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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES

MALAYSIA

The following communication, dated 16 October 2013, 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/7 has not been modified and remains valid for 2012, except for the changes to which this document refers to.

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

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

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1 PRODUCTS SUBJECT TO IMPORT LICENSING UNDER THE CUSTOMS (PROHIBITION OF IMPORTS) ORDER 2008 - (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

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

Non-automatic Import licensing

Special purpose motor vehicles, other than those principally designed for the transport of persons or goods excluding fire fighting vehicles (for example breakdown lorries, crane lorries, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops and mobile radiological units), passenger and commercial vehicles, motorcycles, batik sarong, plastic wastes, chemicals listed under the Chemical Weapons Convention (CWC) Act 2005, Chloro Fluoro Carbon (CFC).

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 2008, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import licensing are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

Procedures

6. Not applicable.
- 7.(a) Applications should be made in advance before the arrival of goods. Yes, licences can be obtained immediately but only under exceptional circumstances.
- (b) Yes.
- (c) No.
- (d) Yes, MITI is the single administrative organ. However, the import of chemicals listed under the Chemical Weapons Convention (CWC) Act 2005 and plastic wastes require written approval from the National Authority under the Ministry of Foreign Affairs and the Department of Environment respectively.
8. Application for a licence may be refused if there is a contravention of any requirements from any other local authorities. Yes, reasons will be given to the applicant. In the event a licence is being refused the applicant has the right to appeal to the Director of Import and Export Control Section, Ministry of International Trade & Industry.

Eligibility of importers to apply for licence

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

Documentational and other requirements for application for licence

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

- name and address of importer;
- name and address of supplier;
- description of goods;
- value and quantity;
- customs tariff code;
- country of origin; and
- port of entry.

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

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

12. No.

13. No.

Conditions of licensing

14. The validity period of an import licence varies between three (3) to six (6) months. Licences can be extended for another three (3) to six (6) months.

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

16. Licences are not transferable.

17.(a) Not applicable.

- (b) For chemicals listed under the Chemical Weapons Convention (CWC) Act 2005, written approval from the National Authority under the Ministry of Foreign Affairs is required. Importation of plastic wastes is only for manufacturers undertaking plastic recycling activities approved by the Department of Environment.

Other procedural requirements

18. No.

19. Not applicable.

2 FISH AND FISH PRODUCTS - (FISHERIES DEVELOPMENT AUTHORITY OF MALAYSIA AND DEPARTMENT OF FISHERIES MALAYSIA)

2.1 Fisheries Act 1985

Outline of system

1.
 - (i) Importation of live fish to Malaysia is subject to import permits administered by the Malaysian Quarantine and Inspection Services (MAQIS) and Health Certification administered by the Department of Fisheries Malaysia.
 - (ii) Certain species of fish (Serrasalmus, Pygopristis, Colosomma/Piaractus, Mylossoma, Mylopus/Myleus, Pristobrycon, Myletes, Salmo, Onchorynchus, Cichla, Esox, Cichlasoma, Acipenser, Arapaima, Lepisosteus and Cherax destructor) are strictly prohibited from being imported to the country except with written permission from the Director General of Fisheries. Aquaculture Directive, a form of administrative order is issued by the Director General of Fisheries from time to time informing new measures including import restrictions.
 - (iii) Fisheries Act 1985 (Act 317) and Fisheries (Prohibition of Import, Etc, of Fish) Regulations 1990 and Fisheries (Prohibition of Import, Etc, of Fish) (Amendment) Regulations 2011 are laws relating to fisheries, including the conservation, management and development of maritime and estuarine fishing and fisheries in Malaysian fisheries waters, turtles and riverine fishing in Malaysia, and matters connected therewith or incidental thereto.
 - (iv) The Fisheries (Prohibition of Import, Etc, of Fish) Regulations 1990 were made pursuant to the exercise of the powers conferred by Section 61 of the Fisheries Act 1985 which stipulates the requirements, which must be met for the entry of live fish into Malaysia.
 - (v) "Fish" means 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.
 - (vi) Malaysia has notified the WTO through the Committee on Sanitary and Phytosanitary Measures via notifications with regard to the new conditions on importation of live fish into Malaysia. The notification is as follows: G/SPS/N/MYS/26/Add. 2 dated 14/8/2012.

Purposes and coverage of licensing

2. The importation of live fish to Malaysia is subject to:
 - (i) Import Permit from MAQIS and Health Certification from Competent Authority of the exporting country for all live fish imported;
 - (ii) Written Permission by the Director General of Fisheries for importation of prohibited species as listed under the Fisheries (Prohibition of Import, Etc, of Fish) Regulations 1990 and Fisheries (Prohibition of Import, Etc, of Fish) (Amendment) Regulations 2011; and
 - (iii) Import Licence from the Fisheries Development Authority of Malaysia (LKIM).
3. The Regulations apply to live fish imported from all countries.
4. Issuance of permit does not restrict the quantity or value. No other method of accomplishing the purpose has been considered because the present licensing system is found to be effective to control the import activity of the goods.

5. (i) The issuance of the Import Permits, Written Permission and Import License are governed under the Laws and Regulations of Malaysia as follows:
- (a) Section 40 (i) and (ii) Fisheries Act 1985: Import permits of live fish.
 - (b) Regulation 2 of Fisheries (Prohibition of Imports, Etc, of Fish) Regulations 1990 - Written Permission for Importation of Prohibited species; and
 - (c) Order 11 of the Customs (Prohibition of Imports) Order 2008.
- (ii) Obtaining permits is a statutory requirement;
- (iii) No.

Procedures

6. Not applicable.
- 7.(a) Yes. Applications should be made well in advance to allow time for any necessary checks on the details supplied.
- (b) Yes. Permits can be issued immediately.
- (c) Permits may be issued in any period of the year.
- (d) There are three (3) administrative organs:
- 1. Malaysian Quarantine and Inspection Services (MAQIS)(Permit)
 - 2. Department of Fisheries (Health Certification)
 - 3. Fisheries Development Authority (LKIM)(Licence)
 - 4. Royal Malaysian Customs (Declaration and taxes)
8. Other than standard criteria, an application for a permit may be refused if there is a contravention of any requirements of any local authorities. Reason for refusal will normally be provided. The applicant has the right to appeal, either to the authority or finally to the relevant Minister.

Eligibility of importers to apply for permit

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

Documentational and other requirements for applications for permit

10. - Name and address of importer;
- Name and address of exporter;
- Name and address of forwarding agent;
- Description of goods, destination, value and quantity;
- Mode of transportation; and
- Port of entry.
11. Exporting country Health Certificate, Certificate of Origin for CITES and CITES Import Permit (if required).
12. No. Only for CITES permit, RM50.00 will be charged.
13. Starting 2009, Malaysian Quarantine and Inspection Services (MAQIS) has taken over the e-Permit System from the Department of Fisheries Malaysia, where application of import and export of live fish is done electronically. With this system, all shipping agents, importers and exporters are required to be registered first with the Department of Fisheries and Dagang Net (service provider). This system allows interfacing with the Royal Customs Department of Malaysia system and upon meeting those requirements, approval will be granted electronically. The system

is temporarily unavailable for Sabah and Sarawak. The system can be accessed at <http://epermit.dagangnet.com/epermit.jsp>.

Conditions of licensing

14. The import permit is valid for one (1) day and cannot be extended.

15. No.

16. Permits are not transferable.

17.(a)No.

(b) Not applicable.

Other Procedural Requirements

18. Importers of live fish are advised to familiarise themselves with the requirements of the Food Act 1983 and the Food Regulations 1985 enforced by the Ministry of Health of Malaysia, and Fish Marketing Regulations 1973 made under Section 4(2) and Section 23 of the Lembaga Kemajuan Ikan Malaysia (Fisheries Development Authority of Malaysia) Act 1971.

19. Not applicable.

3 PLANT AND PLANTING MATERIALS - (DEPARTMENT OF AGRICULTURE)

Outline of systems

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

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

Purpose and coverage of licensing

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

- plant (except any plant imported for consumption, medicinal, processing or manufacturing purposes; any processed plants; any plant or parts of plant used as packaging or packing materials; and any garbage, dunnage and pallet);
- fresh flowers and leaves, dried flowers and leaves, herbarium;
- growing media or any rooting compost;
- organic fertilizers;
- soil;
- living or dead organisms including non pathogenic micro-organisms;
- mangoes;
- rose apple;
- packing materials originated from jute and bamboo;
- products and plants of palmae family;
- logs, lumber and other wood article; and
- logs and lumber of any species of plants from countries endemic to South American Leaf Blight, African Cocoa Region and countries endemic to disease of plants of Palmae.

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

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

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

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

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

4. The Plant Quarantine Act 1976 and Plant Quarantine Regulations 1981 seek to protect the Malaysian agriculture industry and environment from pests, diseases and invasive alien species by controlling or restricting the importation of plants which are host of quarantine pests and disease.

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

Procedures

6. Not applicable.

7.(a) Application should be made one month before the arrival of the goods to allow time for any necessary checks regarding information on the goods to be imported. This will also allow the importer to send a copy of the import permit to the country of export for necessary arrangement by the exporter and the Quarantine Authority according to the conditions attached to the permit. Import permits can be obtained through online application (E-Permit: <http://epermit.dagangnet.com/epermit.jsp>) within five (5) working days after the date of application, provided that the goods have not arrived at the point of entry. No import permit will be issued for goods which have already arrived at the point of entry.

(b) It will not be possible to issue import permit immediately on request for any agriculture consignment.

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

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

8. Other than the standard criteria, application for an import permit may be refused at the discretion of the Director General of Agriculture for Peninsular Malaysia and Federal Territory of Labuan, Director of Agriculture for Sabah or Director of Agriculture for Sarawak. Reasons for

refusal will normally be provided. The applicant however, has the right to appeal either to Director General of Agriculture for Peninsular Malaysia and Federal Territory of Labuan, Director of Agriculture for Sabah or Director of Agriculture for Sarawak.

Eligibility of importers to apply for import permit

9.(a) Not applicable.

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

Documentational and other requirements for application for import permit

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

- For Peninsular Malaysia:
Crop Protection and Plant Quarantine Division
Department of Agriculture
Levels 1 – 3, Wisma Tani Kuala Lumpur,
Jalan Sultan Salahuddin,
50632 Kuala Lumpur
Malaysia
- For Sabah:
Enforcement and Crop Protection Section
Department of Agriculture Sabah
Wisma Pertanian Sabah
Locked Bag 2050
88632 Kota Kinabalu
Sabah, Malaysia
- For Sarawak:
Plant Protection and Quarantine Branch
Department of Agriculture Sarawak
Annex Complex, Jalan Kumpang,
93200 Kuching
Sarawak, Malaysia

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

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

All log, 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 periods of quarantine containment or treatment, e.g. spraying, fumigating, cleaning, to eliminate the risk of entry of pests, disease etc. into Malaysia, the importer will be required to bear the costs of such action. Specific details of charges may be obtained on enquires directed to the appropriate permit issuing authority.

13. No.

Conditions of licensing

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

15. No.

16. No.

17. Conditions may be imposed on the permit regarding:

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

Other procedural requirements

18. No.

19. Not applicable.

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

Outline of system

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

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

Purposes and coverage of licensing

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

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

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

5. The control on importation of the specified goods is a statutory requirement under Section 12 and 17 of the Atomic Energy Licensing Act 1984.

Procedures

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

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

- (b) Approvals cannot be issued immediately as importers must obtain a licence from the Licensing Division of the Atomic Energy Licensing Board in order to be granted an approval to import.
- (c) Approvals may be issued in any period of the year.
- (d) Importers must obtain a licence from the Atomic Energy Licensing Board before applications to import radioactive materials or irradiating apparatus is considered. Approval to import is issued by the Licensing Division of the Atomic Energy Licensing Board.

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

Eligibility of importers to apply for licence

- 9.(a) Not applicable.
- (b) All persons (any individual, partnership, private or public body) are eligible to apply for permission to import after obtaining a licence for such activities from Atomic Energy Licensing Board.

Documentational and other requirements for application for licence e-permit

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

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

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

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

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

12. A deposit of RM15 is required upon each license application. The licensee will be charged a licence fee upon acquiring the licence. For users, the sum will depend on the quantity of radioactive material/irradiating apparatus and the purpose of that specified material. For traders, a fixed sum of RM200 will be required upon the issuance of a licence. For the e-Permit System, the licensee will be charged approximately RM 35 per successful permit.

13. No.

Conditions of licensing

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

15. No.

16. No.

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

Other procedural requirements

18. No.

19. No.

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

Outline of system

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

Purpose and coverage of licensing

2. The Animal Act 1953 (Reviewed 2006), Animal Importation Order 1962 and Animal Rules 1962 apply to all live animals, animal products and animal by-products including biologics of animal origin. The Department of Veterinary Services of Malaysia is the sole authority for the implementation of the statutory requirements under these legislations.

3. The system applies to all animals and animal products from all countries.

4. The Animal Act 1953 (Revised 2006), Animal Importation Order 1962, Animal Rules 1962, Customs Act 1967 (Act 2350 Subsection 31(1) and Customs Prohibition of Exports (Order 2008) are intended to regulate the import and export of all animals and animal products within the context of the sanitary requirements, including the protection of animal life and health and the protection of human health.

5. Licensing is a statutory requirement under the Animal Act 1953 (Reviewed 2006) for the control of importation of all animals and animal products to meet SPS requirements.

The legislations do not allow for administrative discretion regarding the designation of animal and products that are subjected to licensing.

Procedures

6. Not applicable.

7.(a) Application for an import licence should be made well in advance before the importation of the goods. This is to allow time to check and verify the information supplied in the importation documents as well as for the processing and issuance of the licence.

(b) Yes, for valid and specific reasons, subject to compliance to the import regulations.

- (c) No, there is no limitation in respect to the period during which applications for licences and importation can be made. Importation may be made at any period of the year.
- (d) Applications for licences to import animals or animal products into Malaysia involve a single administrative body, the Department of Veterinary Services (DVS), which serves as a "one-stop agency". However, in the case of wildlife or products thereof, written permission should also be obtained from the Wildlife Department and are in particular subjected to CITES regulations in relation to conservation of endangered species of wild fauna and flora.

8. Application for a license may be refused if there is non-compliance to any of our SPS or Halal (except pork products) requirement. The reasons will be informed to the applicant. The applicant may appeal to the Director General of Veterinary Service.

Eligibility of importers to apply for licence

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

Documentational and other requirements for application for licence

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

11. Types of documents required upon actual importation are:

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

In case of wildlife animals:
(Refer also to the Department of Wildlife Protection and National Parks.)
- (ii) For importation of animal products (meat and meat products of beef, mutton, venison or poultry):
 - Import permit; and
 - Veterinary Certificate/Meat Inspection Certificate and Halal Certificate.
- (iii) For importation of animal products (pork and pork products)
 - Import permit; and
 - Veterinary Certificate/Meat Inspection Certificate.

12. Import fees are as follows:

- (i) For a licence to import cattle - RM5.00 per head;
- (ii) For a licence to import sheep, goats or pigs - RM3.00 per head;
- (iii) For a licence to import horse - RM10.00 per head;
- (iv) For a licence to import monkeys - RM2.00 per head;
- (v) For a licence to import dogs or cats - RM5.00 per head;
- (vi) For a licence to import any animal other than those specified above - RM3.00 per head;
- (vii) For a licence to import birds - RM0.10 per bird (Except day old chicks F.O.C);
- (viii) For a permit to import eggs - RM2.00 per permit;
- (ix) For a permit to import animal carcasses and products thereof - RM3.00 per cwt;
- (x) For a permit to import poultry carcasses and products thereof - RM6.00 per head; and
- (xi) For a permit to import bones, hides, skins, bone, blood or meat meal, fertilizer, tallow, semen, sera, vaccine, skimmed milk powder or any product of animal or bird - RM3.00 per licence.

13. No.

Conditions of licensing

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

15. No.

16. No.

17. No.

Other procedural requirements

18. No.

19. Not applicable.

6 IMPORTATION OF PESTICIDES FOR SALE - (PESTICIDES BOARD OF MALAYSIA)

Outline of system

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

Any person who intends to import a pesticide for sale must ensure that such pesticides has a valid registration and has the relevant certificate of registration from the Pesticides Board of Malaysia.

The importer of the pesticide must, at the point of import, provide the Royal Customs Department of Malaysia with a certified copy of the valid registration certification of the pesticide as provided for under the Customs (Prohibition of Imports) Order 2008.

Purpose and coverage of import permit

2. All pesticides as defined under the Act, that are imported or manufactured for sale, has to be registered with the Pesticides Board prior to import or manufacture.

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 before it is imported or manufactured is mandatory under the Pesticides Act 1974.

Procedures

6. Not applicable.

7.(a) The minimum time required for processing an application for an import permit is 5 days. On a case by case basis, a shorter application time can be met if the pesticides registration is valid and the source of the goods has already been approved by the Pesticides Board. Goods arriving at the port without a registration would not be permitted to enter the country.

(b) A certificate of registration cannot be granted immediately, thus no import permit can be issued for an unregistered product.

(c) An application for import can be done in any period of the year.

- (d) Consideration for import of pesticides is effected by only one administrative organ, i.e. Pesticides Board. The importer does not have to approach other administrative organs.

8. Applications to register a pesticide, which consequently allows for consideration of an import permit, are rejected if 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 given the reasons why their applications for registration 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 issued. Products registered by the Board including the names of companies registering the products are published in the Government Gazette on a monthly basis.

Documentational and other requirements for application for licence

10. No change.

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

13. Not applicable.

Conditions of licensing

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

15. No.

16. No.

17.(a) Not applicable.

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

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

19. Not applicable.

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

Outline of system

1. The import licence is issued by the Director General for the Control of Padi and Rice under the Control of Padi and Rice (Licensing of Importers and Exporters) Regulations 1994, which is made in exercise of the powers conferred by section 29 of the Control of Padi and Rice Act 1994.

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 Act 522 Control of Padi and Rice Act 1994.

6. Not applicable.

7.(a) There is no specific period.

(b) Yes, a licence can be granted upon request.

(c) The application can be made throughout the year.

(d) The application for a licence is effected by a single organ.

8. Incomplete applications will be rejected. The application for an appeal can be made through the Rice and Paddy Industry Division, Ministry of Agriculture and Agro-Based Industry.

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

Documentational and other requirements for application for licence

10. The information required in an application is as follows:

- (a) Details of consignor and consignee;
- (b) Name and address of applicant;
- (c) Goods Code numbers
- (d) Description of items/goods
- (e) Quantity of goods and price;
- (f) Exporting country;
- (g) Port/place of discharge;
- (h) Mode of transport; and
- (i) Name of declarant/IC number/status/signature.

11. Documents required upon actual importation are:

- Approval Permit (AP);
- Customs Form (JK 69);
- Custom Declaration Form (K1);
- Bill of Lading (BL);
- Invoice; and
- Phytho Certificate.

12. RM 200.00 per year per license (wholesale licence, import license and export license).

13. Not applicable.

Conditions of licensing

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

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

16. A licence is not transferable.

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

Other procedural requirements

18. None.

19. Not applicable.

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

Outline of system

1. The import licence is issued under the Customs (Prohibited of Imports) Order 2008. The Director General of the Royal Customs Department of Malaysia authorises the Federal Agricultural Marketing Authority (FAMA), on the issuance of an import licence for the importation of round cabbages and un-roasted coffee beans.

Purposes and coverage of licensing

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

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

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

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

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

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

Procedures

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

I. Information pertaining to the licensing requirements is available on the website of FAMA (<http://www.fama.gov.my>). Importers are well informed of the system and requirements

of the licensing system. New applicants may also approach FAMA for information on the licensing requirement.

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

Eligibility of importers to apply for licence

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

(b) Not applicable.

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

Documentational and other requirements for application for licence

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

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

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

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

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

Conditions of licensing

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

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

16. Licences are non-transferable.

17. Generally all cabbages imported are required to be labelled (FAMA's label) and the weight of each package can be either 10 or 20 kg net each only. One permit can be used for only one consignment (whether fully used or not).

Other procedural requirements

18. All importations shall fulfil the Federal Agricultural Marketing Authority (Grading, Packaging and Labelling of Agricultural Produce) Regulations. The regulations are expected to be enforced beginning July 2011. Importers of round cabbages and raw coffee beans should familiarise themselves with the requirement of the Food Act 1983 and the Food Regulations 1985 enforced by the Ministry of Health Malaysia also the Plant Quarantine Act 1976 and Plant Quarantine Regulations 1981 enforced by Agriculture Department, Malaysia.

19. There is no problem in obtaining foreign exchange with or without a licence.

9 ELECTRICAL EQUIPMENT – (MINISTRY OF ENERGY, GREEN TECHNOLOGY AND WATER)

Outline of system

1. The Energy Commission under the Ministry of Energy, Green Technology and Water is responsible for the issuance of a Certificate of Approval for the manufacture, import, display, sale or advertisement of any domestic electrical equipment, any electrical equipment which is usually

sold direct to the public or any electrical equipment which does not require special skills in its operation.

Purposes and coverage of licensing

2. The electrical equipment which requires a Certificate of Approval before importation is prescribed in Regulation 97, Electricity Regulations 1994 which states:

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

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

3. These Regulations are applicable to the importation of electrical equipment from all countries.

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

5. The control on importation of these categories of electrical equipment is a statutory requirement under the Electricity Supply Act 1990.

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

Documentational and other requirements for application for licence

10. Application Procedure

- (i) There are 31 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. 1-00-133-133, Fax No. 03-2713-2990, e-mail: 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 20.00 for processing and RM 200.00 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 Berhad (SIRIM) or laboratories under Laboratory Accreditation Scheme of Malaysia (SAMM) by Department of Standard Malaysia (DSM); or
 - (b) Laboratory under the IECEE CB Scheme. The list of the laboratory is available from their website <http://www.cbscheme.org>. The CB test report need to be accompanied by the CB test certificate; or
 - (c) Laboratories (in the scope of its' accreditation) which are accredited by the accreditation body that have signed the Asia Pacific Laboratory Accreditation Cooperation (APLAC) MRA – <http://www.aplac.org>. The test reports need to be accompanied with conformation letter from Department of Standard Malaysia; or
 - (d) Laboratories (in the scope of its accreditation) listed as Designated Testing Laboratory under ASEAN Sectoral Mutual Recognition Agreement for Electrical and Electronic Equipment;

For items (b), (c) and (d), testing should include the national deviation in Malaysia. Failing which, additional tests need to be carried out by SIRIM; for example, to test

voltage rating at 230 V (+ 10% - 6 %) for single phase or at 400 V (+ 10% - 6 %) for three phase and the frequency at 50 Hz.;

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

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

12. An annual fee of RM100.00 for single phase and RM200.00 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. The request can be made in writing by submitting a photocopy of the previous certificate of approval.

15. No.

16. Please refer to the following Electricity Regulations 1994:

Regulation 107

- (1) No certificate of approval issued under Regulation 97 shall be transferred by the holder of the Certificate to any other person except with the written permission of the Commission.
- (2) The holder of a Certificate of Approval issued under Regulation 97 shall obtain approval from the Commission in writing for any change of name or address in connection with the business and the certificate shall be amended or replaced without payment of any fee.

17.(a) Not applicable.

(b) Conditions may be imposed on:

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

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

- Nominal Voltages and Frequency:

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

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

(1) Voltage

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

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

(2) Frequency

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

- Power supply cord and mains plug requirements:

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

- The power supply cord shall be certified to MS 140 or BS 6500 or IEC 60227-5 (PVC insulated - flexible cables/cords) or IEC 60245-4 (Rubber insulated - flexible cables/cords).
- The main plug to be used in Malaysia shall be as follows:
 - 13A, fused plugs complying to MS 589: Part 1 or BS 1363: Part 1;
 - 15A, plugs complying to MS 1577 or BS 546;
 - 2.5A, 250V, flat non-rewireable two-pole plugs with cord for the connection of class II equipment complying to MS 1578 or BS EN 50075.
- Class 0 and Class 01 appliances as defined in MS IEC 60335 series or IEC 60335 series are not allowed to be used in Malaysia.
- Regulated minimum energy efficiency standards for electrical fans namely ceiling fans, wall fans, table fans, pedestal fans and box fans, are as follows:

No	Type of fans	<u>Minimum Co-efficient Performance (COP)</u> <u>(m³/min/W)</u>
1.	Ceiling Fan (1200 mm/48 inch – 1500 mm/60 inch)	2.5
2.	Pedestal Fan (250 mm/10 inch – 400 mm/16 inch)	1.0
3.	Table / Desk Fan (250 mm/10 inch – 400 mm/16 inch)	1.0
4.	Wall Fan (250 mm/10 inch– 400 mm/16 inch)	1.0
5.	Box Fan (250 mm/10 inch– 350 mm/14 inch)	0.5

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

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

- Suspension System for Electric Ceiling Fans.

Electric ceiling fans must be provided with a special wire as a secondary suspension system. The test method used to check compliance that the secondary suspension system of the electric ceiling fan has adequate mechanical strength is in accordance with MS 1219: Part 2: 2002.

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

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

- Requirement for Importing.

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

Other procedural requirements

18. No.

19. Not applicable.

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. To control smuggling of intoxicating liquor, tobacco and denatured spirit into Malaysia.

3. The system applies to all countries.

4. No. Licensing is not intended to restrict quantity or value of imports. No other methods of accomplishing the purpose has been considered because the present licensing system is found to be effective enough to control the import activity of the goods in order to prevent smuggling.

5.(a) The control on the importation of liquor, tobacco and denatured spirit are statutory requirements under the Customs Regulations 1977.

(b) Not subject to administrative discretion.

The legislation does not allow for administrative discretion regarding importation of liquor, tobacco and denatured spirit subject to import controls.

Procedures

6. Not applicable.

7.(a) Application should be made well in advance before the goods are imported. Application for a license cannot be obtained within a shorter time-limit.

(b) No.

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

(d) Yes. The application for licence to import liquor, tobacco and denatured spirit only involve the Royal Customs Department of Malaysia.

8. Black listed (those who have committed offences under the law and regulation) applicants may not be considered. Reasons for refusal will normally be informed. Unsuccessful applicants may submit appeal to the Minister of Finance for consideration.

Eligibility of Importers to Apply for Licences

9.(a) Not applicable.

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

Documentational and Other Requirements for Application for Licence

10. New application for cigarette only to be made in writing to the Director General of Customs. Others i.e. new application / renewal of licence for liquor, tobacco and denatured spirit, and renewal of licence for cigarette is to be made in writing to the State Director of Customs. Information required depends on the type of goods to be imported:

(i) Liquor and denatured spirit - information required include brand, country of origin, point of entry, date of import, applicant's name, mailing and premise addresses.

(ii) Cigarette and Tobacco – The applicant is required to submit documents to show status of the company, agency appointment, paid up capital, applicant's name, mailing and premise addresses.

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

12. Yes. The fee for any such licence shall be RM10.00 for each calendar month or part thereof or RM48.00 for six months or RM96.00 for 12 months.

13. No deposit required.

Conditions of licensing

14. Such licence shall be for any period not exceeding one year but shall expire not later than 31 December following the date of issue. Yes. Renewal is permitted.
15. No penalty.
16. Non-transferable.
- 17.(a)None.
- (b) Yes, conditions include the licence being not transferable, specific point of entry, storage facilities and stock records to be maintained. All importers shall comply with the health warning on cigarette packaging:
- (i) On each packet of cigarette there shall be printed a health warning consisting of any one of the set texts and images.
 - (ii) The set texts and images shall be printed with forty per cent coverage area to be positioned from the top on the front panel and with sixty per cent coverage area to be positioned from the top on the back panel.
 - (iii) The images shall be printed with resolution not less than 300 dpi ("dpi" or "dot per inch" means the degree of resolution of printing images expressed in terms of number of printed dots per linear inch).
 - (iv) The set texts and images shall be printed using not less than four colour printing.
 - (v) The set texts shall be printed, in lettering of Arial of 10 points for each packet, in pure white on a Matt Black background, except the words "AMARAN" and "WARNING" which shall be printed, in bold-faced lettering of Arial of 12 points for each packet, in yellow on a Matt Black background.
 - (vi) Each packet of cigarette shall have printed health information, sale restriction, name of manufacture/importers and date of manufacturing on the front/back panel.

Other Procedural Requirements

- 18(a) On each packet of cigarette there shall be affixed a tax stamp as approved by the Director General of Customs.
- (b) The tax stamp shall not visually obstruct the health warning and health information.
19. Not applicable.

11 TELECOMMUNICATION APPARATUS - (SIRIM QAS INTERNATIONAL)

Outline of System

1. The Customs (Prohibition of Imports) Order 2008 regulates amongst others the importation of telecommunication products into Malaysia. This Order is enforced by the Royal Customs Department with the condition that electronically online approvals are obtained from SIRIM QAS International Sdn Bhd, the registered certifying agency appointed by the Malaysian Communications and Multimedia Commission. The products need to be certified (type approved) by Malaysian Communications and Multimedia Commission (MCMC) or SIRIM QAS International Sdn Bhd before the approval for import licence is granted.

Purposes and Coverage of Licensing

2. The licensing system is based on Customs (Prohibition of Imports) Order 2008. Products covered include:

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

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

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

5. Import licences are issued under the Customs (Prohibition of Imports) Order 2008, 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) For registered applicant, approvals can be approved within minutes electronically. For unregistered applicant, licence can be approved in writing to SIRIM QAS International Sdn. Bhd. for goods already arriving at the port. SIRIM QAS International Sdn Bhd will register electronically on behalf of the applicant and the process will take a day. Approvals will only be given if the products have been type approved.

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

(c) Not applicable.

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

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

Eligibility of importers to apply for licence

9.(a) Not applicable.

(b) All persons are eligible to apply for licences.

Documentational and other requirements for application for licence

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

11. Print-out of an approved online application.

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

13. Not applicable.

Conditions of licensing

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

15. No.

16. Non-transferable.

17.(a)Not applicable.

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

Other procedural requirements

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

19. Not applicable.

12 THERAPEUTIC SUBSTANCES AND GOODS - (DRUG CONTROL AUTHORITY)

Outline of system

1. Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all of the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.

Purposes and coverage of licensing

2. The licensing systems coverage is as follows:

- i. Before anyone can import any poisons, the person must hold a valid Poisons License.
- ii. The licenses are issued in pursuance of Section 26 of Poisons Act 1952.
- iii. There are three types of license which are Poisons License Type A, Poisons License Type B and Poisons License Type E.
- iv. Poison License Type A is given to a Pharmacist registered with the Pharmacy Board of Malaysia or Pharmacist with the qualification recognised by the State Health Director of Sabah or Sarawak. Type A license allows them to deal in general all poisons.
- v. Poisons License Type B is given to the applicant who wishes to import and sell poisons for industrial use. Applicant must be a Malaysia citizen with a minimum qualification of SPM. (First time applicant need to sit for an oral interview. Applicant who passes the oral interview may be considered for the Poisons License Type B).
- vi. Poisons License Type E is given to the applicant who wishes to import Sodium Hydroxide (NaOH) in large quantities for its own factory use. Applicant must be Malaysian citizen.

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

4. No. The licenses are issued due to legal requirement and for safety purposes.

5. Poisons Act 1952 (Act 366), Sale of Drugs Act 1952 (Act 366), Control Of Drugs and Cosmetics Regulations 1984. The legislation does not leave the designation of products to be subjected to licensing to administrative discretion.

Procedures

6. Not applicable.

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

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

(c) No restriction on the import date, as long as the importation is done within the validity of the license. Application for renewal of license can be made starting from the month of October every year (3 months before the license expire). The license expires on 31 December.

(d) Yes, only Ministry of Health Malaysia.

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

Eligibility of importers to apply for licence

9. Only certain group of people can apply for the license which is:

- a. Poison License Type A: Applicant must be a Pharmacist registered with the Pharmacy Board of Malaysia or Pharmacist with the qualification recognized by the State Health Director of Sabah or Sarawak.
- b. Poisons License Type B: Applicant shall preferably be a Malaysian citizen with a minimum qualification of SPM.
- c. Poisons License Type E: Applicant shall preferably be Malaysian citizen.

Documentational and other requirements for application for licence

10. Supporting documents required:

- a. Copy of identification card.
- b. Copy of Certificate of Registration of Companies.
- c. Copy of registration of business with local council.
- d. Annual Practice Certificate (for Poisons License Type A).
- e. Copy of Registration of Body Corporate (for Poisons License Type A).
- f. Poisons store floor plan and location map (1st time application or when there is any changes of information).
- g. Copy of Return of allotment of shares (1st time application or when there is any changes of information).
- h. Copy of Return of Particulars of Directors, Managers and Secretaries (1st time application or when there is any changes of information).

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

12. License fee:

Poisons License Type A: Free.
Poisons License Type B: RM 100.00.
Poisons License Type E: RM100.00.

13. No.

Conditions of licensing

14. Licence is valid for one (1) year (all licence expire on the 31st December). The Notification Note for importation of cosmetic products is valid for two (2) years. No extension of validity period is allowed for both import license and Notification Note.

15. No.

16. No.

17.(a) Yes. For Poisons License Type E, restriction imposed on the quantity allowed to be imported.

(b) Yes. Conditions imposed on recording, sale and supply.

Other procedural requirements

18. Not applicable.

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 2008 regulates the importation of scheduled wastes into Malaysia. This Order is enforced by the Royal Customs Department with the condition that prior written approvals should be obtained from the Director-General of the Department of Environment as stipulated under Section 34B(1)(b), Environmental Quality Act 1974.

Purposes and coverage of licensing

2. The Order applies to scheduled wastes as defined in the Environmental Quality (Scheduled Wastes) Regulations 2005 and the Customs (Prohibition of Imports) Order 2008. Importation of scheduled waste requires a prior written approval from the Director General of the Department of Environment.

3. Licensing applies to imports from all countries.

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

5. The relevant laws are the Customs (Prohibition of Imports) Order 2008, Environmental Quality Act 1974 and the Environmental Quality (Scheduled Wastes) Regulation 2005. Import licences are issued under the Customs (Prohibition of Imports) Order 2008, which is made pursuant to the powers conferred by subsection 31(1) of the Customs Act 1967. Goods subjected to import licensing are scheduled in the said Order. By virtue of subsection 31(1) of the Customs Act 1967, it is possible for the Executive to abolish the system without legislative approval since the said provision clearly confers powers to the Executive to prohibit the importation into Malaysia either absolutely or conditionally.

Procedures

6. Not applicable.

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

- (b) No.
- (c) No.
- (d) Yes. The Department of Environment and the Royal Customs Department of Malaysia. The Royal Customs Department had listed the scheduled waste in the Fourth Schedule of Customs (Prohibition of Import) Order 2008 whereby the import must be accompanied by a letter of approval issued by or on behalf of the Director General of Environment Quality Malaysia.

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

Eligibility of importers to apply for licence

- 9.(a) The importers must be the company that is using the scheduled wastes directly. No third party requests will be entertained.
- (b) Not applicable.

Documentational and other requirements for application for licence

10. Please see the Department of Environment's website (<http://www.doe.gov.my>) for the checklist: AS14 (REV. 2006) – Application For The Importation Of Scheduled Waste Into Malaysia.

11. Written Approval issued by The Director General of Environment as required under Section 34B(1)(b), Environmental Quality Act 1974 and The Customs Declaration Form (K1 Form).

12. None.

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

Conditions of licensing

- 14. Depends on the request or circumstances. Maximum validity period is twelve (12) months.
- 15. Not applicable.
- 16. Licenses are not transferable.
- 17.(a)No.
- (b) Yes, the Department of Environment will specify the conditions in the import permit.

Other procedural requirements

18. Yes. Every application on import of scheduled wastes is subjected to a thorough evaluation of environmental impacts as well as country obligation to the International Convention i.e. Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal.

19. Not applicable.

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

1. Malaysian Timber Industry Board (MTIB) administers issuance of import licences to persons, firms or organisations for the importation of round logs, roughly squared or half squared logs and large scantling and squares of 60 square inches and above to be further processed in the country (Malaysia).

Purposes and coverage of licensing

2. Round logs and the timber products are subject to control under this Order are as listed under Items 48, 49, 50 and 51 Schedule 4 of the Customs (Prohibition Of Imports) Order 2008.
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 2008, 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 of the arrival of the goods. In certain circumstances, import permission can be given for goods which have inadvertently arrived at the point of entry.
- (b) Licences may be issued immediately provided that prior approval has been obtained by the importers from the Import/Export Committee and properly completed documentations are furnished to MTIB.
- (c) Licences may be issued in any period of the year.
- (d) Applications for import licences for saw logs, round logs, half squared logs and large scantling and squares are processed by MTIB based on approval obtained through the Import/Export Committee of MTIB prior to final approval by the Royal Customs Department of Malaysia.
8. Not applicable.

Eligibility of importers to apply for licence

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

Documentational and other requirements for application for licence

- 10.(a) For permission to import sawlogs or round logs and large scantling and squares (under item 15 of the Order) application should be made in writing to the Import/Export Committee of MTIB, including the provision of the following information:
 - name and address of importer;
 - point of entry;

- quantity to be imported;
- species of timber to be imported;
- name of buyers and premise for timber processing;
- purpose of importation: to be processed for own use/for re-export;
- country of origin of goods; and
- documents to be furnished to MTIB upon approval from the Import/Export Committee should comprise:
 - approval letter from the Import/Export Committee of MTIB;
 - import form JK 69;
 - Customs Declaration Form No. 1 (CD 1) in 4 copies; and
 - 2 copies of log list, detailing species and quantity of each species.

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

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

13. No.

Conditions of licensing

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

15. No.

16. No.

17. Not applicable.

Other procedural requirements

18. CITES import permit is a requirement for the importation of Ramin and Karas/Gaharu products. Ramin products cover specimens or products such as logs, sawntimber, plywood, veneer and include part and derivatives i.e. moulding, furniture component and finish furniture. Karas/Gaharu products cover woodchip, sawdust and oil.

19. Not applicable.
