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Page: 1/47

Committee on Import Licensing

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

### NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2018-2019)

#### MALAYSIA

The following communication, dated 26 March 2018, 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/12 has not been modified and remains valid for 2017, 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.

<b>1 PRODUCTS SUBJECT TO IMPORT LICENSING UNDER THE CUSTOMS (PROHIBITION OF IMPORTS) ORDER 2017 - (MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY) .....</b>	<b>2</b>
<b>2 LIVE FISH, FISH AND FISH PRODUCTS - (DEPARTMENT OF MALAYSIAN QUARANTINE AND INSPECTION SERVICES (MAQIS)).....</b>	<b>4</b>
<b>3 PLANT, PLANT PRODUCTS AND REGULATED PRODUCTS - (DEPARTMENT OF AGRICULTURE) .....</b>	<b>6</b>
<b>4 RADIOACTIVE MATERIAL/IRRADIATING APPARATUS - (ATOMIC ENERGY LICENSING BOARD) .....</b>	<b>9</b>
<b>5 ANIMAL AND ANIMAL PRODUCTS - (DEPARTMENT OF VETERINARY SERVICES) .....</b>	<b>11</b>
<b>6 IMPORTATION OF PESTICIDES FOR SALE - (PESTICIDES BOARD OF MALAYSIA).....</b>	<b>14</b>
<b>7 IMPORTATION OF PESTICIDES FOR RESEARCH AND EDUCATIONAL PURPOSES - (PESTICIDES BOARD OF MALAYSIA).....</b>	<b>15</b>
<b>8 RICE AND PADDY, GLUTINOUS FLOUR, RICE VERMICELLI - (MINISTRY OF AGRICULTURE AND AGRO-BASED INDUSTRY) .....</b>	<b>17</b>
<b>9 IMPORTATION OF ROUND CABBAGE AND UNROASTED COFFEE BEANS - (DEPARTMENT OF AGRICULTURE).....</b>	<b>19</b>
<b>10 INTOXICATING LIQUOR, TOBACCO AND DENATURED SPIRIT - (ROYAL CUSTOMS DEPARTMENT OF MALAYSIA) .....</b>	<b>21</b>
<b>11 TELECOMMUNICATION APPARATUS - (SIRIM QAS INTERNATIONAL).....</b>	<b>23</b>

<sup>1</sup> See document G/LIC/3, Annex, for the Questionnaire.

<b>12 THERAPEUTIC SUBSTANCES AND GOODS – (PHARMACEUTICAL SERVICES DIVISION, MINISTRY OF HEALTH).....</b>	<b>26</b>
<b>13 CONTROL OF IMPORT OF SCHEDULED WASTES (TOXIC AND HAZARDOUS WASTES) – (DEPARTMENT OF ENVIRONMENT).....</b>	<b>30</b>
<b>14 ELECTRICAL EQUIPMENT - (MINISTRY OF ENERGY, SCIENCE, TECHNOLOGY, ENVIRONMENT AND CLIMATE CHANGE (MESTEC)).....</b>	<b>32</b>
<b>15 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; BAULKS AND PILES OF BAKAU; SAWNTIMBER AND PLYWOOD, VENEERED PANELS AND SIMILAR LAMINATED WOOD; (MALAYSIAN TIMBER INDUSTRY BOARD (MTIB)) .....</b>	<b>37</b>
<b>16 IMPORTATION OF SUGAR (INCLUDING CANE AND BEET SUGAR, CHEMICALLY PURE SUCROSE, FRUCTOSE AND GLUCOSE), WHEAT FLOUR AND CEMENT - (MINISTRY OF DOMESTIC TRADE, AND CONSUMER AFFAIRS (MDTCA)).....</b>	<b>40</b>
<b>16.1 SUGAR (INCLUDING CANE AND BEET SUGAR, CHEMICALLY PURE SUCROSE, FRUCTOSE AND GLUCOSE).....</b>	<b>40</b>
<b>16.2 WHEAT FLOUR.....</b>	<b>42</b>
<b>16.3 CEMENT .....</b>	<b>44</b>
<b>17 WASTE, PARINGS AND SCRAP OF PLASTICS - (DEPARTMENT OF NATIONAL SOLID WASTE MANAGEMENT (NSWMD)) .....</b>	<b>45</b>

## **1 PRODUCTS SUBJECT TO IMPORT LICENSING UNDER THE CUSTOMS (PROHIBITION OF IMPORTS) ORDER 2017 - (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

Passenger and commercial vehicles, motorcycles, 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, 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, other tubes and pipes, and flat-rolled products of other alloy steel.

#### Non-automatic Import licensing

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.

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 2017, 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, for the importation of chemicals listed under the Chemical Weapons Convention (CWC) Act 2005, a written approval from the National Authority under the Ministry of Foreign Affairs is required prior the processing of import licence.

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.

### **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. Licence Permit is required upon arrival, effective 1 August 2019, all types of licence applications can be applied online through e-Permit system.

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. Applicant can submit their request to the Director of Import and Export Control Section, Ministry of International Trade & Industry.

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, a written approval from the National Authority under the Ministry of Foreign Affairs is required.

### 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 live fish, 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 licence and wholesale administered by the Fisheries Development Authority of Malaysia or Lembaga Kemajuan Ikan Malaysia (LKIM) in both states.

### 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.

- (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 licence**

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

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

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 is 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; and
- (f) Wholesale licence from Fisheries Development Authority of Malaysia (LKIM) for fish and fish product.

12. A fee of RM15 shall be charged for the issuance of an import permit in respect of a consignment. In addition, an annual fee of RM100 for wholesale licence is also applicable.

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

#### **Conditions of licensing**

14. The validity period of an import licence varies between thirty (30) days to ninety (90) days depending on the mode of transportation and regions. The validity period 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, PLANT PRODUCTS AND REGULATED PRODUCTS – (DEPARTMENT OF AGRICULTURE)

#### Outline of System

1. The Plant Quarantine Act 1976 amends and consolidates the laws relating to the control, prevention and eradication of agricultural pests, noxious plants and plant 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.

#### Purposes 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;
- fresh betel leaves (All varieties of *Piper betel*);
- fresh fruits of mangoes (*Mangifera* spp.), oranges and limes (*Citrus* spp.), banana (*Musa* spp.) and mangosteen (*Garcinia mangostana*) durian (*Durio zibethinus*);
- all species of fresh chillies from the genus *Capsicum* spp. (Family: Solanaceae);
- grains and beans of soy bean (*Glycine max*), corn/maize (*Zea mays*), cocoa beans (*Theobroma cacao*), coffee beans (*Coffea Arabica*, Robusta coffee, *Coffea liberica*);
- cereals and grains imported from countries endemic from Khapra Beetle (*Trogoderma granarium*);
- all plant-based commodities intended for livestock or animal feed;
- tobacco leaves (*Nicotiana tabacum*);
- cotton (*Gossypium hirsutum*);
- growing media or any rooting compost;
- organic fertilizers;
- soil;
- living or dead organisms including non-pathogenic micro-organisms;
- packing materials originated from jute and bamboo;
- products and plants of Palmae family; and
- logs, lumber, and other wood articles.

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*); and
- Kaffir lime leaves (*Citrus hystrix*).

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 of rubber (SALB) is present or believed to be present and from countries endemic to disease of cocoa and plants of Palmae), is prohibited except where:

- importation of plants, plant products and any processed plant products may be allowed for research purposes, consumption, medicinal, processing or manufacturing purposes only on a case by case basis upon completion of a Pest Risk Analysis (PRA) study; and
- such plant/plant products may be subjected to quarantine or treatment at a place approved by the Department of Agriculture i.e. places outside the South East Asia and Pacific Region, American Tropics, African Cocoa Region or any other region or country where the SALB or virus or any other diseases of cocoa and plants of Palmae is present or believed to be present and are accompanied by a Phytosanitary Certificate to that effect and signed by the officer-in-charge of the place of such quarantine treatment.

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.

4. No, 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.

**Procedures**

6. Not applicable.

7. (a) Application for the import permit 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.

(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 components (Peninsular Malaysia, Sabah and Sarawak) of the Plant Quarantine Branch of the Department of Agriculture.

8. None, however the applicant 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 licence**

9.(a) Not applicable.

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

**Documentation and other requirements for application for licence**

10. The importer may approach the Department of Agriculture directly for information on the components and details related to the importation of plants and regulated articles, where the officer will advise the appropriate form 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

For Sabah:

Biosecurity and Plant Quarantine Section  
Department of Agriculture Sabah  
Level 1, Wisma Pertanian Sabah  
PO Box 2050  
88632 Kota Kinabalu  
Sabah, Malaysia

For Sarawak:

Plant Biosecurity and Quarantine Division  
Department of Agriculture Sarawak  
Annex Complex, Jalan Kumpang, Off Jalan Ong Tian Swee  
93200 Kuching  
Sarawak, Malaysia

In certain circumstances, general information, pest and disease of the plant, method or 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 and regulated articles 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. All logs, lumber and other wood article 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 phytosanitary measures such as 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 actions. Specific details of charges may be obtained from 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, fresh coconut meat (for consumption) and samples of organic fertilizer (for import pre-approval analysis) which is only valid for one (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) First time import application of any new commodity or new form of a commodity into Malaysia;
- (ii) Import application for existing commodity from a new country of origin; and
- (iii) Current approved commodities upon receiving information on changes of phytosanitary status in the country of origin and pest interception incidences during importation 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 licence and approval is obtained from appropriate authority i.e. Atomic Energy Licensing Board (AELB).

Under the Atomic Energy Licensing Act 1984, licence and approval are issued to a person (which means 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 licence and approvals and authorisation, are in soft copies.

Applications of import/export approval for radioactive materials/irradiating could be done through online system namely e-Permit.

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

7.(a) Application should be made in advance 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 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 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 approval to import after obtaining a licence for such activities from Atomic Energy Licensing Board.

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

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 licence number;
- details of goods to be imported;
- details of the goods' container;
- end user details; and
- expected date of activity and place of landing.

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

The online declaration via eSPP (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 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;
- returns of possession (LPTA/BM/3); and
- returns of sale statement (LPTA/BM/2).

shall be uploaded into the system.

12. An application fee of RM15 is required upon each licence 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, the period of validity and the purpose of that specified material (the activity of the company for the usage of radioactive material/irradiating apparatus). 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 20 per successful approval.

13. No.

### Conditions of Approval Permit

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) (whichever comes first) or calibration validity of monitoring equipment (whichever comes first) and applies to one consignment only.

15. No.

16. No.

17. Approval Permit is granted with certain conditions or requirements which must be complied by the holder of the approval.

### 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 for the sanitary and phytosanitary (SPS) for imported animal and animal products in term of veterinary health and veterinary public health.

Since 2013, import permit for all animal and animal products imported into Peninsular Malaysia and Labuan is issued by The Department of Malaysian Quarantine and Inspection Services (MAQIS) under the Ministry of Agriculture and AgroBased Industry Malaysia (MOA) in accordance to the Malaysian Quarantine and Inspection Services Act 2011 [Act 728].

Import permit for animal and animal products which is imported into Sabah and Sarawak is issued respectively by Department of Veterinary Services and Animal Industry, Sabah and Department of Agriculture, Sarawak.

For the importation of wildlife or products thereof, prior obtaining the import permit from MAQIS, the importers are required to obtain licence and CITES from the Department of Wildlife Protection and National Parks and approval letter from DVS.

### Purposes and coverage of licensing

2. Import permit is mandatory for import of animal and animal-based products into Malaysia.

3. The requirement applies to all countries.

4. The requirement for import permit is to ensure the imported animal and animal products fulfil the SPS requirements.

5. Import permit is a statutory requirement under the Malaysian Quarantine and Inspection Services Act 2011 [Act 728]. The act does not allow for administrative discretion regarding the designation of animal and products that are subjected to licensing. Government or the executive branch is not allowed to abolish the requirement for import permit without legislative approval.

### Procedures

6.

I. The information concerning allocation of quotas and formalities of filling application for TRQ is published on the website of Department of Veterinary Services Malaysia <http://www.dvs.gov.my/index.php/pages/view/381>. The MFN quota is opened to countries on a first come, first-served basis.

- 
- II. The size of quotas is determined on a yearly basis.
  - III. The quota is open to producers and traders.
  - IV. Application for quota must be submitted before 15<sup>th</sup> September of the year (milk and chicken meat) and for other products before 15<sup>th</sup> October of the year.
  - V. An application for TRQ will be processed within 1 to 3 months.
  - VI. Importers can declare an import within 15 days to 1 month.
  - VII. The application for TRQ is carried out by a single administration.
  - VIII. If the demand for licences cannot be fully satisfied, the allocation to applicants will be on first come, first serve basis. Premises will be verified, proper amenities for storage and handling, cold chain facilities, Good Manufacturing Practice (GMP) in place including verifications of record and documents.
  - IX. Yes.
  - X. Not applicable.
  - XI. No.
7. (a) Application for an import permit should be made before the animal or animal products depart from the exporting country or country of origin. This is to provide time for checks and verification the information declared 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 or compound charged to the importer.
- (c) No, applications for import permit and importation can be made at any period of the year.
- (d) For the application and issuance of import permits for animal and animal products, 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 particularly for wildlife or products thereof which are subjected to CITES regulations in relation to conservation of endangered species of wild fauna and flora.
8. None, however the applicant may appeal to DVS to get the approval.

#### **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 permit subjected the animal or animal products intended to be imported complies with import regulations.

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

10. The information required will depend on the type of animals and products, the purpose of importation and the country of origin. Applications for an import permit to import animals and animal products into Malaysia must be made through the online permit system (e-Permit).
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 (issued by a competent Veterinary Authority); and
  - Halal Certificate (issued by Halal Organisation Body recognized by JAKIM).
- (iii) For importation of animal products (pork and pork products):
  - Import permit from MAQIS;
  - Veterinary Health Certificate (issued by a competent Veterinary Authority).

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 validity period of an import licence varies between thirty (30) days to ninety (90) days depending on the mode of transportation and regions. The validity period cannot be extended.

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.

Import of meat and products of animal origin are subject to the import protocol under the Animal Act 1953 (Revised 2006) and stipulates the import conditions including inspection and approving of export establishments for compliance to SPS, Veterinary and Halal requirements.

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 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 2017.

### **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 six (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 affected 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.

### **Documentation 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 pesticide analytical standard;
- 4 sets of proposed draft labels; and
- a copy of pesticides registration certificate from country of origin (translated & stamped).

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.

## **7 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 merit. 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 affected 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.

**Documentation 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 six (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.

**8 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 Paddy 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).

**Procedures**

6. Not applicable.
7. (a) There is no specific period.
- (b) Yes, a licence can be granted upon request in accordance with the conditions, requirements and procedures stipulated.
- (c) The application can be made throughout the year.
- (d) The application for a licence is affected 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.

**Eligibility of importers to apply for licence**

9. The import licence will be issued to the holder of the Rice Importers Licence, issued by the Paddy and Rice Industry Division, Ministry of Agriculture and Agro-Based Industry.

**Documentation 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:

- (a) Approval Permit (AP);
- (b) Customs Form (JK 69);
- (c) Custom Declaration Form (K1);
- (d) Bill of Lading (BL);
- (e) Invoice; and
- (f) Phyto Certificate.

12. RM200.00 per year per licence (wholesale licence, import licence and export licence).

13. No.

**Conditions of licensing**

14. The validity of a licence is up to three (3) years 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.

## 9 IMPORTATION OF ROUND CABBAGE AND UNROASTED COFFEE BEANS - (DEPARTMENT OF AGRICULTURE)

### 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 2017 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 will be issued by Director General of Federal Agriculture Marketing Authority Malaysia (FAMA).

MAQIS issues the import permit for round cabbage and unroasted coffee beans based on the approval provided by Department of Agriculture (DOA).

### Purposes and coverage of licensing

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

Importers intending to import the products mentioned above are required to register (subject to evaluation) with DOA 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.

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

4. None. Currently there is no other alternative methods have been considered yet.

5. The licence is statutorily required.

### Procedures

6. Round Cabbages: The importation of round cabbages from any country is subjected to application of import licences.

- I. Information pertaining to the licensing requirements is available on the website of Department of Agriculture Malaysia (DOA) (<http://www.doa.gov.my>). Importers are well informed of the system and requirements of the licensing system. New applicants may also approach DOA for information on the licensing requirement.
- II. The amount of round cabbages imported is stated in the import licences. Importer is required to apply for an import licence every time he intends to import. The size of the quota is determined on a yearly basis.

- 
- III. There is no special preference for domestic producers. The unused approved quota amounts are not added for a succeeding period.
  - IV. Applications for import permit can be made at any time of the year.
  - V. An application for import permit will be process in one working day.
  - VI. Applications for import permit can be made and approved well ahead of the actual date for importation.
  - VII. DOA and MAQIS are the authorities for the application and approval of permits, respectively.
  - VIII. All genuine 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) Roasted Coffee Beans: For the importation of roasted coffee beans, application for import permit must be made at least three (3) days prior to estimated date of arrival. Importation without import permits will not be allowed. However, an appeal can be made on a case by case basis.
- (b) No.
- (c) There is no limitation on the period for a licence application.
- (d) The importer only approaches DOA (online) to submit application.
8. None, however appeal can be made to DOA 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 DOA. Firms applying to be registered with DOA 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.
- (b) Not applicable.

#### **Documentation 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 Import Permit and Customs Declaration.
12. A fee of RM15 shall be charged for the issuance of an import permit in respect of a consignment.
13. No.

**Conditions of licensing**

14. The validity period of an import licence varies between thirty (30) days to ninety (90) days depending on the mode of transportation and regions. The validity period cannot be extended.
15. There is no penalty for non-utilization of a licence.
16. No.
- 17.(a) The weight of each package of cabbages can be either 10 or 20 kg net each only however exemptions may be considered.
- (b). None.

**Other procedural requirements**

18. All round cabbage and unroasted coffee beans require Certificate of Conformity from the Federal Agricultural Marketing Authority (Grading, Packaging and Labelling of Agricultural Produce) Regulations 2008. These goods are subjected to inspection and approval by the Malaysian Quarantine and Inspection Services (MAQIS) at the point of entry in Peninsular Malaysia and Labuan, and FAMA and DOA Sabah and Sarawak in Sabah and Sarawak.

19. Not applicable.

**10 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. As a measure to control the leakage of duties/taxes on high-risk cigarette and liquor products, import of intoxicating liquor, tobacco or denatured spirit is prohibited except with a license issued by the Royal Malaysian Customs Department (RMCD).

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 licence 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 RMCD.

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 licence**

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

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

10. New application/renewal of licence for liquor, tobacco, denatured spirit and cigarette is to be made in writing to the Director General of RMCD. 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; and
- (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 RM20.00 for each calendar month or part thereof or RM96.00 for six months or RM192.00 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 60 (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; and
- (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.

## 11 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 up to 420 THz or their motherboards and apparatus or equipment to be attached or connected to Public Networks.

The issuance of import permit shall also cover hybrid product. Hybrid product is apparatus or equipment which is **integrated with communications module** for connecting to public communications network or for radio communications utilizing band up to 420 THz. It covers a range of product such as but not limited to electrical, toys, medical and Information and Communication Technology (ICT) products.

The imports shall be declared to Royal Malaysian Customs Department, irrespective whether they are dutiable or otherwise in accordance to Customs Act 1967, Customs (Prohibition of Imports) Order 2017. The application of import permit shall be made through electronic system at e-Permit (<http://epermit.dagangnet.com/epermit.jsp>) and the approval is obtained from SIRIM as a Cross Border Regulatory Agency (CBRA).

The import permit is issued to product which has been certified by Type Approval (compliance approval) or Special Approval or product categorised under IT/Networking. 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 Codes <http://mcmc.gov.my/Legal/Register/CMA-Registers.aspx> 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, certification mark 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. The certification mark shall be associated with unique Identification of SLP ID either for Certificate Holder or Principal, issued by SIRIM QAS International and it shall be used according to Self-Labeling Program (SLP) guideline. The guideline will be provided after Certificate holder (importer) successfully registered for SLP ID. There are requirements for registration of product serial number or International Mobile Equipment Identity (IMEI) number prior to approval of import permit for traceability.

Starting from April 2017, SIRIM QAS International Sdn. Bhd. has implemented Release Letter application to assist importers for product clearance who importing non-hybrid product which are sharing tariff code with hybrid product. The application of Release Letter shall be made through electronic system at e-Permit (<http://epermit.dagangnet.com/epermit.jsp>) and the approval is obtained from SIRIM as a Cross Border Regulatory Agency (CBRA).

### Purposes and coverage of licensing

2. The import permit system is based on Customs (Prohibition of Imports) Order 2017. The related products cover communication and multimedia equipment and apparatus includes hybrid products which is integrated with communications module for connecting to public communications network or for radio communications utilizing band up to 420 THz.

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

4. The type approval is intended to ensure:

- Interoperability with other communications equipment or network;
- Non-interference, impairment or malfunction of or harm to any communications product, network or any other product; and
- 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 2017, 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 within 24 hours (working 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.;
- (ii) Products have been evaluated under Special Approval (Category: Personal/Company, Demo/Trial/Market Survey, Exhibition, R&D and Training); or
- (iii) Product categorised under IT/Networking.

For Release Letter application, the approval will be granted within 24 hours (working day). Release Letter will only be given if the products have met the following requirements:

- (i) Product has no communication/wireless features; or
- (ii) Sharing the tariff code or HS Code with hybrid product.

(b) Yes, registered users would be able to get import permit on the same day electronically and within 24 hours (working day) for nonregistered applicants. However, for Release Letter application the approval will be granted within 24 hours (working day).

(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 appointed Certifying Agency for Malaysian Communications and Multimedia Commissions (MCMC) is responsible for certifying and registering of product serial number or



IMEI number for communication & multimedia products and the Cross Border Regulatory Agency (CBRA) 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.

For Release Letter, refusal for approval could be due to the reason that the product did not meet the following requirements:

- (i) Product has no communication/wireless features; or
- (ii) Sharing the tariff code or HS Code with hybrid product.

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

9.(a) Not applicable.

(b) All persons are eligible to apply for import permit. However, for Release Letter application, only firms and institutions are eligible.

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

10. To register for electronic account, (ePermit user), applicants are requested to fill up the Registration Form with a copy of individual/company supporting documents and submit to Dagangnet Technologies Sdn. Bhd. ([www.dagangnet.com](http://www.dagangnet.com)) as an ePermit Service Provider. The online registration also can be done through [http://reg.dagangnet.com/login\\_option.html](http://reg.dagangnet.com/login_option.html). As registered applicant, applications shall be submitted electronically. For non-registered applicants or one-time application, application must be done in writing to SIRIM QAS International Sdn. Bhd or email to [sirimepermit@sirim.my](mailto:sirimepermit@sirim.my).

11. Copy of approved import permit or approved Release Letter.

12. Yes, the fee charge is RM20.00 per import permit for registered user and subject to any applicable government tax and service provider fee for every successful transaction. A one-time registration fee of RM310.00 (SME)/RM610 (Corporate) and annual fee of RM200.00 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 RM30.00 per import permit and subject to any applicable government tax and service provider fee.

For Release Letter, the fee charge is RM20.00 per approved Release Letter and subject to any applicable government tax and service provider fee for every successful transaction.

13. No.

### **Conditions of licensing**

14. The import permit is valid for three (3) months. New application is required for extension of validity. The Release Letter is valid for one (1) year. 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.;
- (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.

Release Letter is valid for multiple shipments and per model only.

#### **Other procedural requirements**

18. Certifications (Type Approvals/Special Approvals), Self-Labeling Program, and registration for manufacturers, assembler, repair centre, service centre and call centre.

For Release Letter, other administrative procedures are not applicable.

19. Not applicable.

### **12 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 2017. PSD, MOH also regulates the importation of dangerous drugs and psychotropic substances (in the form of raw material and finished goods) under the Dangerous Drugs Act 1952 and the poisons substances under the Poisons Act 1952 respectively.

PSD, MOH issues electronic permit approval through an online web-based system called e-Permit for precursors/controlled chemicals, and printed Authorizations for dangerous drugs and psychotropic substances. Import approval is a single permit/Authorization basis for each consignment. PSD also issues poisons licences for importation of poisons under the Poisons Act 1952.

#### **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. Dangerous Drugs Import Authorization application covers all substances listed in the First Schedule of the Dangerous Drugs Act 1952. Psychotropic Substance Import Authorization application covers all substances listed in the Third Schedule of the Psychotropic Substances under the Poisons Act 1952. Poisons licences includes all poisons listed in the First Schedule of the Poisons List under the Poisons Act 1952.

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.

Apart from that, Malaysia is signatory to the Single Convention on Narcotic Drugs, 1961 (1961 Convention) since 1978. Under Article 31 of the 1961 Convention, parties are obliged to control under licence the import and export of drugs except where such import or export is carried out by a State enterprise or enterprises, and also control all persons and enterprises carrying on or engaged in such import or export.

Malaysia is also signatory to the Convention on Psychotropic Substances, 1971 (1971 Convention) since 1986. Under Article 12 of the 1971 Convention, every party permitting the export or import of

substances in Schedule I or II of the Convention shall require a separate import or export authorization.

Poisons licence is for the importer to import poisons listed under the Poisons Act 1952 and it is not restrict the quantity or value for imports.

5. With regard to precursors/controlled chemicals, the relevant laws are the Poisons Act 1952 and its Regulations, Customs (Prohibition of Import) Order 2017 and United Nations Convention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (1988 Convention). Import permits are issued under the Customs (Prohibition of Imports) Order 2017, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import permits 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.

For dangerous drugs, the relevant laws are the Dangerous Drugs Act 1952 (DDA 1952) and the Single Convention on Narcotic Drugs, 1961. Import Authorizations are issued pursuant to Section 20 of the DDA 1952. Substances subjected to import authorization are listed in the First Schedule, DDA 1952. By virtue of section 45 of the DDA 1952, it is possible for the Minister to exempt certain drugs and institutions from certain provisions of the Act however it would not be possible to abolish the system without legislative approval.

For psychotropic substances, the relevant laws are the Poisons Act 1952 (PA 1952) and the Convention on Psychotropic Substances, 1971. Import Authorizations are issued pursuant to Section 30 of the PA 1952 and Regulation 4 of the Poisons (Psychotropic Substances) Regulations 1989. Substances subjected to import authorization are listed in the Third Schedule of the Psychotropic Substances, PA 1952. By virtue of section 30 of the PA 1952, the Minister may from time to time, after consultation with the Poisons Board, by order published in the Gazette amend the Third Schedule. However, it would not be possible to abolish the system without legislative approval.

For Poisons Licences, the relevant laws are the Poisons Act 1952 and its Regulations. By virtue of section 6 of the PA 1952, the Minister may from time to time, after consultation with the Poisons Board, by order published in the Gazette amend the First Schedule. However, it would not be possible to abolish the system without legislative approval.

## 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.

Under the 1961 Convention, member states are obliged to administer the estimates system with regard to the annual medical and scientific requirements for narcotic drugs listed in Schedules I and II of the Convention. Malaysia has implemented the estimates system on dangerous drugs since 2008.

In 1997, pursuant to the Economic and Social Council resolution 1996/30 of 24 July 1996, INCB established assessments of annual licit domestic requirements for psychotropic substances for countries that had not submitted such information and encouraged all Governments to make their own assessments as soon as possible. Malaysia has implemented the Assessment of Psychotropic Substances system on psychotropic substances since 2008.

The quantity of ALR and Estimates per country is submitted yearly to INCB, and the Assessment of Psychotropic Substances once every three (3) years. INCB will publish the all three as reported by member States in their official website (<http://www.incb.org>).

- II. Yearly basis. The importers can apply the permit/authorization at any time throughout the year. The validities of permit and authorization are three (3) months (precursors/controlled chemicals) and 6 months (dangerous drugs and psychotropic substances) respectively, from the approved date but should not exceed 31 December of the current year.

III. Globally, there are 4 precursor substances which currently 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. Importation of all goods (raw material and finished product) containing Dangerous Drugs or Psychotropic Substances are dependent on the approved estimates and assessments respectively. The import authorizations are issued to local importers with approved estimates/assessments. Once the importation is completed, the importer is required to return the endorsed Authorization to the PSD, MOH in order for the estimates/assessments to be reconciled. A copy of the Authorization, complete with names and addresses of importers and exporters, is sent to the competent national authority of the exporter country for their reference.

Companies may submit Import permit application once ALR has been approved and starting from 1<sup>st</sup> January of the year.

V. The result of ALR narcotic estimates and psychotropic substance assessment applications will be issued before 1 January of the particular year while the import permit for precursor/controlled chemicals will be processed within three (3) working days. Dangerous drug and psychotropic substance import authorizations will be processed within seven (7) working days of receiving a complete application.

VI. Can be the same day.

VII. Import permit will be processed by PSD. The importer does not have to approach more than one administrative organ.

VIII. Not applicable.

IX. For precursor/controlled chemicals, all importation of substances listed under the Customs (Prohibition of Imports) Order 2017 requires import permit and will be processed within three (3) working days. For Dangerous Drug and Psychotropic Substance, Import Authorizations are required. The authorizations are issued upon receiving an application from the importer (not automatically).

X. Not applicable.

XI. No.

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

(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 licence is valid per year basis except for non-scheduled substances under Poisons Act 1952.

(d) No. 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 working in a registered company or a registered pharmacist in possession of Poison Licence under Poisons Act 1952 is eligible to apply for a precursor/controlled chemicals import permit/Poisons Licences.

Only a registered pharmacist in possession of a Type A Poison Licence in a company with an Importer Licence is eligible to apply for a dangerous drug/psychotropic substance Import Authorization. The list of Poisons Licences holder can be access online at [www.pharmacy.gov.my](http://www.pharmacy.gov.my).

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

10. All import permit application must fulfil the requirements as below:

#### Import Application

Precursor & Other Controlled Substance:

- Purchase Order (PO) to supplier;
- Raw materials' usage record (If keeping stock);
- Purchase Order (PO) from buyer;
- A copy of buyer's Poisons Licence if buyer resells poison;
- End-User Declaration Form - Filled up by end user; and
- Safety Data Sheet.

Import Application for Medicine Making Machine:

- Manufacturer's Licence from Drug Control Authority (DCA) (for pharmaceutical manufacturers);
- Medicine Making Machine Import Declaration Form;
- Purchase Order (PO) to supplier/Proforma Invoice;
- Packing List;
- Machine Specifications/Catalogue/Picture of Machine; and
- Purchase Order (PO)/Proforma Invoice from buyer (If resells).

Dangerous Drugs and Psychotropic Substances:

- Pharmacist's Type A licence;
- Approval Letter for Annual Estimates/Assessments;
- Company's Import Licence/Company's Manufacturing Licence;
- Product Registration Certificate/Proof of Product Registration/Company's Import List;
- Import Exemption Letter from the Drug Control Authority (for importation of unregistered products);
- End User Declaration and purchase order from research facility (import for research purposes);
- Clinical Trial Import License (import for clinical trials); and
- Permit to purchase and use psychotropic substances (import for use in industries).

#### Poisons Licences:

The requirements for Poisons Licence application can be view online via <https://www.mypharmac.pharmacy.gov.my>.

11. Customs declaration form, invoice, approved import permit, Poisons Licence.

12. No.

13. No.

### **Conditions of licensing**

14. Import permit for precursor/controlled chemicals is valid for three (3) months. While for Dangerous Drugs and Psychotropic Substances is six (6) months. Poisons licences is valid for one year and it is issued in yearly basis. The applicant can submit a new application for extension.

15. No.

16. No.

17. No.

### Other procedural requirements

18. Yes only for pharmaceutical products which require import license and product registration certificate.

19. Not applicable.

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

### Outline of System

1. The Customs (Prohibition of Imports) Order 2017 regulates the importation of scheduled wastes into Malaysia. This Order is enforced by the Royal Malaysian Customs Department with the condition that prior written approval should be obtained from the Director General of Environmental Quality as stipulated under Section 34B(1)(b), Environmental Quality Act 1974.

### Purposes and coverage of licensing [Import Permit]

2. The Order applies to scheduled wastes as defined in the Environmental Quality (Scheduled Wastes) Regulations 2005 and the Customs (Prohibition of Imports) Order 2017. Importation of scheduled wastes requires a prior written approval from Director General of Environmental Quality.

3. The importation of hazardous wastes/scheduled wastes restriction applies to all countries and wastes defined as hazardous wastes/scheduled wastes under Malaysia Law. The importation of hazardous wastes/scheduled wastes is prohibited from countries listed in Annex VII to the Basel Convention to all other countries as specified under Ban Amendment (Parties and other States which are members of the OECD, EC and Liechtenstein) and importation is prohibited from a non-Party to the Basel Convention.

4. The system/import permit is intended to control the transboundary movements of hazardous wastes/ scheduled wastes to be managed in an environmentally sound manner (EMS) and to achieve the prevention of illegal traffic in Malaysia. The importation of hazardous wastes/scheduled wastes is destined for recovery/reuse only and the importation of hazardous wastes/scheduled wastes for final disposal is totally prohibited.

5. Import licences are issued under the Customs (Prohibition of Imports) Order 2017, 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/written consent must be obtained prior to shipment from the country of import. The country of export shall not permit the export of the hazardous wastes/scheduled wastes without a written consent from the country of import (Malaysia). Any transboundary movement of hazardous wastes/scheduled wastes without a written consent from the country of import shall be deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes are taken back into the State of export, by the exporter.

(b) No.

(c) No.

(d) Yes. The Department of Environment will issue an import permit/written approval and the import permit/written approval need to be attached with the Import declaration form of the

Royal Malaysian Customs Department as required under The Customs (Prohibition of Import) Order 2017.

8. Other than failure to comply with the ordinary criteria, the application shall be rejected If the facility in the importing county (Malaysia) is not environmentally sound manner (ESM) to recovery/reuse the hazardous wastes/scheduled wastes in an in accordance with the Basel Convention.

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

9.(a) The importers must be a facility/premise that capable to recovery/reuse the hazardous wastes /scheduled wastes in ESM and the facility must be licenced by Department of Environment (DOE), Malaysia. No third party/traders shall be involved in the transboundary movement of the hazardous wastes /scheduled wastes.

(b) Not applicable.

#### **Documentation 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. 2006) – Application for the Importation of Scheduled Waste into Malaysia.

11. Written Approval shall be granted by The Director General of Environmental Quality 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 provided the importer comply with all the conditions in the import permit.

#### **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. Any transboundary movements of hazardous wastes/scheduled wastes shall require the wastes generator or exporter to notify, in writing, through the channel of the competent authority to The Basel Convention of the State of export.

19. Not applicable.



## **14 ELECTRICAL EQUIPMENT - (MINISTRY OF ENERGY, SCIENCE, TECHNOLOGY, ENVIRONMENT AND CLIMATE CHANGE (MESTECC))**

### **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 low voltage electrical equipment which is usually sold direct to the general public or any low voltage 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 low voltage equipment which is usually sold directly to the general public; or
- (c) any low voltage equipment which does not require special skills in its operations.

Regulation 101 (A). For the purpose of efficient use of electricity, prior to an application for a Certificate of Approval under Regulation 97, any person who manufactures, imports, sells or offers for sale or lease any equipment under that regulation, shall ensure that such equipment meets the energy performance testing standards, the minimum energy performance standards and the efficiency ratings 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 and unefficient 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.

### **Procedures**

6. Not applicable.

7. Limit on importation.

- (a) Application should be made by the importer before the importation of the goods. Certificate of Approval can be obtained within five (5) working days provided the relevant documents are in order.
- (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).

Electrical equipment tested under IEC or BS standard are subjected to additional test to include national deviation (e.g., voltage and frequency and type of plug used).



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) As stated in Regulations 97C, Electricity Regulations 1994, any person who manufactures or imports any equipment under Regulation 97 shall apply to be registered with the Energy Commission. The registration shall be done through e-DIK system at <http://edik.st.gov.my>. Only businesses or companies registered with Companies Commission of Malaysia (SSM) are eligible for the registration. Certificate of Registration (COR) will be issued and shall be valid for not less than one year and not exceeding five years from the date of issue or renewal. There is no registration fee for the time being.

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

#### **10. Application Procedure**

- (i) There are 34 categories of household electrical appliances that the ST regulates. (please refer to the Information Booklet on Approval of Electrical Equipment at <http://www.st.gov.my>). In order to import electrical appliances a company or local agent needs to register with Dagangnet (Please contact Dagangnet, careline No. 1-300-133-133, Fax No. 03-2713-2121, e-mail: [careline@dagangnet.com](mailto:careline@dagangnet.com)). Upon completion of registration and payment of fees, applicants can proceed to apply electronically. ST will issue a Certificate of Approval (CoA) if applications are in order (test report submitted, fees paid to ST, RM 30.00 for processing and RM 220.00 (Single phase)/RM330 (Three phase) for CoA). The required documents are as follows:
  - 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).
- (iii) Type Test Report  
The tests and certificates that are recognized by the commission are the ones issued by:

- (a) SIRIM QAS International Sdn. Bhd. (SIRIM) under Laboratory Accreditation Scheme of Malaysia (SAMM) by Department of Standards Malaysia (DSM);
- (b) Laboratories under SAMM by DSM recognised by Energy Commission;
- (c) Laboratories under the IECEE CB Scheme. The list of the laboratories is available from the website <http://www.cbscheme.org>. The CB test report needs to be accompanied by a CB test certificate;
- (d) 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 report needs to be accompanied with a conformation letter from the DSM;
- (e) Laboratories (in the scope of its accreditation) which are accredited by the accreditation body that have signed the International Laboratory Accreditation Cooperation (ILAC) MRA – <http://www.ilac.org>. The test report needs to be accompanied with a conformation letter from the DSM; or
- (f) Laboratories (in the scope of its accreditation) listed as Designated Testing Laboratory (DTL) under ASEAN Sectoral Mutual Recognition Agreement for Electrical and Electronic Equipment (ASEAN EEE MRA).

For items (c), (d), (e) and (f), 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. An annual fee of RM110.00 for single phase and RM220.00 for three phase products shall be paid upon approval of the Certificate of Approval (COA).

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. Renewal application shall be done through e-Permit system (<http://epermit.dagangnet.com>).

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.

Regulation 101(A)(3) – Any equipment that meets all the requirements of efficient use of electricity under sub regulation (1) shall be affixed with an efficiency rating label in such form and manners 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; and
- 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.
- 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; and

Three-phase product shall be rated/marked at 400V. If the product is rated with multiple 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:
  - MS2112-5 or BS EN 50525-2-11 or IEC 60227-5 (PVC insulated - flexible cables/cords); or
  - MS 140 or MS 2127-4 or IEC 60245-1 & 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
  - 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:

<b>No</b>	<b>Type of fans</b>	<b>Minimum Performance (m<sup>3</sup>/min/W)</b>	<b>Co-efficient (COP)</b>
1.	Ceiling Fan (1200 mm/48 inch – 1500 mm/60 inch)	2.58	
2.	Pedestal Fan (250 mm/10 inch – 400 mm/16 inch)	1.01	
3.	Table / Desk Fan (250 mm/10 inch – 400 mm/16 inch)	1.01	
4.	Wall Fan (250 mm/10 inch– 400 mm/16 inch)	1.01	
5.	Box Fan (250 mm/10 inch– 350 mm/14 inch)	0.5	

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

The test method used to determine COP is in accordance with MS 1220: 2010 or IEC 60879:1986 with modification.

- 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 that the secondary suspension system of the electric ceiling fan has adequate mechanical strength is in accordance with MS 1597: Part 2-80 or IEC 60335-2-80 with modification for ceiling fan only.

Minimum Energy Performance Standards also regulated to television, refrigerator, air conditioning, washing machine and lamps. The MEPS is set at 2 Stars and the details of each equipments' requirement are spell out in the Guide by the Commission.

- Components used for Fixed General Purpose Luminaries (MS IEC 60598-2-1 or IEC 60598-2-1) and Recessed Luminaries (MS IEC 60598-2-2 or 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 or IEC 60155
Starterholder	MS IEC 60400 or IEC 60400
Lampholders	MS IEC 60400 or IEC 60400
Capacitors	MS IEC 61048 or IEC 61048 & MS IEC 61049 or IEC 61049
Connecting devices	IEC 60998 (Series) or IEC 60998 (Series)

Conventional Ballast

**Safety test:**

- (a) MS IEC 61347-1 or IEC 61347-1
- (b) MS IEC 61347-2-8 or IEC 61347-2-8

**Performance test:**

MS IEC 141: Part 2 or IEC 60921 with modification

Note: Ballast Watt Loss shall not be more than 6W for all fluorescent lamps ballast.

Electronic Ballast

**Safety test:**

MS IEC 61347-1 or IEC 61347-1  
+ MS IEC 61347-2-3 or IEC 61347-2-3

**Performance test:**

MS IEC 60929 with MS IEC 61000-3-2  
Or IEC 60929 with IEC 61000-3-2

**Components**

Internal wiring

**Standards**

MS 2112-3 or IEC 60227-3, MS 2112-4 or IEC 60227-4

The insulating material of internal wiring must be capable of withstanding the maximum temperature to which it is subjected (heat resistance).

- Requirement for Importing.

- a) Imported regulated electrical equipment shall undergo Consignment Test conducted by SIRIM or participate in Product Certification Scheme (PCS) by SIRIM.

Electrical equipment which passes the Consignment Test shall be affixed with the labels issued by SIRIM.

Electrical equipment which fails the Consignment Test need to be sent to the country of origin or shall be destroyed.

Electrical equipment shall be constructed to be used with power supply cord and power plug which comply with Malaysia's requirements and standards.

- b) Importers of products such as television, refrigerator, domestic fan and air conditioner, must also affix the Energy Efficiency Label onto the products before it can be sold to the customer.

### Other procedural requirements

18. No.

19. Not applicable.

**15 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; BAULKS AND PILES OF BAKAU; SAWNTIMBER AND PLYWOOD, VENEERED PANELS AND SIMILAR LAMINATED WOOD; (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; sawntimber; and plywood, veneered panels and similar laminated wood to be further processed in the country (Peninsular Malaysia).

### Purposes and coverage of licensing

2. Timber and the timber products are subject to control under this Order are as listed under Item 2, Second Schedule, Part 1 of the Customs (Prohibition of Imports) Order 2017.

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 2017, 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; sawn timber and plywood including laminated veneer 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 Peninsular Malaysia.

### **Documentation 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 2(1), Second Schedule of the Order) application should apply to the Import/Export Committee of MTIB by filling the application form, 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 exporter;
  - name of buyers and premise for timber processing;
  - purpose of importation: to be processed for own use/for re-export/domestic trade;
  - country of origin of goods;
  - Copies of sales agreements/supply contracts made with overseas suppliers and certified by the Malaysian embassies in the respective countries (Thailand, Laos, Cambodia, Vietnam, Singapore, Papua New Guinea, Solomon Islands, Timor Leste) or the authorities/bodies/agencies recognized by the government of that country (Myanmar, the Philippines); and
  - Copy of Business Registration Certificate (Form D) under the Business Registration Act 1956 and Business Licence (Form B); or A copy of the Memorandum and Articles of Association, a copy of Form 24 (List of Shareholders) and a copy of Form 49 (List of Board of Directors). Under Company Act 2016, the company could submit (Register of Company) as supporting document.

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; and
  - import documents – original/copy Certificate of Origin/Form D from the valid exporting country, invoice, packing lists and bill of lading.
- (b) For permission to import poles & piles of Bakau, sawn timber and plywood, veneered panels and similar laminated (under Item 2(3) and (4), Second Schedule of the Order) application should apply to MTIB by filling the application form, including the provision of the following information:

- name and address of importer;
- port of entry;
- quantity to be imported;
- name of exporter;
- name of buyers;
- country of origin of goods; and
- Copy of Business Registration Certificate (Form D) under the Business Registration Act 1956 and Business Licence (Form B); or A copy of the Memorandum and Articles of Association, a copy of Form 24 (List of Shareholders) and a copy of Form 49 (List of Board of Directors). Under Company Act 2016, the company could submit (Register of Company) as supporting document.

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

- approval letter from MTIB;
- import form JK 69; and
- import documents - original Certificate of Origin/Form D from the valid exporting country, invoice, packing lists and bill of lading. For bakau, invoice/manifest/receipt payment/packing lists/other information from the country of export, if available.

11. Actual authorisation will be made by MTIB and Royal Customs Department of Malaysia on the JK 69. Import documents required during inspection are MTIB Approval Letter, original Certificate of Origin, invoice, packing list and Bill of Lading; and The Convention on International Trade in Endangered Species of Wild Fauna and Flora (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.(a) No.

(b) 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 II and III and the types of timber products are given in the respective Annotations.

Starting 1 July 2017, MTIB enforced the requirement for certifying on legality source on import of timber and timber products except bakau whereby any one of the documents are required to be presented during physical inspection besides other documents mentioned in item 10(a) (b) that is:

- a) Forest Law Enforcement, Governance and Trade (FLEGT) licence;
- b) Certificate of Timber Certification (FSC, PEFC, MTCS);
- c) Certificate of Voluntary Legality Scheme;
- d) Legality Document issued by recognised Agency/Body/Association related;
- e) Self-Declaration recognised by a Competent Third Party; or
- f) Copy of Customs Declaration from exporting country.

19. Not applicable.

## **16 IMPORTATION OF SUGAR (INCLUDING CANE AND BEET SUGAR, CHEMICALLY PURE SUCROSE, FRUCTOSE AND GLUCOSE), WHEAT FLOUR AND CEMENT - (MINISTRY OF DOMESTIC TRADE, AND CONSUMER AFFAIRS (MDTCA))**

### **16.1 Sugar (including cane and beet sugar, chemically pure sucrose, fructose and glucose)**

#### **Outline of system**

1. Importation of sugar (including cane and beet sugar, chemically pure sucrose, fructose and glucose) is subjected to import licensing administered by Ministry of Domestic Trade and Trade Consumer Affairs (MDTCA). The import licence for sugar was previously administered by MITI and the portfolio has been transferred to MDTCA on 2<sup>nd</sup> February 2015.

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

2. Licences are categorised into automatic import licensing:

##### Automatic Import licensing

Sugar is now subject to import licensing to be issued by MDTCA.

3. The system applies to import of listed goods originating from all countries.

4. Import licence is required for data collection and monitoring import.

5. The relevant laws are the Customs (Prohibition of Import) Order 2017 and Control Supply Act 1961. Import licences are issued under the Customs (Prohibition of Imports) Order 2017, 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. For refined sugar, importers are required to send a written application to the MDTCA together with the relevant supporting documents for consideration. The importers will be awarded with a letter of approval and shall be used as a supporting document for applying import licence through online-based system <http://www.dagangnet.com/> (e-Permit). For sugar other than refined sugar, application for import licence shall be made directly through online-based system <http://www.dagangnet.com/> (e-Permit).

- I. General information pertaining to the requirements of imports is published in the ministry's official website at <https://www.kpdnhep.gov.my/>.
- II. The importers may apply the permit at any time of the year and validity of the import permit is six (6) months from the approved date but should not exceed 31st December of the current year.
- III. Not applicable.
- IV. Not applicable.
- V. The letter of approval for refined sugar importation will be issued within seven (7) working days, while the import licence will be processed within seven (7) working days by MDTCA.
- VI. Applications for import permit can be made and approved well ahead of the actual date for importation.
- VII. MDTCA and Custom are the authorities for the application and approval of permits.



VIII. All genuine marketers 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) Applications should be made in advance before the arrival of goods. Licences will be issued the soonest in three (3) working days but usually takes seven (7) working days. Importation without import permits will not be allowed.

(b) No.

(c) There is no limitation on the period for a licence application.

(d) The importers only approach MDTCA to submit application.

8. Application for a licence may be refused based on the current policy. 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 The Domestic Trade, MDTCA.

#### **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 and all individuals, firms and institutions are eligible to apply.

(b) Not applicable.

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

10. Information required for the application of import licence:

- name and address of importer - name of company, type of business, product catalogue, ownership etc.;
- details of the requirement - quantity, why required, source of supply and etc.;
- categorization letter from customs;
- invoice from the supplier;
- organic certification letter from the supplier (if the product is organic); and
- other relevant supporting documents.

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

12. A fee of RM5.30 shall be charged for the issuance of an import permit not limited to the number of consignment.

13. No.

#### **Conditions of licensing**

14. An import licence is valid for six (6) months from the date of approval.

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

16. No.

17. Not applicable.

#### **Other procedural requirements**

18. Not applicable.

19. Not applicable.

## **16.2 Wheat Flour**

### **Outline of system**

1. The importation of wheat flour was previously administered by MITI through an import permit. However, starting from 1<sup>st</sup> September 2016, the import permits for wheat flour has been abolished the portfolio has then been transferred to Ministry of Domestic Trade and Consumer Affairs (MDTCA) and the importation of wheat flour is subjected to Certificate of Approval (COA) issued by SIRIM Qas International Sdn. Bhd. (SIRIM) to ensure the Malaysians Standards are adhered.

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

2. COA is required to ensure the imported wheat flour adhered to the mandatory Malaysian Standard (MS85). Wheat Flour is categorized into two categories as follows:

#### Edible wheat flour

Edible wheat flour is used for human consumption. There are eight (8) types of edible wheat flour that has to adhere to standards in MS85 which are:

- i. White flour;
- ii. High protein flour;
- iii. Wholemeal flour;
- iv. Self-raising flour;
- v. Enriched flour;
- vi. Protein-increased flour;
- vii. Atta flour; and
- viii. Chlorinated flour.

#### Industrial wheat flour

Wheat flour other than mentioned above and is used for industrial purposes such as animal feed and production of glue.

3. The system applies to import of listed goods originating from all countries.

4. It is to ensure all imported wheat flour adhered to the Malaysian Standards (MS85) and safe for consumption.

5. The relevant laws are the Customs (Prohibition of Import) Order 2016 and Control Supply Act 1961. Import licences are issued under the Customs (Prohibition of Imports) Order 2016, 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. The importation of edible wheat flour is subjected to application of Letter of Consent (LOA) from MDTCA and COA from SIRIM while importation of industrial wheat flour is only subjected to Letter of Consent from MDTCA. Companies intended to import edible wheat flours are required to submit a written application to MDTCA together with relevant supporting documents and after receiving Letter of Consent from the ministry, the letter shall be used as a supporting document for applying COA through online system called e-Permit.

- I. Information pertaining to the import procedures is available on the website of MDTCA at (<http://www.kpdnhep.gov.my>). Importers are well informed of the system and requirements of the licensing system. New applicants may also approach MDTCA for information on the licensing requirement.

- 
- II. COA is issued in respect of a consignment and importers are required to apply for new COA for every new consignment.
  - III. There is no special preference for domestic producers.
  - IV. Applications for COA can be made at any time of the year.
  - V. LOA for wheat flour importation will be issued within fourteen (14) working days while COA will be processed within three to ten (3-10) working days depending on the type of flour and test applied.
  - VI. Applications for LOA and COA can be made and approved well ahead of the actual date for importation.
  - VII. MDTCA and SIRIM are the authorities for the application and approval of LOA and COA, respectively.
  - VIII. All genuine marketers of wheat flour 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) Applications should be made in advance before the arrival of goods. LOA will be issued the soonest in seven (7) working days but usually takes fourteen (14) working days while COA will be issued within three to ten (3-10) working days subject to the type of test conducted. Importation without COA will not be allowed.
- (b) No.
  - (c) There is no limitation on the period for a licence application.
  - (d) The importer has to approach MDTCA for LOA application and later apply for COA via online system e-Permit.
8. None, however appeal can be made to MDTCA and consideration for appeal is on case to case basis.

#### **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.

#### **Documentation 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, address of company;
  - details of the requirement - quantity, why required, source of supply; port of arrival;
  - categorization letter from customs; and
  - Invoice/ Purchase order of the said product.
11. For actual importation, importers may be required to submit Bill of Lading/Airway Bill and, or invoice together with the COA and Customs Declaration.
12. The processing and COA issuance fees is RM200, and the verification and sampling fees (excluding incidental cost) is RM500. Testing fees vary from RM500 to RM1,500 depending on the type of flour and test applied.

13. No.

### Conditions of licensing

14. A COA issued for shipment via sea/air using Method 1 and Method 2 is valid for one (1) month, and for consignment by road using Method 1 is 2 weeks. COA issued for shipment via sea/air and by road using Method 3 is valid for one (1) month. The validity period of COA cannot be extended.

15. There is no penalty for non-utilization of a COA.

16. No.

17. Not applicable.

### Other procedural requirements

18. Not applicable.

19. Not applicable.

## 16.3 Cement

### Outline of system

1. Starting 1<sup>st</sup> June 2017, the Ministry of Domestic Trade and Consumer Affairs (MDTCA) is the agency responsible for the cement import policy in Malaysia. The importation of cement is subjected to Certificate of Approval (COA) issued by Construction Industry Development Board (CIDB), an agency responsible for ensuring the Malaysian Standards are adhered to through the issuance of COA.

### Purpose and coverage of licensing

2. This system is to ensure all relevant cement products complied to the mandatory Malaysian Standard regulatory before importing can be carried out.

3. The system applies to import of listed goods originating from all countries.

4. It is to ensure all imported cement products adhered to the Malaysian Standards and safe for usage.

5. The relevant laws are the Customs (Prohibition of Import) Order 2004 and Control Supply Act 1961. Import licences are issued under the Customs (Prohibition of Imports) Order 2004, 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. Importers must first apply for No Objection Letter (NOL) from MDTCA, which shall then be used for COA application from CIDB. NOL will be issued the soonest in seven (7) working days but usually takes fourteen (14) working days while COA will be issued within three (3) working days after product verification at port of entry. The product should comply with required standard before verification. Importation without COA will not be allowed.

(b) No.

(c) There is no limitation on the period for a COA application.

- (d) The importer have to approach MDTCA for NOL application by submitting written application together with supporting documents and later apply for COA via online system e-Permit.

8. None, however appeal can be made to CIDB and consideration for appeal is on case to case basis.

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

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

#### **Documentation 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, address of company;
- details of the requirement - quantity, why required, source of supply; port of arrival;
- categorization letter from customs; and
- Invoice/ Purchase order of the said product.

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

12. Fee varies according to the type of imported cement products and type of test conducted. Importers can request for a full quotation from CIDB prior to the test.

13. No.

#### **Conditions of licensing**

14. COA is issued based on the test result. A full type test result (FTTR) is valid for valid for three (3) months subject to no change of mill and subsequent shipment only requires critical tests to be conducted. However, for every shipment, a new COA is required and the test to be conducted depends whether a FTTR is still valid or not. The validity period cannot be extended.

15. There is no penalty for non-utilization of a COA.

16. No.

17. Not applicable.

#### **Other procedural requirements**

18. Not applicable.

19. Not applicable.

### **17 WASTE, PARINGS AND SCRAP OF PLASTICS - (DEPARTMENT OF NATIONAL SOLID WASTE MANAGEMENT (NSWMD))**

#### **Outline of system**

1. Importation of waste, parings and scrap of plastics is under the Customs (Prohibition of Imports) Order 2017, where an import licence issued by NSWMD.

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

2. The import permit covers all categories of plastics scrap under H.S. Code 3915.

3. The import permit apply to all waste, paring and scrap of plastics imported from all countries.

4. There are no restrictions to the quantity or value of import. The import permit issued to importers based on their plant capacity.

5. Import Licence issued under the Customs (Prohibition of Imports) Order 2017, 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 of import licence should be made in advance before shipments/arrival of goods. Goods arriving at the port without a licence are against Customs (Prohibition of Imports) Order 2017.

(b) The import licence will be processed within seven (7) working days after the date of application.

(c) No. There is no limitation.

(d) The issuance of import licence is administrated by NSWMD but the required supporting documents are needed from the Department of Environment and respective Local Authorities.

8. Application for a licence may be refused if there is a contravention of any requirements and regulations of Customs Act such as false declaration of goods. Yes, reasons will be given to the applicant. In the event a licence is being refused the applicant has the right to appeal to NSWMD.

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

9. Yes, all persons, firms or institutions are eligible to apply for licences provided they own and operate the processing plant and registered with Companies Commission of Malaysia (SSM).

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

10. Application for an import permit to import waste, parings and scrap into Malaysia must be made through the online permit system (e-Permit). Information required in the application for import licence 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 required during the application are as below:

- Actual photos of imported goods;
- Plant/Factory Compliance letter by Department of Environment;
- Invoice from exporter/supplier;
- Exporter's approval letter by NSWMD;
- ISO 14001 certification from Exporter/supplier; and
- Business Licence by respective local authority.

11. Approved import licence by NSWMD.

12. Yes. Importers are subject to service provider charge for e-Permit usage. Currently, there is no charge for import licence under NSWMD.

13. No.

### **Conditions of licensing**

14. The import licence is given for each consignment with validity period of six (6) months. Importers are required to apply a new import licence for every consignment.

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

16. No.

17.(a) Not applicable.

(b) No.

### **Other procedural requirements**

18. No.

19. Not applicable.

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