obtained within a shorter time-limit or for goods arriving at the port without licence but a penalty will be charged to discourage misuse of the permits.
- (b) Subject to the explanation in (a) above, a licence can be granted immediately on request.
- (c) There is no limitation on the period for a licence application. The period for the importation of cabbages (usually a week or so in the beginning of the month) may be deferred to clear the previous month's excess stock in the market. Any deferment on the date of importation allowed is informed in advance to importers.
- (d) The importer only approaches (on-line) MAQIS to submit his application.

8. An application for a licence may be refused if the information provided is incomplete or suspicious and if an importer is found to have committed an offence relating to the previous importation or failed to adhere to the conditions stipulated in the licence. An appeal can be made to MAQIS and consideration for an appeal is on a case to case basis.

Eligibility of importers to apply for licence

9.(a) Applicants must have a valid licence to be involved in business from the Company Commission of Malaysia. Registered cooperatives may also apply. However, importers need to register with FAMA i.e. secure quotas.

(b) Not applicable.

Firms applying to be registered with FAMA are required to meet certain criteria which include financial standing, proper accounts, availability of storage, confirmation on the source of the supply and any contracts from those who would be buyers. A registration fee (administrative charge) of RM200.00 and RM500.00 is chargeable for raw coffee beans and round cabbages respectively.

Documentational and other requirements for application for licence

10. Information required for application (for registration as an importer):

- details of the applicant - name of company, type of business, capital invested, ownership etc.;
- details of the requirement - quantity, why required, source of supply;
- other relevant information to support this application; and
- application to be submitted together with documentary evidence on the above.

11. For actual importation, importers may be required to submit Bill of Lading/Airway Bill and, or invoice together with the Approval Permit and Customs Declaration.

12. A licensing fee of RM10.00 and RM30.00 is charged for each licence approved for cabbages and coffee beans respectively.

13. Importers are required to deposit a minimum of RM200.00 from which the licensing charge would be deducted accordingly. Importers who decide to cancel their registration or whose registration is cancelled for any reasons will be refunded the unused deposit.

Conditions of licensing

14. The validity period of a licence is until the last day of the month for the importation of non-container cabbages, one (1) week for cabbage consignments in containers or the last day of the month, whichever comes earlier. Importations of coffee beans are granted two (2) weeks or the last day of the year, whichever comes earlier. The expiry date is stated on every licence.

15. There is no penalty for non-utilization of a licence or a portion of it.

16. No.

17. The weight of each package of cabbages can be either 10 or 20 kg net each only however exemptions may be considered. Raw coffee beans imports are allowed for the processing requirements of license holders only. One permit can be used for only one consignment (whether fully used or not).

Other procedural requirements

18. All round cabbage and unroasted coffee beans require Certificate of Conformity to the Federal Agricultural Marketing Authority (Grading, Packaging and Labelling of Agricultural Produce) Regulations 2008, whereby imported agricultural produce must be accompanied by Certificate of Conformity of Agriculture Produce issued by MAQIS, for these produce that are imported to Peninsular Malaysia and Labuan. They need to go through inspection and approval by the Malaysian Quarantine and Inspection Services (MAQIS) at the point of entry.

19. Not applicable

9 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.

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 is 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.

16. No.

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 on cigarette packaging:

- (i) On each packet of cigarette there shall be printed a health warning consisting of any one of the set texts and images.
- (ii) The set texts and images shall be printed with forty per cent coverage area to be positioned from the top on the front panel and with sixty per cent coverage area to be positioned from the top on the back panel.
- (iii) The images shall be printed with resolution not less than 300 dpi ("dpi" or "dot per inch" means the degree of resolution of printing images expressed in terms of number of printed dots per linear inch).
- (iv) The set texts and images shall be printed using not less than four colour printing.
- (v) The set texts shall be printed, in lettering of Arial of 10 points for each packet, in pure white on a Matt Black background, except the words "AMARAN" and "WARNING" which shall be printed, in bold-faced lettering of Arial of 12 points for each packet, in yellow on a Matt Black background.
- (vi) Each packet of cigarette shall have printed health information, sale restriction, name of manufacture / importers and date of manufacturing on the front/back panel.

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.

10 TELECOMMUNICATION APPARATUS - (SIRIM QAS INTERNATIONAL)

Outline of System

1. The import permit applies to all communication product capable of being used for telecommunication in the frequency band lower than 420 THz or their motherboards and apparatus or equipment to be attached or connected to Public Networks. The imports shall be declared to Royal Malaysian Customs, irrespective whether they are dutiable or otherwise in accordance to

Customs Act 1967, Customs (Prohibition of Imports) Order 2012. The application of import permit shall be made through electronic system at ePermit (<http://epermit.dagangnet.com/epermit.jsp>) and the approval is obtained from SIRIM as a Permit Issuing Agency.

The import permit is issued to product which has been type approved. Type Approval is granted to a specific model of communications product which has demonstrated compliance to the Malaysian Communications and Multimedia Commission (MCMC)'s Technical Specifications (<http://www.mcmc.gov.my/>) or applicable standards which may include the following:

- a) Malaysian Standard;
- b) International Standard;
- c) Foreign standard of a national standards organization;
- d) Technical Checklist; and
- e) Technical Declaration (association or industry standards or acceptable customer specification).

The application for Type Approval shall be made through <https://ecomm.sirim.my> where SIRIM has been appointed by MCMC as the Certification Agency for communication equipment under the powers cited in the Communications and Multimedia Act (CMA) 1998, Communications and Multimedia (Technical Standards) Regulations 2000.

In addition, the certification label issued by SIRIM shall be affixed on the product to denote compliance as required in the Communications and Multimedia Act (CMA) 1998, Communication and Multimedia (Technical Standards) Regulations 2000.

Purposes and Coverage of Licensing

2. The import permit system is based on Customs (Prohibition of Imports) Order 2012. The products carry tariff code under the sub-heading of 8443, 8517, 8525, 8526, 8527 and 8529 which includes:

- (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 equipment from all countries.

4. The type approval is intended to ensure:

- a) Interoperability with other communications equipment or network;
- b) Non-interference, impairment or malfunction of or harm to any communications product, network or any other product;
- c) Safety to public in general and for any communications equipment or any other equipment;

5. Import permit are issued under the Customs (Prohibition of Imports) Order 2012, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import permit are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

Procedures

6. Not applicable.

7.(a) For registered applicant, import permit can be approved within 5 minutes to 10 minutes electronically.

For unregistered applicant, import permit can be approved in writing to SIRIM for goods already arriving at the port. SIRIM will register electronically on behalf of the applicant and the process will take a day.

Import Permit will only be given if the products have met the following requirements:

- i) Products have been type approved by SIRIM QAS International Sdn. Bhd.; or
 - ii) Products under Special Approval (Category: Personal/Company, Demo/ Trial / Market Survey, Exhibition, R&D and Training); or
 - iii) Product categorised under IT / Networking.
- (b) Yes, registered users would be able to get import permit 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. SIRIM QAS International Sdn Bhd as the designated one-stop-centre agent for Malaysian Communications and Multimedia Commissions (MCMC) is responsible for certifying and labelling communication & multimedia products and the agent for Royal Customs Department of Malaysia for the issuance of import permit.

8. A possibility in refusal for approval could be due to the fact that the product is not certified or prohibited items. Reasons shall be given for the refusal. Applications can be resubmitted if the product is certified.

Eligibility of importers to apply for licence

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

Documentational and other requirements for application for licence

10. To register for electronic account, applicants are requested to fill up the Registration Form with a copy of individual/company supporting documents and submit to SIRIM QAS International Sdn. Bhd. As registered applicant, applications must be submitted electronically. For none registered applicants or one time application, application must be done in writing to SIRIM QAS International Sdn. Bhd.

11. Copy of approved import permit.

12. Yes, the fee charge is RM25.00 per import permit for registered user and 6% tax for every successful transaction. A one-time registration fee of RM 310.00 (SME)/RM610.00 (Corporate) and 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 import permit.

13. No.

Conditions of licensing

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

15. No.

16. No.

17.(a) Not applicable.

- (b) Import permit will only be given if the products have met the following requirements;
- i) Products have been type approved by SIRIM QAS International Sdn. Bhd.; or
 - ii) Products under Special Approval (Category: Personal/Company, Demo/ Trial / Market Survey, Exhibition, R&D and Training); or
 - iii) Product categorised under IT / Networking.

Importation of samples for certification purposes (Type Approval) is limited to two (2) units per model or as specified in the test requirements. There is also a labelling requirement for certified products.

An import permit is valid for one shipment and per model only.

Other procedural requirements

18. Certifications (Type Approvals / Special Approvals), labelling (For SIRIM Label Forecast Only), registration for manufacturers, assembler, repair centre, service centre and call centre and import permits are required.

19. Not applicable.

11 THERAPEUTIC SUBSTANCES AND GOODS – (PHARMACEUTICAL SERVICES DIVISION, MINISTRY OF HEALTH)

Outline of system

1. The Pharmaceutical Services Division, Ministry of Health (PSD, MOH) regulates the importation of precursor/controlled chemicals and medicine making machine into Malaysia under the Customs (Prohibition of Imports) Order 2012.

PSD, MOH issues electronic permit approval through an online web-based system called e-Permit. Import approval is a single permit basis for each consignment.

Purposes and coverage of licensing

2. E-Permit application covers precursors, controlled chemicals and medicine making machine. Precursors are substances scheduled in Table I and II of the United Nations Convention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (1988 Convention). Currently only Table I requires an import permit.

3. All countries.

4. Malaysia is a signatory to the United Nations Convention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (1988 Convention) since 1993. Under Article 12 of 1988 Convention, the parties are obliged to take measures to prevent diversion of the precursors and monitor international trade in order to identify suspicious transactions because precursors are frequently been used in the illicit manufacture of narcotic drugs and psychotropic substances.

5. The relevant laws are the Customs (Prohibition of Import) Order 2012 and United Nations Convention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (1988 Convention). Import licences are issued under the Customs (Prohibition of Imports) Order 2012, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import licensing are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

Procedures

6. I. In 2006, the Commission on Narcotic Drugs has requested member States to implement Annual Legitimate Requirements (ALR) for certain precursor substances. Malaysia has started to implement since 2011. The quantity of ALR per country is submitted yearly to

INCB. INCB will publish the ALR as reported by member States in their official website (<http://www.incb.org/>).

- II. Yearly basis. The importers can apply the permit at any time throughout the year and validity of permit is 3 months from the approved date but should not exceed 31 December of the current year.
 - III. Currently there are 4 precursor substances require ALR. The companies with approved ALR need to submit an import application and PSD-MOH will monitor the import transaction from time to time. Under the 1988 Convention, the government of the exporting country obliged to notify prior export to the government of the importing countries via INCB online portal. The name and address of importers and exporters are supplied in the notification.
 - IV. Not applicable.
 - V. The result of ALR application will be issued before 1 January of the particular year while the import permit will be processed within 3 working days.
 - VI. Can be the same day.
 - VII. The importer does not have to approach more than one administrative organ.
 - VIII. Not applicable.
 - IX. Not applicable.
 - X. Not applicable.
 - XI. Yes.
- 7.(a) Import licence must be applied prior to any importation (approximately 2-3 weeks).
 - (b) Request for an immediate licence is subjected to a genuine and emergency request, provided that the application completely fulfils the requirements.
 - (c) The prerequisite license is valid per year basis except for non-scheduled substances under Poisons Act 1952.
 - (d) The importer does not have to approach more than one administrative organ.
8. Applications may be refused if the importers committed an offence against the law or failed to comply with the guidelines/directives. Reasons for refusal would normally be given. They may appeal to the PSD-MOH and submit the permit application under the existing licensing procedure.

Eligibility of importers to apply for licence

9. Only a person worked in registered company or registered pharmacist eligible to apply for Poison License under Poisons Act 1952 are eligible for the license.

Documentational and other requirements for application for licence

10. All permit application must fulfill the requirements as below:

Import Application

Pseudoephedrine & Ephedrine:

- Purchase Order (PO) to supplier
- Raw materials' usage record or stock balance for pharmaceuticals preparation
- Completed the first Precursor Inspection for the year
- Monthly wholesale record for pharmaceutical preparation (have submitted to Pharmaceutical Services Division)

Precursor & Other Controlled Substance:

- Purchase Order (PO) to supplier
- Raw materials' usage record (If stockpiling)

Import Application for Medicine Making Machine

- Manufacturer's License from Drug Control Authority (DCA)/No objection letter from DCA
- Medicine Making Machine Import Declaration Form
- Purchase Order (PO)/ Proforma Invoice
- Packing List
- Machine Specifications
- Catalogue/Picture of Machine
- Purchase Order (PO)/Proforma Invoice from buyer (If resells)

Application for Resells (Raw Material Only)

- Purchase Order (PO) from buyer
- "End-User Declaration" (For Precursor & Caffeine only) - Filled up by end user
- A copy of buyer's Poison License if buyer resells poison

11. Customs declaration forms, invoice.

12. No.

13. No.

Conditions of licensing

14. Licence is valid for 3 months. Validity of a license can be extended. The applicant can submit a new application for extension.

15. No.

16. No.

17. No.

Other procedural requirements

18. Yes only for pharmaceutical products.

19. Not applicable.

12 CONTROL OF IMPORT OF SCHEDULED WASTES (TOXIC AND HAZARDOUS WASTES) – (DEPARTMENT OF ENVIRONMENT)

1. The Customs (Prohibition of Imports) Order 2012 regulates the importation of scheduled wastes into Malaysia. This Order is enforced by the Royal Malaysian Customs Department with the condition that prior written approvals should be obtained from the Director-General of the Department of Environment as stipulated under Section 34B(1)(b), Environmental Quality Act 1974.

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 2012. 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. Import licences are issued under the Customs (Prohibition of Imports) Order 2012, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import licensing are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

Procedures

6. Not applicable.

7.(a) Approval must be obtained prior to shipment from the country of export. If the wastes arrive at the port without a license or written approval from the Director General of the Department of Environment, the shipment is regard as illegal and need to 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 will issue an approval letter and this approval needs to be attached to Import declaration form for the Royal Customs Department of Malaysia as required under The Customs (Prohibition of Import) 2012.

8. Other than failure to comply with the normal criteria, the application will be rejected whenever Malaysia does not have the environmentally sound facilities to accept the scheduled wastes. It is the policy of the Department of Environment not to allow any importation of scheduled wastes, except where the scheduled waste is needed as raw material in certain process, and it is not available locally. However this is to be considered on case to 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 the Department of Environment's website (<http://www.doe.gov.my/>) for the checklist: AS14 (REV. 2011) – Application for the Importation of Scheduled Waste into Malaysia.

11. Written Approval issued by The Director General of Environment as required under Section 34B(1)(b), Environmental Quality Act 1974 and The Customs Import Declaration Form.

12. No.

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 completion of the transboundary movement and the compliance to the attached conditions.

Conditions of licensing

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

15. The next application may not be approved.

16. No.

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 Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal.

19. Not applicable.

13 LOGS; WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF ITS BARK OR MERELY ROUGHED DOWN; WOOD ROUGHLY SQUARED OR HALF-SQUARED BUT NOT FURTHER MANUFACTURED; AND BAULKS (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 logs, roughly squared or half squared logs and baulks poles and piles of Bakau; and plywood, veneered panels and similar laminated wood 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 38, 39 and 41, Third Schedule, Part 1 of the Customs (Prohibition of Imports) Order 2012.
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. Import licences are issued under the Customs (Prohibition of Imports) Order 2012, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import licensing are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

Procedures

6. Not applicable.
- 7.(a) Applications should be made in advance before 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 of MTIB 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 logs, roughly squared or half squared logs and baulks 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. For poles and piles of Bakau; and plywood are not subjected to the Committee approval.
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 logs or logs, roughly squared or half squared logs and baulks (under item 38 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;
- port 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. Import documents required during inspection are MTIB Approval Letter, original Certificate of Origin, invoice and Bill of Lading; and CITES export permit from exporting country (if relevant).

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

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 CITES listed timber species under the International Trade in Endangered Species Act 2008 [Act 686] issued by MTIB. The timber species covered are specified under the CITES Appendices I, II and III and the types of timber products are given in the respective Annotations.

19. Not applicable.
