

## Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Malaysia

|   | Status in 1996   | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
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| <b>1. Tariffs</b>   |  |  |  |
| (1) Import-weighted average of MFN applied tariff         | N/A  | N/A  |  |
| (2) Simple average of MFN applied tariff                  | 10.2 %   | 7.4p <sup>1</sup> %  |  |
| (3) Tariff average, based on import tariff revenue        | N/A  | N/A  |  |
| (4) Zero tariff lines as a percentage of all tariff lines | 57.6 %   | 60.3 %   |  |
| (5) Zero tariff imports as a percentage of all imports    | 58.4 %   | 60.7 %   |  |
| (6) Standard deviation for applied tariff                 | 41.5 %   | 11.5p %  |  |
| (7) Transparency in tariff regime                         | The complete list of dutiable goods (1999) can be found at website <sup>2</sup>  | <ul style="list-style-type: none"> <li>The complete list of dutiable goods and contact details can be found at <a href="http://tariff.customs.gov.my">http://tariff.customs.gov.my</a></li> </ul>  |  |
| <b>2. Non-Tariff Measures</b>                             | <b>1996</b>  | <b>2009</b>  |  |
| (1) Quantitative import restrictions/prohibitions         | <ul style="list-style-type: none"> <li>Import bans and other import restrictions are applied for protection of public health, public security or environment or to meet Malaysia's international obligations such as those under the WTO.</li> </ul> <p><u><b>Tariff Rate Quota (TRQ)</b></u></p> <ul style="list-style-type: none"> <li>In line with Malaysia's commitment to the WTO, there are 73 lines of agriculture TRQ products.</li> </ul> | <ul style="list-style-type: none"> <li>Import bans and other import restrictions are applied for protection of public health, public security or environment or to meet Malaysia's international obligations such as those under the WTO. Details are available at <a href="http://tariff.customs.gov.my">http://tariff.customs.gov.my</a></li> </ul> <p><u><b>Tariff Rate Quota (TRQ)</b></u></p> <ul style="list-style-type: none"> <li>Malaysia started implementing TRQ on 17 lines of livestock and livestock products and one line for round cabbage effective 1<sup>st</sup> April 2008 vide Customs Duties Order 2007 under the Customs Act 1967.</li> </ul> |  |

<sup>1</sup> provisional

<sup>2</sup> [http://www.wto.org/english/tratop\\_e/schedules\\_e/goods\\_schedules\\_table\\_e.htm#](http://www.wto.org/english/tratop_e/schedules_e/goods_schedules_table_e.htm#)

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| (2) Import licensing | <ul style="list-style-type: none"> <li>• Import licensing is maintained mainly for monitoring and record purposes (automatic) as well as to comply with SPS and technical standards (non-automatic) for the purpose of protecting public health, public safety and the environment.</li> <li>• Products under non-automatic import licensing: <ul style="list-style-type: none"> <li>- heavy machineries and equipment</li> <li>- port cranes</li> <li>- iron and steel products</li> <li>- consumer products (e.g. wheat flour, milk and milk products)</li> <li>- building material (e.g. cement)</li> <li>- plant and plant products and other materials</li> <li>- radioactive materials</li> <li>- rice</li> <li>- arms and explosives</li> <li>- colour copying machines</li> <li>- selected telecommunication equipment</li> <li>- waste and hazardous substances</li> <li>- selected road vehicles (to be removed progressively by 2020)</li> <li>- substances covered by the Montreal Protocol</li> <li>- optical disc and disc mastering and replicating machines and parts</li> <li>- medicine making machines</li> </ul> </li> </ul> <p>The complete list of goods and details can be found at <a href="http://tariff.customs.gov.my">http://tariff.customs.gov.my</a>.</p> | <ul style="list-style-type: none"> <li>• Import licensing is maintained mainly for monitoring and record purposes (automatic) as well as to comply with SPS and technical standards (non-automatic) for the purpose of protecting public health, public safety and the environment.</li> <li>• Products under automatic import licensing: <ul style="list-style-type: none"> <li>- heavy machineries and equipment</li> <li>- port cranes</li> <li>- iron and steel products</li> <li>- consumer products (e.g. wheat flour, milk and milk products)</li> <li>- building material (e.g. cement)</li> </ul> </li> <li>• Non-automatic import licensing: <ul style="list-style-type: none"> <li>- plant and plant products and other materials</li> <li>- radioactive materials</li> <li>- rice</li> <li>- arms and explosives</li> <li>- colour copying machines</li> <li>- selected telecommunication equipment</li> <li>- waste and hazardous substances</li> <li>- selected road vehicles (to be removed progressively by 2020)</li> <li>- substances covered by the Montreal Protocol</li> <li>- optical disc and disc mastering and replicating machines and parts</li> <li>- medicine making machines</li> </ul> </li> </ul> <p>The complete list of goods and details can be found at <a href="http://tariff.customs.gov.my">http://tariff.customs.gov.my</a>.</p> |  |
| (3) Import levies    | <ul style="list-style-type: none"> <li>• Malaysia does not impose import levies</li> </ul>  | <ul style="list-style-type: none"> <li>• Malaysia does not impose import levies</li> </ul>   |  |

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| (4) Export subsidies   | Malaysia does not maintain any export subsidies.   | • Malaysia does not maintain any export subsidies.  |  |
| (5) Other non-tariff measures maintained   | • As attached in Annex I   | • As attached in Annex I  |  |
| <b>3. Services</b>   |  |   |  |
| (1) Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the GATS     | (Number of sectors as of 1995)<br>21 out of 55 sectors   | 21 out of 55 sectors  |  |
| (2) Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS               | (Number of sectors as of 1995)<br>• 1 for advertising services;<br>• 1 for liberalisation of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia; and<br>• 1 for waiver of measures in existing or future policies limiting foreign equity or interests in companies and businesses. |   |  |
| (3) Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS                      | Not Applicable (DDA's initial offer made in 2005 and revised offer in 2006)  | (Number of sectors)<br>28 out of 55 sectors   |  |
| (4) Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS                                | Not applicable   | (Number of sectors)<br>• 1 for advertising services;<br>• 1 for liberalisation of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia; and<br>• 1 for waiver of measures in existing or future policies limiting foreign equity or interests in companies and businesses. |  |
| (5) Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS | (Number of agreements)<br>• ASEAN Framework Agreement on Services (AFAS) was signed on 15 December 1995.<br><br>• No bilateral FTA signed in 1996.   | (Number of agreements)<br>a) Under AFAS, progressive liberalisation to be done through packages of commitments and each package contains GATS-plus commitments for MA and/or NT.<br><br>- As of 2009, Malaysia has completed its  | Malaysia has made varying levels of commitments under services sub-sectors of the 7 <sup>th</sup> Package of ASEAN Framework Agreement on services (AFAS) in 2009. Malaysia has also made commitments on services sub-sectors under various regional and |

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|   |   | <p>7th Package of Commitments.</p> <ul style="list-style-type: none"> <li>- Completed packages of liberalised commitments are: <ul style="list-style-type: none"> <li>i. 1st Package (10 December 1997)</li> <li>ii. 2nd Package (1 October 1998)</li> <li>iii. 3rd Package (17 October 2001)</li> <li>iv. 4th Package (25 August 2004)</li> <li>v. 5th Package (29 November 2006)</li> <li>vi. 6th Package (14 November 2007)</li> <li>vii. 7th Package (16 October 2009)</li> </ul> </li> </ul> <p>b) Malaysia signed 3 bilateral FTAs :</p> <ul style="list-style-type: none"> <li>i. Malaysia-Japan Economic Partnership Agreement (2005)</li> <li>ii. Malaysia – Pakistan Closer Economic Partnership Agreement (2007)</li> <li>iii. Malaysia-New Zealand FTA (2009)</li> </ul> <ul style="list-style-type: none"> <li>- For these bilateral FTAs, the commitments offered are at par or beyond GATS's commitments.</li> </ul> | <p>bilateral FTAs. Malaysia has unilaterally liberalised 27 services sub-sectors in April 2009.</p>   |
| (6) Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers | (Number of sectors out of 55 service sectors)<br>All licensing and qualification requirements are imposed on both domestic and foreign service providers. | (Number of sectors or cases in which requirements are eliminated or relaxed since 1996)<br>All licensing and qualification requirements are imposed on both domestic and foreign service providers.   |   |
| (7) Measures to improve transparency in services  | Information not available   | <ul style="list-style-type: none"> <li>• Maintenance of enquiry/focal points;</li> <li>• Publishing of relevant information, including changes in rules and regulations on the internet; and</li> <li>• Conducting of public consultations where appropriate, to review new and existing regulations.</li> </ul>  | <ul style="list-style-type: none"> <li>• All domestic regulations are available in the websites of regulatory Ministries/ agencies.</li> <li>• FTAs signed and implemented are available for public viewing in the Ministry of International Trade &amp; Industry's website.</li> </ul> |

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| <b>4. Investment</b>                   |   |   |   |
| (1) Restrictions on foreign investment | <ul style="list-style-type: none"> <li>• Level of foreign equity ownership in the manufacturing projects was linked to the level of export. For 100% foreign equity ownership, export threshold of 80% or more is required/ imposed.</li> <li>• 100% equity ownership was also allowed in some specific areas i.e. high technology and promoted manufacturing products/activities.</li> <li>• Manufacturing projects in the following subsectors are required to form joint venture with majority domestic equity: <ul style="list-style-type: none"> <li>- plastic packaging materials</li> <li>- plastic compound/masterbatch</li> <li>- plastic injection moulded component and parts for the E &amp;E and telecommunication industry.</li> <li>- paper packaging products.</li> <li>- metal fabrication</li> </ul> </li> <li>• Many services sectors have restriction on foreign participation.</li> <li>• Foreign Investment Committee (FIC) guidelines regulate the ownership of property and mergers and acquisition.</li> </ul> | <ul style="list-style-type: none"> <li>• 100% foreign equity participation is allowed in all the manufacturing projects irrespective of the level of exports. This includes new, expansion and diversification projects.</li> <li>• Progressive liberalisation implemented in services sectors. 100% foreign equity is now allowed in the establishment of: <ul style="list-style-type: none"> <li>- Multimedia Super Corridor (MSC) projects.</li> <li>- Operational Headquarters.</li> <li>- Regional Distribution Centres.</li> <li>- International Procurement Centres.</li> <li>- Manufacturing-related services e.g. R&amp;D, integrated logistic services, integrated market support services, integrated central utility facilities and cold chain facilities.</li> </ul> </li> </ul> <p><u>Computer and related services:</u></p> <ul style="list-style-type: none"> <li>➤ Consultancy services related to the installation of computer hardware</li> <li>➤ Software implementation services: system and software consulting services; system analysis services; system design services; programming services and systems maintenance services.</li> <li>➤ Data processing services: input preparation services; data processing and tabulation services; time sharing services and other data processing services.</li> <li>➤ Data base services.</li> <li>➤ Maintenance and repair services of computers.</li> <li>➤ Other services: data preparation services; training services; data</li> </ul> | <ul style="list-style-type: none"> <li>• Over the years, Malaysia has progressively liberalised her investment measures in order to maintain its competitive edge in attracting and facilitating foreign direct investments. These include : <ul style="list-style-type: none"> <li>- full equity liberalisation in the manufacturing sector to allow 100% foreign equity ownership irrespective of the level of exports;</li> <li>- full equity liberalisation in more selected services subsectors;</li> <li>- further liberalisation in financial services subsector;</li> <li>- commitment to further unilaterally progressive liberalisation of the services sector, as well as through FTAs, and in-line with Bogor Goals;</li> <li>- liberalisation of the FIC guidelines</li> </ul> </li> </ul> |

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|  |                | <p>recovery services; and development of creative content.</p> <p><u>Health and Social services:</u></p> <ul style="list-style-type: none"> <li>➤ All veterinary services.</li> <li>➤ Welfare services delivered through residential institutions to old persons and handicapped.</li> <li>➤ Child day-care services including day-care services for the handicapped.</li> <li>➤ Vocational rehabilitation services for handicapped.</li> </ul> <p><u>Tourism services:</u></p> <ul style="list-style-type: none"> <li>➤ Theme parks.</li> <li>➤ Convention and exhibition centres (seating capacity above 5,000).</li> <li>➤ Travel agencies and tour operator services.</li> <li>➤ Hotel and restaurant services (for 4 and 5 star hotels only).</li> <li>➤ Food serving services (for services provided in the 4 and 5 star hotels only).</li> <li>➤ Beverage serving services for consumption on the premises (for services provided in 4 and 5 star hotels only).</li> </ul> <p><u>Transport services:</u></p> <ul style="list-style-type: none"> <li>➤ Class C Freight transportation (Private Carrier License to transport own goods).</li> </ul> <p><u>Sporting and other recreational services:</u></p> <ul style="list-style-type: none"> <li>➤ Sporting services (sports event promotion and organisation).</li> </ul> <p><u>Business services:</u></p> <ul style="list-style-type: none"> <li>➤ Technical testing and analysis services:</li> </ul> |  |

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|  |   | <p>composition and purity testing and analysis services; testing and analysis services for physical properties; testing and analysis services of integrated mechanical and electrical services; and technical inspection services.</p> <ul style="list-style-type: none"> <li>➤ Management consulting services: general, financial (excluding business tax), marketing, human resources and public relations services.</li> </ul> <p><u>Rental/Leasing Services without Operators:</u></p> <ul style="list-style-type: none"> <li>➤ Rental/leasing services of ships that excludes cabotage and offshore traders</li> <li>➤ Rental of cargo vessels without crew (Bareboat Charter) for international shipping</li> </ul> <p><u>Supporting and Auxiliary Transport Services:</u></p> <ul style="list-style-type: none"> <li>➤ Maritime Agency services.</li> <li>➤ Vessel salvage and refloating services.</li> </ul> <ul style="list-style-type: none"> <li>• Further relaxation of the financial services subsectors: <ul style="list-style-type: none"> <li>- Islamic banking</li> <li>- insurance</li> <li>- Takaful ( Islamic insurance)</li> <li>- Stock-broking</li> <li>- investment / unit trust management</li> </ul> </li> <li>• Equity restrictions in FIC Guidelines liberalised.</li> </ul> |  |
| (2) Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements) | <ul style="list-style-type: none"> <li>• Local material content requirement for enjoyment of investment incentives -to encourage the usage of local raw materials in the manufacturing sector.</li> <li>• Local materials content policy for the</li> </ul> | <ul style="list-style-type: none"> <li>• Local content requirement phased out in accordance with the WTO TRIMs Agreement.</li> <li>• Approval of investment projects no longer linked to level of exports</li> </ul>  |  |

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|  | automotive subsector – to develop domestic capacity, upgrade engineering and technical skills in the domestic automotive component industry.  |  |   |
| (3) Restrictions on transfers of capital   | Existing<br>- Liberal policy on transfers of capital by FDI.  | Existing<br>- Liberal policy on transfers of capital by FDI.   | Malaysia maintains a liberal foreign exchange control regime for FDI  |
| (4) Consistency with APEC Non-Binding Investment Principles (NBIP)   | Most<br>- many of the principles have been adopted  | NBIP principles adopted in recent international agreements, including BITs and FTAs  | Malaysia's more recent international investment agreements generally included provisions similar to APEC NBIP   |
| (5) Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation to foreign investment              | 52 IGAs<br><br>The BITs are generally investment promotion and protection agreements.   | 73 IGAs<br>7 FTAs<br><br>The FTAs have included NT and MFN commitments.  | Malaysia's more recent international investment agreements have included provisions on commitments to MFN and NT.   |
| BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment | 1 IGA<br><br>(investment promotion and protection agreement).   | 1 IGA<br>7 FTAs<br>The FTAs have included NT and MFN commitments.  | Malaysia's more recent international investment agreements have included provisions on commitments to MFN and NT.   |
| (6) Measures to improve transparency in investment   | <ul style="list-style-type: none"> <li>Malaysia adopted regulatory investment environment based on transparent and business –friendly investment policies. In particular, investments in manufacturing and selected services sectors are mainly regulated by Industrial Coordination Act 1975 and the Promotion of Investment Act 1986. The Foreign Investment Committee (FIC) Guidelines governs the acquisition of assets, mergers and takeovers of companies in Malaysia.</li> <li>Information pertaining to investment policies, regulations and guidelines were up dated on a regular basis and widely available through published documents and websites. Investment promotion initiatives such as seminars, briefings and dialogues</li> </ul> | <ul style="list-style-type: none"> <li>Malaysia continues to undertake measures in enhancing transparency of its investment regime both at the federal and regional levels. The on-going efforts are generally in - line with the principles outlined in the APEC Leaders' Transparency Standards on Investment</li> </ul> | <ul style="list-style-type: none"> <li>Successes of PEMUDAH, established in 2007 as a special task force mandated to recommend measures to improve behind-the-border measures in facilitating businesses in the country. It is also aimed at enhancing transparency and predictability.</li> <li>Establishment of Business Licensing Electronic Support Services (BLESS), a portal to provide “one stop” online application which would facilitate business by providing information on business licensing regulations and undertake processing, monitoring and approval services.</li> </ul> |

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|   | <p>with the private sectors are avenues to increase public awareness of such investment measures.</p> <ul style="list-style-type: none"> <li>• Consultations with the private sectors were undertaken in formulating and clarifying investment laws, regulations and policies.</li> </ul> |  |   |
| <b>5. Standards and Conformance</b>   |   |  |   |
| (1) Number of domestic standards aligned with the target international standards for Voluntary Action Plan (VAP)                  | <p>As of 31<sup>st</sup> December 1996:</p> <ul style="list-style-type: none"> <li>• Total number of Malaysian Standard (MS) developed was 2,416.</li> <li>• Percentage of cumulative MS aligned to international standards was 21.6%</li> </ul>  | <p>As of 31<sup>st</sup> December 2009:</p> <ul style="list-style-type: none"> <li>• Total number of Malaysian Standard (MS) developed was 5,792.</li> <li>• Percentage of cumulative MS aligned to international standards was 60.1%</li> </ul>   | <p>Malaysia has a policy of adopting international standards as a first option where appropriate. A review of international standards precedes works on the development or revision of all national standards.</p> <p>All national standards committees have been provided with information on current policies of alignment.</p> <p>Practices recommended in ISO/IEC Guide 21 are adopted.</p> <p>Any changes are closely monitored for continuous alignment.</p> <p>Department of Standards Malaysia (STANDARDS MALAYSIA) will continue to align national standards with international standards with the ultimate aim of making positive contributions towards the performance of the Malaysian economy.</p> |
| (2) Description of conformity assessment process including participation in and implementation of mutual recognition arrangements | <p>Member of APLAC in 1995.<br/>Member of ILAC in 1988.<br/>Member of PAC in 1995.<br/>Member of IAF in 1996.</p>   | <p>A. <u>Regional</u></p> <ul style="list-style-type: none"> <li>• APLAC MRA <ul style="list-style-type: none"> <li>– attained signatory status for: <ul style="list-style-type: none"> <li>i) Testing on 14<sup>th</sup> Nov 2002.</li> <li>ii) Calibration on 13<sup>th</sup> Nov 2003</li> <li>iii) Medical Testing on 13<sup>th</sup> Sept 2006</li> </ul> </li> </ul> </li> </ul> | <p>Malaysia through STANDARDS MALAYSIA has achieved major recognition at regional and international in conformity assessment procedures. Malaysia also is an active participant in a number of international bodies and co-operations involved in developing</p>  |

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|  |                | <ul style="list-style-type: none"> <li>• PAC MLA <ul style="list-style-type: none"> <li>– attained signatory status for : <ul style="list-style-type: none"> <li>i) Quality Management System on 5<sup>th</sup> Nov 1998.</li> <li>ii) Environmental Management System on 31<sup>st</sup> Dec 2005.</li> <li>iii) Product Certification on 16<sup>th</sup> June 2009.</li> </ul> </li> </ul> </li> <li>B. <u>International</u></li> <li>• ILAC MRA <ul style="list-style-type: none"> <li>– attained signatory status for: <ul style="list-style-type: none"> <li>i) Testing on 16<sup>th</sup> January 2003.</li> <li>ii) Calibration on 19<sup>th</sup> November 2003.</li> <li>iii) Medical Testing on 13<sup>th</sup> September 2006</li> </ul> </li> </ul> </li> <li>• IAF MLA <ul style="list-style-type: none"> <li>– attained signatory status for: <ul style="list-style-type: none"> <li>i) Quality Management System on 29<sup>th</sup> Sept 1999.</li> <li>ii) Environmental Management System on 9<sup>th</sup> Feb 2006.</li> <li>iii) Product Certification on 9<sup>th</sup> July 2009.</li> </ul> </li> </ul> </li> </ul> <p>Provisional Adherent to OECD Mutual Acceptance of Data (MAD) since 10<sup>th</sup> October 2008.</p> | <p>and harmonising testing, calibration, inspection and accreditation around the world.</p> <p>STANDARDS MALAYSIA continues to ensure existing accreditations comply with relevant requirements under the Laboratory Accreditation of Malaysia Scheme (SAMB), Accreditation of Certification Bodies (ACB) Scheme, Malaysia Inspection Bodies Accreditation Scheme (MIBAS), Good Laboratory Practices Compliance Programme (GLP CP), and National Proficiency Testing (PT) Programme for Calibration Laboratories.</p> <p>STANDARDS MALAYSIA has successfully maintained all the signatory status for APLAC, PAC, ILAC and MRA/MLAs and maintained compliance to ISO /IEC 17011 and other relevant requirements.</p> <p>Malaysia supports participation in recognition arrangement of conformity assessment in the voluntary sector and participates in both bilateral and plurilateral basis.</p> <p>Malaysia's participation in the CIPM MRA provides information on the degree of equivalence of its national measurement standards and comparability of national metrology services.</p> <p>STANDARDS MALAYSIA also aimed to expand the accreditation fields and programmes to meet the industry's needs as well as expand the signatory</p> |

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|  |   |   | status for MRAs and MLAs.<br>Malaysia hosted the 25th APMP General Assembly and related meetings in December 2009 in Kuala Lumpur.   |
| (3) Efforts to raise transparency and objectivity of standards | <p>Complies to the requirements of:</p> <p>i) Standards of Malaysia Act 1996 (Act 549).<br/>ii) ISO/IEC Guide 59<br/>iii) Annex 3 WTO TBT Agreement.</p> <p>Reference is also made to:</p> <p>i) ISO/IEC Guide 2.<br/>ii) ISO/IEC Guide 21.</p> | <p>Complies to the requirements of:</p> <p>i) Standards of Malaysia Act 1996 (Act 549).<br/>ii) ISO/IEC Guide 59.<br/>iii) Annex 3 WTO TBT Agreement.</p> <p>Reference is also made to:</p> <p>i) ISO/IEC Guide 2.<br/>ii) ISO/IEC Guide 21.</p> <p>Malaysian Standard (MS) can be obtained electronically through STANDARDS MALAYSIA's website (<a href="http://www.standardsmalaysia.gov.my">www.standardsmalaysia.gov.my</a>)</p> <p>The website also provided access to the National Standards Strategic and Action Plan and link to regulatory contact points.</p> | <p>Transparency of standards and conformance requirements is maintained through publication of information on the websites of the national standards body, regulatory agencies and other related organisations.</p> <p>All Malaysian standards and technical regulations are available for purchase either electronically or in paper copies.</p> <p>STANDARDS MALAYSIA will continue to improve and update contents of the website and will continue strengthening the cooperation between with the regulatory agencies.</p> <p>Malaysia also will enhance the participation in standardisation activities by stakeholders.</p> |
| <b>6. Customs Procedures</b>                                   |   |   |  |
| (1) Adoption of HS2007 nomenclature                            | Acceded to the International Convention on the Harmonised Commodity Description and Coding System (HS Convention) on 5 <sup>th</sup> November 1987. Implement the HS Convention 1996 version on the 1 <sup>st</sup> January 1996.               | (Adopted, Not adopted)<br>Adopted HS 2007   | Malaysia has implemented HS 2007 since 1 <sup>st</sup> April 2008.   |
| (2) Conformity with the Revised Kyoto Convention               | Acceded to the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention) on the 23 <sup>rd</sup> May 1983   | (Acceded, Not acceded) (If not acceded, specify the status of conformity: All, Most, Some, None.)<br>Revised Kyoto Convention - Acceded   | Malaysia acceded to Revised Kyoto Convention on 30 <sup>th</sup> June 2008.  |

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| (3) Transparency   | (Description of illustrative measures)<br>Publication of Customs Laws and Regulations, Classification Ruling and Customs Notices were made available to the public.  | (Description of illustrative measures)<br>Customs Laws, Regulations and Tariff can be found at the Royal Malaysian Customs Department's website at www.customs.gov.my. <ul style="list-style-type: none"> <li>• It is updated regularly.</li> <li>• Non-electronic copies are also available.</li> <li>• Customs Consultative Panel has also been established for private sectors to give their comments on Customs matters. This program is a dialogue between private sectors and Customs. The panel will meet bi-annually and it is an on-going programme.</li> </ul> | The website is updated regularly to be more informative. In addition, Customs Call Centre has been established to respond to enquiries regarding Customs matters.   |
| (4) Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.) | (Description of illustrative measures)<br>Phase I of the Customs Information System (CIS) was introduced in the Klang Valley in 1992. In 1995, EDI was introduced and linked to the CIS and was known as CIS-Dagang*Net Interface Project. | (Description of illustrative measures) <ul style="list-style-type: none"> <li>• The process of improving and enhancement of the current CIS is on-going</li> <li>• Customs is moving towards the national and ASEAN 'Single Window' initiative. In addition, Customs has used modern technology in their routine work, such as scanners machine.</li> <li>• 'Paperless' cargo manifest is already implemented in Port Klang (the biggest port in Malaysia), Johor Port and Tanjung Pelepas Port.</li> </ul>  | <ul style="list-style-type: none"> <li>• E-declaration has been implemented at major entry and exit points.</li> <li>• Implementation of E-Permit by the Government to create an online system for import/export permit applications and approvals for all Permit Issuing Agencies (PIAs) such as Ministry of Agriculture, Ministry of International Trade and Industry, and Road Transport Department.</li> </ul>                              |
| (5) Measures to secure trade (e.g. AEO, etc.)  | (Description of illustrative measures)<br>-  | (Description of illustrative measures)<br>Customs Golden Client (CGC) was introduced in 2004 to expedite customs clearance on import and export of goods for accredited clients. It was later upgraded to National Authorised Economic Operator (AEO) in 2008.   | <ul style="list-style-type: none"> <li>• Customs Department has completed the Administrative Guidelines to enhance security criteria to be in line with Framework of Standard (FoS) guidelines provided by World Customs Organisation (WCO).</li> <li>• Usage of Non-Intrusive Inspection (NII) equipment, such as scanning machines, at major entry and exit points.</li> <li>• Using risk management system in releasing of goods.</li> </ul> |

|   | Status in 1996  | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
|---|---|---|---|
| (6) Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.) | (Description of illustrative measures)<br>General Appeals Procedures is provided for in the Customs Act 1967  | (Description of illustrative measures) <ul style="list-style-type: none"> <li>Implementation of Advance Rulings System on Classification and Valuation on 1<sup>st</sup> March 2007</li> <li>Conducted WCO Time Release Survey in 2007</li> <li>Implementation of Customs Appeal Tribunal on 1<sup>st</sup> June 2007.</li> </ul>   | Second Time Release Survey will be conducted in 2010.   |
| <b>7. Intellectual Property (IP)</b>  |   |   |   |
| (1) Ratification and implementation of the major multilateral agreements relating to IP rights  | (List of agreements) <ul style="list-style-type: none"> <li>i) Malaysia deposited its instrument of accession to the Paris Convention for the Protection of Industrial Property 1883 on 23<sup>rd</sup> June 1988 which entered into force on 1<sup>st</sup> January 1989.</li> <li>ii) Malaysia deposited its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works 1886 on 28<sup>th</sup> June 1990 which entered into force on 1<sup>st</sup> October 1990.</li> <li>iii) Malaysia is a signatory to the Trade - Related Aspects of Intellectual Property Rights (TRIPs) Agreement 1994 since 1<sup>st</sup> January 1995.</li> </ul> | (List of agreements) <ul style="list-style-type: none"> <li>i) Malaysia deposited its instrument of accession to the Patent Cooperation Treaty on 16<sup>th</sup> May 2006 and implemented the system on 16<sup>th</sup> August 2006.</li> <li>ii) Malaysia deposited its instrument of accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks 1957 on 28<sup>th</sup> June 2007 which entered into force on 28<sup>th</sup> September 2007.</li> <li>iii) Malaysia deposited its instrument of accession to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks 1973 on 28<sup>th</sup> June 2007 which entered into force on 28<sup>th</sup> September 2007.</li> </ul> |   |
| (2) Measures to ensure the expeditious granting of IP rights  | (Description of illustrative measures)  | <ul style="list-style-type: none"> <li>i) Intellectual Property Division (IPD) of Malaysia was corporatised.</li> <li>ii) IP Review as follows:</li> </ul>  | <ul style="list-style-type: none"> <li>i) Intellectual Property Division (IPD) of Malaysia was corporatised on 3<sup>rd</sup> March 2003, and known as the Intellectual Property Corporation of Malaysia ( MyIPO).</li> <li>ii) Malaysia's IP regime has been reviewed :</li> </ul> |

|  | Status in 1996 | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
|--|----------------|--|---|
|  |                | <ul style="list-style-type: none"> <li>(a) TRIPs Review in 2001</li> <li>(b) APEC IAP Peer Review</li> <li>(c) Trade Policy Review Malaysia</li> <li>(d) Acceded to the Patent Cooperation Treaty.</li> <li>(e) Improving delivery services by enhancing ICT.</li> </ul> | <ul style="list-style-type: none"> <li>(a) Malaysia IP laws are in compliance to the TRIPs Agreement;</li> <li>(b) APEC IAP Peer Review in 2005 and 2009; and</li> <li>(c) Trade Policy Review for Malaysia in 1998, 2002, 2006 and 2010.</li> <li>iii) Malaysia deposited its instrument of accession to the Patent Cooperation Treaty on 16 May 2006 and entered into force on 16 August 2006.</li> <li>iv) The PANTAS Online Search and Online Filing was launched on 19<sup>th</sup> December 2006 for members of the public to access published information on patent and trade marks including the status of applications and filing of applications through the MyIPO's website.</li> </ul> <p>Upgrading the current Common Software System to Software for Property Rights Administration of National Office (SOPRANO), specially developed by the European Patent Office to cater for the administration and registration process of patent application. The system has been implemented since 1<sup>st</sup> June 2009.</p> <p>The digitisation of patent and trade mark applications creates an effective administration of the electronic documentation system and allows examiners and the</p> |

|  | Status in 1996 | Status in 2009 | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
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|  |                |                | <p>public to access information on patent and trade mark expeditiously. It can be accessed via PANTAS Online Search.</p> <p>The Trade Mark Image Search System was implemented since 1<sup>st</sup> June 2009. This system was developed by using web-based technology which allows search on the current figurative trade marks to be carried out based on the criteria determined by the user. The implementation of this system has enhanced efficiency and search capability of examiners to enable them to come up with a more accurate and perfect valuation.</p> <p>Upgrading the Patent and Trade Mark Automated System (PANTAS) for On-line Search and On-line Filing of patent and trade mark application began in June 2009 and is expected to be completed by May 2010.</p> <p>The Application Status Enquiry System enabled applicants to know the real-time status of their applications and a better understanding on the workflow process of intellectual property registration. The implementation of this system provides a more efficient and speedy status enquiry application service delivery. The Agent Correspondence System provides on-line service to intellectual property agents who</p> |

|  | Status in 1996  | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
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|  |   | <p>(f) Establishment of the Intellectual Property Court.</p> <p>(g) Established National Intellectual Property Policy.</p>   | <p>have registered with MyIPO. It is intended to provide a medium for agents to obtain the list of letters, notices or documents produced by MyIPO for any intellectual property application under their care. This system will make two-way communication easier and more efficient.</p> <p>v) In July 2007, Malaysia launched the Intellectual Property Court which comprised of Session Courts with criminal jurisdiction and High Courts with both civil and appellate jurisdiction to expedite hearing on IP cases.</p> <p>vi) In April 2007, Malaysia launched the National Intellectual Property Policy which aims to focus on maximising contribution of intellectual property in the national socio-economic and technological development.</p> |
| (3) Measures to provide for the effective enforcement of IP rights | <p>(Description of illustrative measures)</p> <p>i) Enacted and enforced IP Laws:</p> <ul style="list-style-type: none"> <li>• Trade Marks Act 1976</li> <li>• Patents Act 1983</li> <li>• Copyright Act 1987</li> <li>• Industrial Designs Act 1996</li> <li>• Trade Description Act 1972</li> </ul> | <p>i) Enacted and enforced IP laws to comply with TRIPs Agreement in year 2000:</p> <ul style="list-style-type: none"> <li>• Layout –Designs of Integrated Circuits Act 2000</li> <li>• Geographical Indications Act 2000</li> </ul> <p>ii) Laws and regulations to regulate optical disc production:</p> <ul style="list-style-type: none"> <li>• Optical Discs Act 2000</li> </ul> <p>iii) Established an inter-agency Special Copyright Task Force.</p> | <p>Malaysia established an inter-agency Special Copyright Task Force in April</p>  |

|  | Status in 1996 | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
|--|----------------|--|---|
|  |                | <ul style="list-style-type: none"> <li>iv) Implementation of forensic testing on optical disc.</li> <li>v) Appointment of specialized prosecuting officer</li> <li>vi) Established Canine Unit</li> <li>vii) Enforcement at entry point</li> </ul> | <p>1999 to coordinate efforts to curb infringements of IPR. “OPS TULEN” was launched on 1<sup>st</sup> September 2002 to legalise unlicensed software among corporate users. Agencies involved are the Royal Malaysian Police, Ministry of Domestic Trade and Consumer Affairs, National Film Development Corp of Malaysia, Royal Customs Department and other related authorities.</p> <p>Malaysia has implemented forensic testing on Optical Disc products to trace the source of piracy on the production of CD/VCD/DVD.</p> <p>Specialised prosecuting officers with legal qualifications to prosecute copyright cases</p> <p>Public Prosecutors are assigned to the Ministry of Domestic Trade, Cooperative and Consumerism to carry out prosecution which includes IPR cases.</p> <p>Newly established Canine Unit using dogs to sniff poly carbonate- based products i.e. CD/VCD/DVD</p> <p>Specialised team to monitor exportation of CD/VCD/DVD via courier services at the airport</p> <p>Installation of scanning machines at Customs, Immigration complexes to halt any activities of exporting or importing pirated or counterfeited goods.</p> |

|  | Status in 1996                         | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
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|  |  | <ul style="list-style-type: none"> <li>viii) “Smart Enforcement” Strategy</li> <li>ix) Anti Money Laundering and Terrorism Financing Act 2001</li> <li>x) Establishment of IP Court</li> <li>xi) Reviewing IP laws</li> </ul>  | <p>Implement new strategy called “smart enforcement” by a dedicated team to educate, provide appropriate advice and facilitate SMEs on laws and regulations.</p> <p>Setting up of dedicated team under the Anti Money Laundering and Terrorism Financing Act 2001.</p> <p>The IP Court in Kuala Lumpur is fully established and consists of a Sessions Court and a High Court for IP.</p> <p>MyIPO is currently reviewing its intellectual property legislation in stages. The amendment to the Industrial Designs Act and the Copyright Act will be tabled in Parliament in June 2010 and amendments to the Patents Act and Trade Marks Act are scheduled to be tabled in Parliament in November 2010.</p> |
| (4) Measures to harmonise IP rights systems in the APEC region | (Description of illustrative measures) | (Description of illustrative measures)   |   |
|  |  | <ul style="list-style-type: none"> <li>i) Malaysia is upgrading the IP Information centre where it will serve as Malaysia’s Service Centre for intellectual property.</li> <li>ii) Sharing IP system information with APEC economies such as participation in surveys related to trade mark, geographical indications and patent.</li> </ul> | <ul style="list-style-type: none"> <li>(a) APEC IPEG Survey on Certification and Collective Marks – Completed</li> <li>(b) Geographical Indications Regimes in APEC Economies – Completed</li> <li>(c) “Gap Analysis”-Patent Cooperation Initiative on Patent Acquisition Procedures – Roadmap for Further Cooperation – in progress</li> <li>(d) APEC IPEG Survey on Opposition Proceedings – in progress.</li> </ul>  |

|                               | Status in 1996                         | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
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| (5) Public education about IP | (Description of illustrative measures) | <p>i) Enhancing training and courses for officers and staffs of MyIPO to increase their knowledge in intellectual property particularly focusing on patent, trade mark and traditional knowledge protection, IP licensing and Technology Transfer,</p> <p>ii) Awareness programmes for public, private universities, colleges, schools, judiciaries and IP practitioners.</p> <p>iii) Provide IP booths during exhibitions organised by local authorities and universities.</p> | <p>(a) WIPO – National Seminar on the Challenges of Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions: Paving The Way Forward, January 2008</p> <p>(b) WIPO – National Workshop on Capacity Building on Industrial Property Licensing and Technology Transfer, June 2008</p> <p>(c) Training on Patent Protection for Computer Software, May 2008 and February 2009</p> <p>(d) Training on Patent Protection for Biotechnology, July 2008 and October 2009</p> <p>(e) Trade Marks Legislation Course, August and December 2008</p> <p>(f) Seminar on Educational Workshop on Non-Traditional Trademarks, March 2009</p> <p>(g) WIPO International Patent Classification (IPC) Training, July 2009.</p> <p>Providing IP Mobile Clinic to reach out to the public at large.</p> <p>Organise National IP Day since 2005.</p> <p>IP Expedition to 14 destinations throughout Malaysia.</p> <p>Provide IP booths at :</p> <p>(a) State Library in conjunction with National IP Day celebration.</p> <p>(b) National Entrepreneurs Conference and Exhibition</p> <p>(c) National Craft Expo</p> <p>(d) Automechanica Asia 2009</p> <p>(e) 20th International Invention,</p> |

|  | Status in 1996 | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
|--|----------------|--|---|
|  |                |  | <p>Innovation &amp; Technology Exhibition</p> <p>(f) 131st Meeting International Trade Marks Association (INTA) And Exhibition</p> <p>(g) 'Buy Malaysian Products' Expo</p> <p>(h) SME Seminar and Exhibition</p> <p>(i) 'A Day With Consumer' Programme</p> <p>(j) National Cooperatives Day</p> <p>(k) National Consumer Day</p> <p>(l) Invention, Research And Innovation Exhibition</p> <p>(m) Entrepreneurs Week" Programme</p> <p>(n) PECIPTA Exhibition</p> <p>(o) National Innovation Conference And Exhibition (NICE)</p> <p>(p) Bio Malaysia 2009</p> <p>(q) SME Trade Fair</p> <p>(r) Asia Sports 2009</p> <p>(s) Love Malaysia Exhibition</p> <p>(t) "National Seminar Knowledge Related To Biodiversity In Malaysia" Exhibition</p> <p>(u) "Ekspo Buy Malaysia Bling Bling Fair 2009"</p> <p>(v) Karnival Iktiraf 2009</p> |
| (6) International cooperation on IP rights |                | <p>i) Bilateral Cooperation</p> <p>ii) Ongoing collaboration in organising seminars and workshops with foreign IP offices such as European Patent Office (EPO) and Japan Patent Office (JPO) as well as international organisation such as World Intellectual Property Organisation (WIPO)</p> <p>iii) Harmonisation of Trademarks and Patents System among ASEAN member countries</p> | <p>Bilateral Cooperation with Japan and New Zealand.</p>  |

|   | Status in 1996 | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
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|   |                | is still on-going by the Patents and Trademarks Experts of the ASEAN member Countries at the AWGIPC meeting.   |  |
| (7) Measures to promote transparency of IP rights requirement (for example, the APEC Leaders' Transparency Standards) |                | <p>i) All laws, regulations and rulings related to IP rights are stated in specific Acts. These information are also available at the Intellectual Property Corporation of Malaysia's (MyIPO) website: <a href="http://www.myipo.gov.my">www.myipo.gov.my</a></p> <p>ii) Process for application, issuance and registration of IP rights are stated in specific Acts. This information is also available at the MyIPO website (<a href="http://www.myipo.gov.my">www.myipo.gov.my</a>) and in the form of pamphlet and brochure for public distribution.</p> <p>iii) MyIPO has set up a centralised mechanism for enquiries/complaints through its website: <a href="http://www.myipo.gov.my">www.myipo.gov.my</a>.</p> <p>iv) Providing awareness programmes for SMEs and guide them on registration procedures upon request.</p> <p>v) A system on registration of industrial property that includes:</p> <ul style="list-style-type: none"> <li>• the reasons in writing, if applicable, for refusal to register a patent or trade mark;</li> <li>• opportunity to contest a refusal and request a review by a higher authority;</li> <li>• opportunity to oppose or challenge an application, or seek cancellation of a previously-granted trademark or patent;</li> <li>• decisions in opposition or cancellation proceeding in writing are provided under</li> </ul> | <p>On-going.</p> <p>On-going.</p> <p>On-going.</p> <p>On-going.</p> <p>On-going.</p>                     |

|  | Status in 1996   | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
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|  |  | <p>the specific Acts and regulations related to IP.</p> <p>vi) Final judicial and/or administrative rulings are published in the respective Law Journal and Law Report. The rulings are announced in the courtroom with the attendance of the parties and their respective lawyers.</p> <p>vii) Measures proposed for adoption are published after approval from the Cabinet and Parliament. Provide timely updates of IPR regimes in the websites, with easy access to parties, and via APEC Secretariat.</p> <p>viii) All IPR rules, regulations, etc., are reviewed to ensure they are simple, clear, and consistent, and where possible resolve issues raised in a timely manner.</p> | <p>On-going.</p> <p>On-going.</p> <p>On-going.</p>   |
| <b>8. Competition Policy</b>   |  |   |  |
| (1) Development of competition laws and establishment of competition authority | <p>(Existence or non-existence of competition laws and authority)</p> <p>No generic or national competition laws</p> | <p><u><b>Generic or national competition laws</b></u></p> <p>None</p> <p>While Malaysia has yet to establish a generic or national competition laws, legislation on anti-competitive measures is available in two economic sectors, namely the communications and multimedia sector and energy sector but applied actively in only the communications and multimedia sector.</p> <p><u>Sector Specific Regulatory Authority:</u></p> <p>i <u>Malaysian Communication and Multimedia Commission (MCMC)</u></p> <p>MCMC, a sector specific regulatory authority is responsible for implementing the</p>   | <p><u><b>Generic or national competition laws</b></u></p> <p>Malaysia has been holding regular public consultations since 2007 with government agencies, industry and trade associations including international trade associations as well as consumer groups and NGOs to obtain feedback and inputs on issues pertaining to the Competition Bill.</p> <p>Currently, Malaysia is in the final process of introducing the Competition Bill and the Competition Commission Bill which is targeted to be tabled in Parliament by 2010.</p> |

|  | Status in 1996                                     | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
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|  |  | <p>Communications and Multimedia Act 1998. Sections 133-144 of the Communications and Multimedia Act 1998 in general prohibits conduct which has the purpose of substantially lessening competition in a communication market.</p> <p>Where any infringement of the prohibition by dominant operators occurs, the MCMC is empowered to direct the licensee to cease the conduct or to implement remedial measures. The MCMC may also seek to obtain an interim or interlocutory injunction against any prohibited conduct and refer the matter to the Public Prosecutor to prosecute the licensee in the Sessions Court.</p> <p>ii. <u>Energy Commission</u></p> <p>Provisions for the enforcement of competition measures in the energy sector are broadly defined in the Energy Commission Act 2001. The Act provides that one of the functions of the Energy Commission which is to promote and safeguard competition and fair and efficient market conduct or, in the absence of a competitive market, to prevent the misuse of monopoly or market power in respect of the generation, production, transmission, distribution and supply of electricity and the supply of gas through pipelines.</p> | <p>It is proposed that all commercial activities will be subjected to this Competition Bill. However, the extent of coverage of the Bill is subjected to the final approval by Parliament.</p> <p><u>Publishing of Guidelines</u></p> <p>MCMC has published two guidelines in applying the competition provision.</p> <p>The first guideline is “Guideline on Substantial Lessening of Competition” to clarify the meaning of “substantial lessening of competition” (1 February 2000) while the other is “Guideline on Dominant Position in a Communication Market” to clarify the meaning of “dominant position” (1 February 2000).</p> |
| (2) Consistency with APEC Principles to Enhance Competition Policy and Deregulation and efforts to become consistent with the Principles | (All, Most, Some, None)<br><br>None                | (All, Most, Some, None)<br><br>Most  |   |
| (3) International cooperation on Competition law/policy  | (Description of illustrative measures)<br><br>None | <br><br>Some   |   |

|   | Status in 1996  | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
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| <b>9. Government Procurement</b>  |   |   |  |
| (1) Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners | Laws, regulations, rules, procedures and policies related to Government procurement are transparent and continuously enhanced to increase efficiency. | Laws, regulations, rules, procedures and policies related to Government procurement are transparent and continuously enhanced to increase efficiency. | <p>Malaysia has revised the Treasury Instructions (TI) which stipulates government financial and accounting rules and procedures which include directives on budgeting, expenditure, government procurement and asset management. The new TI came into effect on 31 July 2008 to replace the earlier one issued in 1997.</p> <p>Malaysia has issued a circular on procurement through tender, as stipulated in Treasury Circular Letter (TCL) No. 5 Year 2007, which incorporated changes and improvements to tender rules and procedures. This circular is a comprehensive reference for Government agencies and helps to ensure better implementation in tender procedures.</p> <p>The Guideline in Tender Evaluation issued through Treasury Instructions Letter (TIL) dated 21 March 2008 serves as guidelines and reference for agencies. TIL provides details on best practices in tender evaluation.</p> <p>Malaysia has also issued a circular on procurement through quotation, as stipulated in TCL No. 5 Year 2009 which incorporates changes and improvements to quotation rules and procedures. This circular serves as a comprehensive reference to Government Agencies and ensures better implementation in quotation procedures.</p> |

|  | Status in 1996 | Status in 2009 | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
|--|----------------|----------------|---|
|  |                |                | <p>All procuring agencies are required to publish information on the invitation as well as the final decision made on the quotations or tenders in the Agencies' website and notice board as stipulated in TCL No. 5 Year 2009 and TCL No. 5 Year 2007. In 2009, Malaysia introduced 6 National Key Result Areas (NKRA) and reducing corruption including in Government procurement is one of the initiatives. TIL dated 4 November 2009 is a reminder to all Government agencies to publish information of successful biddings such as names of bidders, price and duration of contract in the Government Agencies' notice boards or Agencies' website and hyperlinked to myGovernment Portal.</p> <p>The corruption offences are punishable under the Malaysian Anti-Corruption Act, revised in 2009 and enforced by the Malaysia Anti-Corruption Commission (MACC).</p> <p>The Government of Malaysia is also moving towards electronic procurement and has introduced an electronic procurement system in 2000, known as ePerolehan system. In 2004, the Ministry of Finance Malaysia launched its Quotation and Tender Modules in the ePerolehan System at 14 selected Ministries on a pilot basis and by 2008 extended to all federal Government Agencies.</p> <p>Prior to 2009, the Government launched 6 modules in the ePerolehan system</p> |

|  | Status in 1996                           | Status in 2009                           | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
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|  |  |  | <p>such as Quotation and Tender modules. In 2009, the MOF launched an additional module, eBidding which is an online reverse auction procurement. In addition, a circular was issued to emphasise the utilisation of ePerolehan system in Supplies and Services.</p> <p>Beginning 2009, all Government Agencies which are ePerolehan-enabled are required to utilise the ePerolehan system by ensuring a minimum of 70% of total annual allocation for supplies and services are procured through the ePerolehan system.</p> <p>With all the initiatives through the ePerolehan system, the Government has successfully introduced virtual certificates for registration of supplies and services with MOF. Companies are no longer required to bring original certificates while purchasing procurement documents. Government agencies can verify company's registration and profile via the ePerolehan system as stipulated in TIL dated 30 December 2009. Virtual certificates can only be implemented in phases taking into consideration the constraints on IT infrastructure in rural areas.</p> |
| (2) Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers | (All, Most, Some, None)<br>Some          | (All, Most, Some, None)<br>Some          |  |
| (3) Reciprocity requirements in providing access to government procurement markets             | (existing, not existing)<br>Not existing | (existing, not existing)<br>Not existing |  |

|  | Status in 1996                                     | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
|--|--|---|--|
| (4) Consistency with the APEC Non-binding Principles on Government Procurement | (All, Most, Some, None)<br>All                     | (All, Most, Some, None)<br>All  |  |
| (5) Introduction of electronic means for government procurement                | (Introduced, Not introduced)<br><br>Not Introduced | (Introduced, Not introduced)<br><br>Introduced  | <p>The ePerolehan system (electronic procurement) was developed for Government agencies. Agencies which are ePerolehan-enabled are required to use Modules under ePerolehan system for the purchase of supplies and services e.g. Quotation and Tender Modules. The modules allow invitations for quotations or tenders to be done online and bidders are required to download the quotation or tender documents from the system and submit their bids online as well.</p> <p>Online procurement has effectively reduced the cost and time as well as increased transparency in Government procurement. Among the main modules under the ePerolehan system are Tender (launched in May 2003), Quotation (launched also in May 2003) and eBidding (launched in September 2006).</p> |
| <b>10. Deregulation/ Regulatory Reform</b>                                     |  |   |  |
| (1) Reviews of existing regulations  | (All, Most, Some, None)<br>Some                    | (All, Most, Some, None)<br>Some<br><br>Immigration has reduced the time taken for Employment Pass Application approval: <ul style="list-style-type: none"> <li>• from 14 to 7 working days for Post Approval;</li> <li>• from 7 to 3 working days for Pass Approval; and</li> <li>• Dependent Passes are accorded within 3 days.</li> </ul> | <p>By March 2010, the time taken to start a business will have been reduced to 3 days from 11 days previously through the following improvements:</p> <ul style="list-style-type: none"> <li>• Internalised the procedure for stamp of company documents.</li> <li>• Registration of employees with the Inland Revenue Board, Employees' Provident Fund (EPF) and Social Security Organisation (SOCSO) and notification to the Inland Revenue Board can now be done</li> </ul>   |

|  | Status in 1996 | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices  |
|--|----------------|---|---|
|  |                | <p>Steps taken to improve the processes in employing workers include:</p> <ul style="list-style-type: none"> <li>• Enhancing transparency of the processes through the publication of Guidelines on Retrenchment Management;</li> <li>• Issuance of a Circular on retrenchment to update employers of the change in regulation, i.e., for retrenchment involving less than five employees, employers do not need to notify the Labour Department.</li> </ul> <p>Deregulation of Foreign Investment Committee (FIC) Guidelines and Functions:</p> <ul style="list-style-type: none"> <li>• Repeal of FIC guidelines on acquisition of equity stake, mergers and takeovers.</li> <li>• The functions of FIC on equity matters will be done by sector regulators i.e., the respective Ministries and Agencies.</li> </ul> <p>The requirement for companies going for Initial Public Offering (IPO) to maintain a 30% Bumiputera equity share has been removed. Instead Securities Commission (SC) will now require only 50% of public spread to be offered to Bumiputeras.</p> <p>Acquisition of properties application will only be processed by the Economic Planning Unit (EPU) when it involves transactions that dilute Bumiputera interest and Government interests. For properties valued above RM20 million, whether bought directly or indirectly. Foreigners only need to refer the purchase of properties to the respective Local Authority or Government Agency.</p> <p>To expedite the approval of property development permits and occupancy of completed buildings, the One-Stop Centre (OSC) and the Certificate of Completion and</p> | <p>simultaneously online in 1 day from 4 days previously, through the one stop horizontal services in MyGovXchange in March 2010; and</p> <ul style="list-style-type: none"> <li>• Companies Commission of Malaysia (SSM) will make available the purchase of statutory books and share certificates over the counter nationwide as well as through the Internet. Purchase can be done in parallel with the application for name approval and incorporation at SSM.</li> </ul> <p>Effective 1<sup>st</sup> March 2010, stamping of transfer and valuation of property can be done simultaneously for common and standard landed properties. For standard cases, registration of landed property will be reduced to 2 days from 41 days previously.</p> <p>For non-standard cases, registration of landed property will be reduced to 11 days from 41 days previously. A revised edition Guidebook on Registering Property documents the latest improvements made. This is made available both in hard copy and on-line.</p> <p>On 1<sup>st</sup> September 2009, the Judiciary launched the New Commercial Courts (NCC) at the Court Complex in Jalan Duta, Kuala Lumpur to expedite disposal of commercial cases, except for those related to Intellectual Property and Muamalat, in 270 days from an average disposal time of 585 days, previously. NCC cases will be heard by experienced judges with specialised knowledge in commercial law. NCC</p> |

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|  |                | <p>Compliance (CCC) are initiatives undertaken in 2007 to streamline and improve the deliverables of Local Authorities. CCC aims at increasing the credibility of professionals (architects/engineers/ draughtsmen) by making them responsible for the projects they oversee as well as meeting the Government's objective of encouraging the private sector to self regulate.</p> | <p>uses ICT applications extensively i.e., from registering, filing documents to recording of trials, to facilitate administrative work and managing case documents.</p> <p>A Single Corporate Identity Number, MyCoID will be used to facilitate Business-to- Government (B2G) and Business-to-Business (B2B) transactions. Beginning 1<sup>st</sup> July 2009, MyCoID is the standard identification number of a business entity for use in its interaction with Government agencies. It is the Companies Commission of Malaysia (SSM) business registration number for companies, sole proprietors and partnerships.</p> <p>Companies have started using their MyCoID when dealing with:</p> <ul style="list-style-type: none"> <li>• Inland Revenue Board (IRB) since 1<sup>st</sup> July 2009;</li> <li>• Employees' Provident Fund (EPF) since 1<sup>st</sup> July 2009;</li> <li>• Human Resource Development Fund since 1<sup>st</sup> September 2009; and</li> <li>• the Social Security Organisation (SOCSO) – since 1<sup>st</sup> January 2010.</li> </ul> <p>Further expansion of MyCoID in 2010 includes:</p> <ul style="list-style-type: none"> <li>• SME Corporation Malaysia (SME Corp); and</li> <li>• Construction Industry Development Board (CIDB).</li> </ul> <p>Malaysia undertook progressive regulatory and deregulation exercise to</p> |

|   | Status in 1996  | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
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|   |   |  | spur conducive business environment to function efficiently. In November 2008, the requirement of 30% Bumiputera equity was lifted in the distributive trade sector for other formats except the hypermarket segment.  |
| (2) Reviews of new or proposed regulations  | (All, Most, Some, None)<br>Some   | (All, Most, Some, None)<br>Some  | To further reduce the time taken to start a business to only 1 day by making the following improvements: <ul style="list-style-type: none"> <li>• SSM to review the Company Act on the requirement of the company seal.</li> <li>• SSM to consider the implementation of the second stage of MyCoID which would allow the auto generation of information into the databases of SSM, IRB, EPF and SOCSO.</li> </ul> <p>Judiciary looks to combining rules for lower and high courts which simplify court procedures in order to reduce trial and hearing period of commercial disputes.</p> |
| (3) Consistency with APEC Principles to Enhance Competition and Regulatory Reform | (All, Most, Some, None)<br>Some   | (All, Most, Some, None)<br>Most  |  |
| (4) Improving transparency in regulatory regimes                                  | (Description of illustrative measures)<br>Transparency is covered in other specific sections  | (Description of illustrative measures)<br>Efforts have been continuously made to publicise changes in regulations and improve transparency through public announcements, media releases, dialogues, briefing session and websites. |  |
| <b>11. WTO Obligation/ Rules of Origin</b>  |   |  |  |
| (1) WTO/UR Agreements not yet fully implemented                                   | 2 cases in 1996:<br>i) United States - Import Prohibition of Certain Shrimp and Shrimp Products; and<br>ii) United States - The Cuban Liberty and | No case and WTO/UR Agreements are fully implemented.   |  |

|   | Status in 1996   | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
|---|--|---|--|
|   | Democratic Solidarity Act.   |   |  |
| (2) Ensuring application of rules of origin in an impartial, transparent and neutral manner | <p>Malaysia has no national law governing rules of origin for imports and exports.</p> <p>Malaysia applies non-preferential Rules of Origin in accordance with the WTO Agreement on Rules of Origin and is committed to finalising negotiation of the Harmonisation Work Program (HWP) for non-preferential Rules of Origin.</p> | <p>Malaysia has no national law governing rules of origin for imports and exports.</p> <p>Malaysia applies non-preferential Rules of Origin in accordance with the WTO Agreement on Rules of Origin and is committed to finalising negotiation of the Harmonisation Work Program (HWP) for non-preferential Rules of Origin. Currently, negotiation is still underway to harmonised non-preferential Rules of Origin.</p> <p>In respect of regional and bilateral agreements, Malaysia maintains preferential rules of origin in the following:</p> <ul style="list-style-type: none"> <li>i) Common Effective Preferential Tariff Scheme (CEPT) under the ASEAN Free Trade Area;</li> <li>ii) Malaysia-Pakistan Closer Economic Partnership Agreement (MCEPA);</li> <li>iii) Framework of Agreement on Comprehensive Economic Cooperation between ASEAN- China;</li> <li>iv) Framework of Economic Partnership between ASEAN- Japan;</li> <li>v) ASEAN-India Trade in Goods Agreement; and</li> <li>vi) ASEAN-Australia and New Zealand Free Trade Agreement.</li> </ul> |  |
| <b>12. Dispute Mediation</b>  |  |   |  |
| Dispute mediation methods, process and bodies are available to foreign businesses           | <p>(List of methods)</p> <p>1. Judicial process under the Federal Constitution and the Courts of Judicature Act 1964</p>   | <p>(List of methods)</p> <p>1. Judicial process under the Federal Constitution and the Courts of Judicature Act 1964</p>  | <ul style="list-style-type: none"> <li>• The Arbitration Act 2005 was enacted after a major overhaul of the earlier Arbitration Act 1952. The 1952 Act has since been repealed. The 2005 Act was drafted based on</li> </ul> |

|  | Status in 1996  | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
|--|---|---|--|
|  | <p>2. Domestic arbitration under the Arbitration Act 1952</p> <p>3. New York Convention on the Recognition &amp; Enforcement of Foreign Arbitral Awards (enacted as “the Convention and Enforcement of Foreign Arbitral Awards Act 1985”</p> <p>4. Reciprocal Enforcement of Judgments Act 1958</p> <p>5. Convention on the Settlement of Investment Disputes between States and Nationals of Other States (“ICSID”) as applicable</p> <p>(list of bodies)</p> <ol style="list-style-type: none"> <li>1. The Courts</li> <li>2. Kuala Lumpur Regional Centre for Arbitration (“KLRCA” )</li> <li>3. Malaysian Institute of Arbitrators (“MIArb”)</li> <li>4. Chartered Institute of Arbitrators (“CIArb”)</li> <li>5. Malaysian Institute of Architects (“PAM”)</li> <li>6. Malaysian Mediation Centre (“MMC”)</li> </ol> | <p>2. Domestic arbitration under the new Arbitration Act 2005</p> <p>3. New York Convention on the Recognition &amp; Enforcement of Foreign Arbitral Awards (enacted and subsumed in Arbitration Act 2005</p> <p>4. Reciprocal Enforcement of Judgments Act 1958</p> <p>5. Convention on the Settlement of Investment Disputes between States and Nationals of Other States (“ICSID”) as applicable</p> <p>(list of bodies)</p> <ol style="list-style-type: none"> <li>1. The Courts</li> <li>2. Kuala Lumpur Regional Centre for Arbitration (“KLRCA” )</li> <li>3. Malaysian Institute of Arbitrators (“MIArb”)</li> <li>4. Chartered Institute of Arbitrators (“CIArb”)</li> <li>5. Malaysian Insitute of Architects (“PAM”)</li> <li>6. Malaysian Mediation Centre (“MMC”)</li> </ol> | <p>the United Nations Commission on International Trade Law (“UNCITRAL”) Model Law on Commercial Arbitration. Currently, the Arbitration Act 2005 is being reviewed and amended to improve its efficacy, allowing for increased powers to arbitrators and minimal intervention from the Courts.</p> <ul style="list-style-type: none"> <li>• Examples of best practice: <ul style="list-style-type: none"> <li>- Investor-State Dispute State mechanism under: <ul style="list-style-type: none"> <li>○ Various bilateral investment treaties/ Investment Guarantee agreements</li> <li>○ Regional investment agreement under Association of Southeast Asian Nations (“ASEAN”) – ASEAN Comprehensive Investment Agreement (“ACIA”)</li> <li>○ Bilateral free trade agreements such Malaysian-Japan Economic Partnership Agreement (“MJEPA”) and Malaysia-Pakistan Closer Economic Partnership Agreement (“MPCEPA”)</li> <li>○ Regional trade agreements such ASEAN-Australia-New Zealand Free Trade Agreement (“AANZFTA”), ASEAN-China Free Trade Agreement (“ACFTA”) and ASEAN-Korea Free Trade Agreement (“AKFTA”).</li> </ul> </li> </ul> </li> </ul> |

|  | Status in 1996  | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
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| <b>13. Mobility of Business People</b>                                     |   |   |  |
| (1) Number of visa free or visa waiver arrangements                        | (Number of arrangements)  | Malaysia impose visa on visitors from 38 countries.   |  |
| Visa free or visa waiver arrangements with APEC member economies           | (List of economies)   | APEC Economies imposed with visa to enter Malaysia are:<br>1. China;<br>2. Hong Kong; and<br>3. Taiwan.   |  |
| (2) Participation in the APEC Business Travel Card scheme                  | No  | Effective 27 August 2000, Malaysia started participating in the APEC Business Travel Card scheme.   |  |
| (3) Other efforts to facilitate mobility of business people than the above | (Description of illustrative measures)                                      | Malaysia has provided Visa On Arrival (VOA) and Transit Without Visa facilities to accommodate citizens from selected countries to facilitate their entry into Malaysia   |  |
| (4) Average time to approve for short term business visit visa             | Application for visa to enter Malaysian is granted between 1-3 working days | Application for visa to enter Malaysian is granted between 1-3 working days   |  |
| <b>14. Trade Facilitation</b>  |   |   |  |
| (1) Consistency with APEC Principles on Trade Facilitation                 | --  | <p>Answers: <u>Most</u></p> <ul style="list-style-type: none"> <li>• Malaysia is consistent with most of APEC Trade Facilitation principles as follows: <ul style="list-style-type: none"> <li>- Transparency;</li> <li>- Communication and Consultation;</li> <li>- Simplification, Predictability and Efficiency;</li> <li>- Non-Discrimination;</li> <li>- Consistency and Predictability;</li> <li>- Harmonisation, Standardisation and Recognition;</li> <li>- Modernisation and the Use of New Technology; and</li> <li>- Cooperation.</li> </ul> </li> <li>• However, there are still areas that need to be further improved such as harmonisation,</li> </ul> |  |

|   | Status in 1996   | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
|---|--|---|--|
|   |  | standardisation and recognition, modernisation and the use of new technology and cooperation.   |  |
| (2) Implementation of Trade Facilitation Action and Measures (approved in 2002) | <p>(Number of items implemented as of 2004)</p> <ul style="list-style-type: none"> <li>• <u>Customs Procedures:</u> <ul style="list-style-type: none"> <li>- training of WTO valuation and PCS for Customs Officers;</li> <li>- implementation of pre-importation classification;</li> <li>- documentation of National Data Elements (version 2);</li> <li>- establishment of Customs Intelligence Centre (CIC);</li> <li>- utilising Post Clearance Audit as part of risk management techniques;</li> <li>- implementation of Code of Customs Ethics and Conduct;</li> <li>- establishment of Customs Private Sector Consultative Panel (CCP) in every state;</li> <li>- utilisation of Anti Money Laundering and Anti Terrorism Financing Act (AMLATFA) 2001; and</li> <li>- improved communication with Customs officers via email.</li> </ul> </li> <li>• <u>Standards and Conformance:</u> <ul style="list-style-type: none"> <li>- Percentage of cumulative MS aligned with international standards - 21.6%</li> <li>- Member of ILAC in 1988</li> <li>- Member of ILAC in 1995</li> <li>- Member of PAC in 1995</li> <li>- Member of IAF in 1996</li> </ul> </li> </ul> | <p>(Number of items implemented )</p> <ul style="list-style-type: none"> <li>• <u>Customs Procedures:</u> <ul style="list-style-type: none"> <li>- Upgrade of Customs Intelligence Centre;</li> <li>- Custom Verification Initiative was implemented as risk management tool for targeting high risk consignment;</li> <li>- adopted the Authorised Economic Operators concept also referred as Customs golden Client (CGC) scheme;</li> <li>- Establishment of Customs Appeal Tribunal;</li> <li>- implementation of Advance Rulings System on Classification and Valuation;</li> <li>- adoption of Code of Conduct;</li> <li>- adopting forensic investigation technique;</li> <li>- Upgrading the Customs website to be more informative;</li> <li>- Conducted Time Release Survey in 2007.</li> </ul> </li> <li>• <u>Standards and Conformance:</u> <p>Malaysia where appropriate, aligns its technical regulations, standards and conformity assessment procedures with international standards e.g. CODEX, OIE, IPPC, ISO and IEC standards.</p> <p>Malaysia through STANDARDS MALAYSIA has aligned Malaysian Standards (MS) with International Standards in agreed priority areas and provided updated information for inclusion</p> </li> </ul> | <ul style="list-style-type: none"> <li>i) Establishment of Customs Call Centre to respond on enquiries regarding Customs matters.</li> <li>ii) Second Time Release Study will be conducted in 2010.</li> </ul> <p>E-Permit has been implemented by the Government to create an online system for import/export permit applications and approvals for all Permit Issuing Agencies (PIAs).</p> <p><u>Trade Facilitation:</u></p> <ul style="list-style-type: none"> <li>- Ongoing activity of Business Process Reengineering in cooperation with industry and logistic associations to carry out re-engineering of processes appropriate for both the NSW and the electronic paperless environment.</li> <li>- Ongoing consultation through Trade Facilitation Action Council, national trade facilitation body, which consists of representatives from government ministries and</li> </ul> |

|  | Status in 1996 | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices   |
|--|----------------|---|--|
|  |                | <p>in the VAP. As of 31 December 2009, 60.10% of the total number of MS was aligned with international standards (ISO and IEC)</p> <p>Malaysia through STANDARDS MALAYSIA maintains its status as signatory to APLAC and ILAC MRA (for testing, including medical testing and calibration fields), as well as PAC and IAF MLA (for QMS, EMS and PC).</p> <p>Provisional Adherent to OECD Mutual Acceptance of Data (MAD) has been achieved by Malaysia since 10 October 2008.</p> <p>Malaysia is involved in international and regional comparisons of measurement standards organised by the International Committee on Weights and Measures (CIPM) and the Asia Pacific Metrology Programme (APMP).</p> <p>Malaysia adopted/implemented the APEC Electrical and Electronic Mutual Recognition Arrangement (EEMRA) Part 1 and Part II.</p> <p>Malaysia continues to participate in:</p> <ol style="list-style-type: none"> <li>1) APEC MRA (Exchange of Information) on Toys Safety</li> <li>2) APEC EEMRA – Part 1 (Information Exchange)</li> <li>3) APEC EEMRA Part II (Acceptance of Test Report)</li> <li>4) APEC Food MRA (Information Exchange)</li> <li>5) ASEAN EEMRA</li> <li>6) ASEAN Harmonised Cosmetics Regulatory Schemes</li> <li>7) ASEAN Sectoral MRA for GMP Inspection (Pharmaceutical)</li> </ol> | <p>agencies and the private sector. TFAC meets quarterly to discuss and address issues related to electronic initiatives for trade facilitation.</p> |

|  | Status in 1996  | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>• <u>Business Mobility:</u> <ul style="list-style-type: none"> <li>- visitors for business purposes do not require visa;</li> <li>- Natural persons from Commonwealth countries except India, Pakistan, Bangladesh, Sri Lanka and Nigeria are allowed to stay without visa for the period up to three months;</li> <li>- Natural persons from ASEAN countries are allowed to stay without visa for the period of one month;</li> </ul> </li> </ul> | <p>Malaysia through the National Metrology Laboratory (NML-SIRIM) also maintains its status as signatory to International Committee for Weights and Measures (CIPM) Global MRA and provided information on the degree of equivalence of its national measurement standards and comparability of national metrology services.</p> <p>Malaysia is involved actively in APEC Food Safety Cooperation Forum (FSCF) and PTIN. Malaysia continues to participate in IECCC-CB-FCS Schemes and IECEX System.</p> <p>Malaysia conducted the International Workshop on Standards and Quality under Malaysia Cooperation Technical Program (MTCP) for developing economies.</p> <p>STANDARDS MALAYSIA provides opportunities for industry to contribute to standards development activities and provides information on contact points for technical information relating to standards and conformance through website <a href="http://www.standardsmalaysia.gov.my">www.standardsmalaysia.gov.my</a>.</p> <ul style="list-style-type: none"> <li>• <u>Business Mobility:</u> <ul style="list-style-type: none"> <li>- Publication of Guidebook on Employment of Expatriate which is also available electronically;</li> <li>- establishment of express lane for ABTC holder;</li> <li>- business people are given Multiple Entry Visa for period ranging from 3 months to 5 years; and</li> <li>- Visa on Arrival (VOA) facilities are available for citizens from Bangladesh, Bhutan, China, Comoros, Hong Kong,</li> </ul> </li> </ul> |  |

|  | Status in 1996  | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>- Natural persons from countries which have signed Partial Visa Abolition Agreement with Malaysia are exempted from visa for the period of stay one to three months;</li> <li>- APEC Business Travel Card (ABTC) holders are exempted from Visa;</li> <li>- normal processing time for Visa Without Reference is one to three days time;</li> <li>- visitors entering Malaysia for business purposes can stay in the country for period ranging from 14 days to 90 days;</li> <li>- Immigration Laws and Regulation are being published and can be found from bookstores throughout the country;</li> <li>- Immigration Circulations meant for Immigration officers are circulated to all level of officers and staff to give clear immigration guidelines and procedures;</li> <li>- decisions are made based on Immigration Laws, Regulations and as well as the circulations;</li> <li>- operationalisation of ABTC Systems;</li> <li>- expatriates are given minimum period of stay of two years on Employment Pass and Multiple Entry Visa subject to renewal;</li> <li>- business people are given Multiple Entry Visa for period ranging from 3 months to 12 months; and</li> <li>- Consultative Panel meeting with Private Sectors is conducted two to four times a year.</li> </ul> | <p>Myanmar, Nepal and Taiwan. VOA facilities are also available for green card holders and expatriates from India, Pakistan, Sri Lanka and Pakistan who are working in third countries.</p> <p><u>Remaining policies:</u></p> <ul style="list-style-type: none"> <li>- Natural persons from Commonwealth countries except India, Pakistan, Bangladesh, Sri Lanka and Nigeria are allowed to stay without visa for the period up to three months;</li> <li>- Natural persons from ASEAN countries are allowed to stay without visa for the period of one month;</li> <li>- Natural persons from countries which have signed Partial Visa Abolition Agreement with Malaysia are exempted from visa for the period of stay one to three months;</li> <li>- APEC Business Travel Card (ABTC) holders are exempted from Visa;</li> <li>- normal processing time for Visa Without Reference remains between one to three days;</li> <li>- visitors entering Malaysia for business purposes can stay in the country for a period ranging from 14 to 90 days;</li> <li>- Immigration Laws and Regulation are published and can be obtained from bookstores throughout the country;</li> <li>- Immigration Circulars meant for Immigration officers are circulated to all levels of officers and staff to provide clear immigration guidelines and procedures;</li> </ul> |  |

|  | Status in 1996  | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>• <u>E-Commerce:</u> <ul style="list-style-type: none"> <li>- Development of Customs websites: <a href="http://www.customs.gov.my">www.customs.gov.my</a>; and</li> <li>- Implementation of paperless cargo manifest.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>- decisions are made based on Immigration Laws, Regulations and circulars;</li> <li>- implementation of ABTC System;</li> <li>- expatriates are given a minimum period of stay for two years on Employment Pass and Multiple Entry Visa subject to renewal; and</li> <li>- Consultative meetings with private sector are conducted where appropriate.</li> </ul> <ul style="list-style-type: none"> <li>• <u>E-Commerce:</u> <ul style="list-style-type: none"> <li>- construction of HS Explorer : <a href="http://tariff.customs.gov.my">http://tariff.customs.gov.my</a>;</li> <li>- ongoing development of a National Single Window for Trade Facilitation (NSW). 5 core services of NSW have been operationalised since 19 November 2009 and are available through MyTradelink online portal (<a href="http://www.mytradelink.gov.my">www.mytradelink.gov.my</a>): <ul style="list-style-type: none"> <li>i) e-Declare - Facillitate Electronic Submission of Customs Declaration by Importers/Exporters;</li> <li>ii) e-Payment - Facillitate electronic payment of Customs Duty by Importers/Exporters</li> <li>iii) e-Permit - Importers/Exporters apply for Permit &amp; Obtain Approval Online from 30 OGAs;</li> <li>iv) e-Preferential Certificate of Origin (e-PCO) - Exporters apply from MITI &amp; Obtain Approval Online</li> <li>v) e-Manifest System - allows shipping agents &amp; freight forwarders to</li> </ul> </li> </ul> </li> </ul> |  |

|   | Status in 1996  | Status in 2009  | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
|---|---|---|--|
|   |   | submit Conveyance Report & Customs Cargo Report to Authorities  |  |
| <b>15. Promotion of High-Quality RTAs/FTAs</b>        |   |   |  |
| (1) Number of RTAs/FTAs concluded/signed              | (Number of agreements) 1<br>ASEAN Free Trade Agreement (AFTA)   | (Number of agreements) 9<br>1. ASEAN Free Trade Agreement (AFTA)<br>2. ASEAN- Australia -New Zealand (AANZFTA)<br>3. ASEAN-China FTA (ACFTA)<br>4. ASEAN-India FTA (AIFTA)<br>5. ASEAN-Japan CEP (AJCEP)<br>6. ASEAN-Korea FTA (AKFTA)<br>7. Malaysia-Japan EPA (MJEPA)<br>8. Malaysia-New Zealand FTA (MNZFTA)<br>9. Malaysia-Pakistan CEPA (MPCEPA)                           |  |
| RTAs/FTAs concluded/signed with APEC member economies | (List of agreements)<br>ASEAN Free Trade Agreement (AFTA)<br>- APEC economies are Malaysia, Singapore, Thailand, Indonesia, Brunei and Philippines. | (List of agreements)<br>1. ASEAN Free Trade Agreement (AFTA)<br>- APEC economies are Malaysia, Singapore, Thailand, Indonesia, Brunei, Philippines and Vietnam.<br>2. ASEAN-Australia- New Zealand (AANZFTA)<br>3. ASEAN-China FTA (ACFTA)<br>4. ASEAN-Japan CEP (AJCEP)<br>5. ASEAN-Korea FTA (AKFTA)<br>6. Malaysia-Japan EPA (MJEPA)<br>7. Malaysia-New Zealand FTA (MNZFTA) |  |
| (2) Number of RTAs/FTAs under negotiation             | (Number of agreements)<br>Nil   | (Number of agreements) 3<br>1. Malaysia-Australia FTA (MAFTA)<br>2. Malaysia-Chile FTA (MCFTA)<br>3. Malaysia-India CECA (MICECA)   |  |

|  | Status in 1996   | Status in 2009   | Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices |
|--|--|--|--|
| RTAs/FTAs being negotiated with APEC member economies          | (List of agreements)<br>Nil  | (List of agreements and date of last round of negotiations)<br>Malaysia-Australia FTA (MAFTA) - 2009<br>Malaysia-Chile FTA (MCFTA) - 2009  |  |
| (3) Consistency with APEC Model Measures for RTAs and FTAs     | (Description of Consistency with APEC Model Measures)<br>N.A. (Model measures were not in place in 1996) | (Description of Consistency with APEC Model Measures)<br>Where applicable, all RTAs/FTAs are generally consistent with APEC Model Measures |  |
| <b>16. Voluntary Self-Reporting</b>                            |  |  |  |
| (1) Other Efforts in Support of the Bogor Goals: (Description) | (Description of illustrative measures)   | (Description of illustrative measures)   |  |
| (2) <i>As needed for other actions</i>                         |  |  |  |
| (3) <i>As needed for other actions</i>                         |  |  |  |