**APPENDIX 1**

**BOGOR GOALS PROGRESS REPORT GUIDELINES**

1. **PURPOSE**

The *Bogor Goals Progress Report Guidelines* will be implemented for reviewing 21 economies’ progress towards achieving free and open trade and investment by 2020.

1. **RATIONALE FOR A REVISED MECHANISM**

In Montana, in May 2011, Senior Officials (SOM) endorsed recommendations prepared by the Committee of Trade and Investment (CTI) for a more robust mechanism to track progress towards the Bogor Goals. Background information can be found at: 2011/SOM2/021anx2.

1. **BOGOR GOALS PROGRESS REPORT GUIDELINES**
2. **Format of the Individual Action Plan (IAP)**
* Economies will report on the *IAP Template* (annex 1) *new* trade and investment policies and procedures and the improvements planned for the remaining areas to fill the gap in moving closer to achieving the Bogor Goals. If policy settings remain the same from one reporting period to the next, then there is no need to collect and repeat the same information. 2010 economies[[1]](#footnote-1) might give emphasis to those areas where shortcomings were highlighted in the *Leaders' Statement on 2010 Bogor Goals Assessment.*
* The areas to be reported will be based on the *Osaka Action Agenda* plus those added afterwards:
* Tariffs
* Non-tariff measures
* Services
* Investment
* Standards and conformance
* Customs procedures
* Intellectual property
* Competition policy
* Government procurement
* Deregulation/regulatory review
* World Trade Organization (WTO) obligations including rules of origin
* Dispute mediation
* Mobility of business people
* Official websites that gather economies´ information
* Transparency
* Regional Trade Agreements / Free Trade Agreements (RTAs/FTAs)
* Other voluntary reporting areas
* Economies will describe, in brief points only, significant new developments under each chapter heading. The information provided should be succinct but sufficient for the reader to understand the outline of the measure being described. Refer to the IAP reporting templates revised in 2004 together with *2000 APEC IAP Format Guidelines* as guidance for reporting on each issue area*.*
* Wherever possible entries should include a reference point (website, document, contact address, etc.) where further information can be obtained.
1. **Reporting from the Policy Support Unit**
* The Policy Support Unit (PSU) will prepare a short one- to two-page report with key highlights on members’ main achievements and remaining areas for improvement in the year of review. This would include information setting out the prevailing situation of trade and investment liberalization and facilitation of the economies, and use, where possible, indicators to facilitate the assessment. Economies would have the opportunity to examine the PSU’s report ahead of the SOM discussion, preferably with a few months’ leeway to ensure that each economy has sufficient time to review the report, make comments and highlight any factual errors, if any. Senior Officials will also have an opportunity to respond to the PSU’s report at their meeting, and also pose questions to each other, before it is finalized and made public as an independent report by PSU.
* In response to ABAC’s recommendation, the PSU will also prepare a “Dashboard” to complement the brief report abovementioned.
1. **IAP Peer Review Process**

Regular Senior Officials’ review

* Economieswill be reviewed by Senior Officials in: 2012, 2014, and 2018. In each previous year, the CTI will table for SOM’s endorsement the schedule to prepare the IAP submission and PSU report, taking into account the calendar for that APEC’s year.
* For 2012, economies will submit their templates by SOM1, February 2012. Senior Officials will discuss the brief reports prepared by the PSU by SOM2, June/July 2012.

Second-term review

* Economies will be assessed in 2016, as a second term review.
* 2010 economies might give emphasis to those areas where shortcomings were highlighted in the Leaders' Statement on 2010 Bogor Goals Assessment.
* The host economy in 2016 supported by the APEC Secretariat and the PSU will lead the assessment based on the information provided in the *IAP Template*, and also information setting out the prevailing situation of trade and investment liberalization and facilitation of the economies, and use, where possible, indicators to facilitate the assessment.
* The APEC Secretariat and the PSU could complement this assessment by using, where appropriate, data from the World Trade Organization, International Monetary Fund and other respectable sources, considering that data could be available for tariffs, but similar information for non-tariff measures, services and investment might be less visible.

Final Assessment

* In 2020, economies will undertake a final assessment toward the achievement of the Bogor Goals.
* The template prepared by Japan in 2010 could be used as the basis for the evaluation, to be consistent as much as possible with the 2010 assessment.
* The host economy in 2020 supported by the APEC Secretariat, the PSU will lead the assessment based on the individual IAP reports and information provided in the abovementioned templates.
* The APEC Secretariat and the PSU could complement this assessment by using, where appropriate, data from the World Trade Organization or other international organizations.
1. **Public Access to the IAP Information**
* The APEC Secretariat and the PSU would make the APEC-IAP website more user-friendly as well as improve its functionality, among other measures: i) the *IAP Template* might be divided by chapters, so users can download only the section of their interest; and ii) to include a point of contact in the APEC Secretariat to attend requests for further information. Additionally, visits to the website could be tracked.
* The IAP Template submitted by economies and the report prepared by the PSU will be made publicly available on the internet.

| **Individual Action Plan Update for [Economy] for [Year/s]** |
| --- |
| ***Highlights of recent policy developments which indicate how [economy] is progressing towards the Bogor Goals and key challenges it faces in its efforts to meet the Goals.***  |
|  |

| IAP Chapter (and Sub-Chapter and Section Heading, if any) | **Improvements made since [Year] IAP**  | **Further Improvements Planned** |
| --- | --- | --- |
| Tariffs | *Elimination and reduction of import duty from 2008 to 2012*

|  |  |  |
| --- | --- | --- |
| ***Year*** |  | ***Tariff lines*** |
| *2008* |  | *449* |
| *2009* |  | *361* |
| *2010* |  | *473* |
| *2011* |  |  *-*  |
| *2012* |  | *265* |

*Malaysia has implemented Free Trade Agreements (FTAs) with 7 countries (India, Pakistan, Jepun, Korea, Australia-New Zealand, China)* | *Provide brief points only* |
| Website for further information:  | *www.customs.gov.my* |  |
| Contact point for further details: | *Abdul Ghani B Saruji (ghani.saruji@customs.gov.my)* |  |
| ***Non-Tariff Measures*** | *Removal of import licensing requirement from 2008 to 2012*

|  |  |  |
| --- | --- | --- |
| ***Year*** |  | ***Tariff lines*** |
| *2008* |  | *20* |
| *2010* |  | *20* |
| *2012* |  | *19* |

 | *Provide brief points only* |
| Website for further information:  | www.customs.gov.my |  |
| Contact point for further details:  | Habsah Bt Kamaron (habsah.kamaron@customs.gov.my) |  |
| ***Services*** | *Mode 4** *TalentCorp was established on 1 January 2011, to initiate, facilitate and attract both foreign and Malaysian talents working abroad.*

*Selected services sub-sector** *Malaysian Prime Minister at the Budget Speech 2012 on 7 October 2011, had announced further liberalisation in terms of foreign equity holdings for 17 services sub sectors which will be done in phases in 2012.*
* *These 17 sub-sectors are:*
1. *Telecommunications (For Application Services Providers (ASP) licences).*
2. *Courier Services.*
3. *Private Higher Education with University status.*
4. *International Schools.*
5. *Technical and Vocational Secondary Education Services.*
6. *Technical and Vocational Secondary Education Services for students with special needs.*
7. *Skills Training Centre.*
8. *Private Hospitals Service.*
9. *Specialised Medical Services.*
10. *Specialised Dental Services.*
11. *Departmental Stores and Specialty Stores.*
12. *Incineration Services.*
13. *Accounting and Taxation Services.*
14. *Telecommunications (For Network Facilities Providers (NFP) and Network Services Providers (NSP) licences).*
15. *Architectural services.*
16. *Engineering services.*
17. *Legal Services.*
 | *Provide brief points only* |
| *Website for further information:*  | *www.miti.gov.my* |  |
| *Contact point for further details:* | *Mariam Md Salleh (mariam@miti.gov.my)* |  |
| ***Investment*** | * *On 18 August 2011, the amendment of Malaysian Industrial Development Authority (MIDA) Act has been gazetted. The major amendment includes the change of MIDA’s name to Malaysian Investment Development Authority. This is to reflect expansion of MIDA’s main function as the central investment promotion agency covering both manufacturing and services sectors (excluding financial and utilities)*
* *In May 2010, the National Committee on Investment (NCI) was established in MIDA. The NCI enables “real time” decision making on applications for manufacturing license and incentives for investment projects in the manufacturing and services sectors .*
* *In July 2010, the Task Force on Investment was established to enable the government (through MIDA) to enhance the coordination and cohesion on investment promotion activities among the various investment promotion agencies in the country.*
 | *Provide brief points only* |
| Website for further information:  | www.mida.gov.my |  |
| Contact point for further details: | Roeslina Abbas - roeslina@mida.gov.my and Mimi Izura - mimizura@mida.gov.my |  |
| ***Standards and Conformance*** | *The total Malaysian Standard (MS) developed was 6,308 with the percentage of MS alignment with international standard was 62.08%.**For the ISO, the total number of Participating (P) membership is 134 while the total of Observer (O) membership is 130.**For the IEC, the total number of Participating (P) membership is 26 while the total of Observer (O) membership is 76**STANDARDS MALAYSIA became host for the following meetings.*1. *ISO/TC 61 on Plastics Products*
2. *ISO/TC 228/WG 1*

*Malaysia is the convenor for the following working groups:*1. *ISO/TC 45/SC 3/WG 4*
2. *ISO/TC 45/SC 4/ WG 5*
3. *ISO/TC 61/ SC 2/ WG 2*
4. *ISO/TC 157/CAG*
5. *ISO/TC 218/WG4*

*The total number of accreditation schemes are 4:*1. *Accreditation for Certification Bodies (ACB)*
2. *Laboratory Accreditation Scheme of Malaysia (SAMM)*
3. *Malaysia Inspection Bodies Accreditation Scheme (MIBAS)*
4. *GLP Compliance Programme (GLP CP)*

*There are 3 new accreditation programs for SAMM :*1. *Accreditation of Information Technology Security Evaluation and Testing: Common Criteria*
2. *Analysis of Dangerous Drugs and other Controlled Substances for Forensic Science Testing Laboratories*
3. *Trace Evidence for Forensic Science Testing Laboratories*

*There are 3 new accreditation programs for Accreditation for Certification Bodies (ACB):* 1. *Forest Management Certification*
2. *Oil Palm Supply Chain Management System*
3. *Work Environment Mangement System*

*The total number of accredited laboratories is 542, of which 449 remained active.**The total number of accredited certification bodies are as follows:*1. *QMS - 14*
2. *EMS - 6*
3. *Product Certification (PC) – 5*
4. *Occupational Safety & Health (OSH) – 7*
5. *HACCP – 3*
6. *Food Safety Management Systems (FSMS) – 4*
7. *Information Security Management System (ISMS) – 1*
8. *FMC - 2*

*The total number of accredited inspection bodies is 6**The total number of GLP Compliance Test Facilities is 4:*1. *Acumen Scientific Sdn. Bhd.*
2. *Sumitomo Chemical Enviro-Agro Asia Pacific Sdn. Bhd.*
3. *ETRC, SIRIM Berhad.*
4. *Perbadanan Bioteknologi Melaka.*

*STANDARDS MALAYSIA participated in various training activities/meetings of the Specialist Regional Bodies (SRBs) namely:*1. *2nd PAC-PTB Training & Workshop for Assessors of Accreditation Bodies on Organic Agriculture, 29 Ogos 2011 – 1 September 2011,  Beijing, China.*
2. *Workshop on ISO/IEC 17021:2011, 16 June 2011, Manila.*

*Workshop on Marketing Accreditation , 16 June 2011, Manila.* | *Provide brief points only* |
| Website for further information:  | [www.standardsmalaysia.gov.my](http://www.standardsmalaysia.gov.my) |  |
| Contact point for further details: | Mr. Wan Rukiman Wan Mamat – wr@standardsmalaysia.gov.myMs.Sharifah Azlinda Syed Abu Bakar – azlinda@standardsmalaysia.gov.my |  |
| ***Customs Procedures*** | *AEO : AEO Program was implemented on 1.1.2010. As December 2011, fifteen (15) companies were granted AEO status.* *Self- Certification: Pilot Project between 4 economies (Malaysia, Singapore Brunei and Thailand) implemented on 1 November 2010 and extended to 31 October 2012.* *Single Window (SW) : In January 2009, National Single Windoa (NSW) Portal was launched and a NSW Special Unit was established in Ministry of Finance (MOF). The five core services implemented in the NSW are:** *eDeclare*
* *eManifest*
* *ePayment*
* *ePermit*
* *ePCO (Preferential Certificate of Origin)*
 | *For further enhancement, a new blueprint for the NSW implementation has just been developed. The NSW based on the operating/business model established in the new blueprint will be implemented in 2014.* |
| Website for further information:  | www.customs.gov.my |  |
| Contact point for further details: | Roslan B. Mohd Yassin (roslan.yasin@customs.gov.my) |  |
| ***Intellectual Property Rights*** | * *The amendment of Copyright Act 1987 has been approved by the Parliament in December 2011. The amendment of the*
* *In February 2011, MyIPO has introduced expedited examination for registration of patent and trade mark. Under the expedited examination, the pendency period for patent is 20 months from the date of filing and pendency period for trade mark is 6 months and 3 weeks from the date of filing. The expedited examination is only applicable on clear cut case basis.*
* *In 2011, MyIPO upgraded the IP Online System to provide a secured web-based system to search and file Patents, Trade Marks, Industrial Designs and Geographical Indications applications.*
* *MyIPO developed MyTDKLto protect nation’s traditional knowledge from being exploited unethically. The electronic database will assist patent examiners in processing patent applications.*
* *In improving the awareness programmes, MyIPO has launched New Media Plan which includes publication of articles relating to IP component and Special Insertion in major newspaper, radio and television interviews as well as television coverage on MyIPO’s activities. MyIPO has also implemented IP Mobile Clinic and knock-door approach to reach the public and to disseminate information on the importance of intellectual property protection through registration.*
* *In reaching out for the youth and social media network users, MyIPO launched its Facebook, Youtube and Twitter as an alternative mediums to disseminate information on intellectual property and MyIPO’s activities.*
* *In April 2011, MyIPO launched first edition of MyIP Bulletin to reach out the public through academic writings focusing on national and international current issues relating to intellectual property.*
* *MyIPO initiated strategic partnership with financial institution and government-linked company to study on intellectual property valuation (IP Valuation) model.*
 | * *To review and to update Industrial Designs Act 1996, Patents Act 1983 and Trade Marks Act 1976.*
* *To accede to WIPO Phonograms and Performances Treaty (WPPT) and WIPO Copyright Treaty (WCT).*
* *To develop Copyright Voluntary Notification System. A database to record information on copyrighted works.*
* *To develop IP E-Gazette (online) service for advertisement of patents, trade marks, industrial designs and geographical indications.*
* *To increase the number of data and information relating to species of medicinal plants in MyTKDL database.*
* *To enhance awareness programmes by implementing IP Familiarization Programme, IP Mascot, IP Friends Club and to continue with the New Media Plan.*
* *To establish IP Valuation mechanism that will assist IP owners to evaluate their IP and to be used as collateral in obtaining financial assistance from relevant financial institutions.*
 |
| Website for further information:  | www.myipo.gov.my |  |
| Contact point for further details: | seaisah@myipo.gov.my, apecmiti@miti.gov.mySiti Eaisah Mohamad***Senior Director******Planning and International Relations Division******Intellectual Property Corporation of Malaysia (MyIPO)******Tel: +603 2299 8404******Fax: +603 2299 8989******Email:*** ***seaisah@myipo.gov.my*** |  |
| ***Competition Policy*** | * *The Competition Act 2010 and Competition Commision Act 2010 was passed in May 2010 and gazette in June 2010.*
* *The Competition Commission Act 2010 came into force on 1 January 2011 while the Competition Act 2010 came into force on 1 January 2012.*
* *The Competition Act 2010 seeks to promote and protect the process of competition in the Malaysian market through the prohibition of two anti-competitive practices which are Anti-Competitive Agreements and the Abuse of Dominant Position.*
 | * *Malaysia Competition Commission (MyCC) will undertake various advocacy programmes in 2012 to further enhance the understanding on Competition Act 2010.*
* *Guidelines will be published to assist stakeholders in understanding the provisions and terminologies in the Act. Public consultations which began in December 2011 for views and comments on the guidelines will continue to be conducted as further guidelines are published. Details of the public consultation of the guidelines will be made available on MyCC's website –* [*www.mycc.gov.my*](http://www.mycc.gov.my)
 |
| Website for further information:  | [www.mycc.gov.my](http://www.mycc.gov.my), www.kpdnkk.gov.my |  |
| Contact point for further details: | aidiltupari@mycc.gov.my, apecmiti@miti.gov.my |  |
| ***Government Procurement*** | *In year 2009, the threshold value for tender was revised from more than RM200,000 to more than RM500,00. This is to expedite the procurement process and decision making by the authority.****Electronic Procurement*** *To date, there are 2,613 Cost Responsibility Centres (CRCs) of Government Agencies and 75,162 suppliers which are eProcurement (eP) enabled i.e. participate in GP through the eP system.* *Treasury Instruction Letter dated 7 April 2009 stipulated all eP enabled CRCs are required to ensure that at least 70% of annual allocation for procurement of supplies and services are done online through the eP system.* *Electronic bidding (eBidding) through reverse auction has also been introduced since 2008 to provide for more open and competitive bidding and to achieve savings for the Government.**In April 2010, MyPROCUREMENT Portal was launched whereby agencies are required to publish tender invitations and award decisions for public access.* | *All agencies will have to carry out procurement exercises through the eP system in the future in order to obtain optimum benefit from greater participation of bidders.**Awareness programs and campaigns to educate agencies and suppliers to come on board the eP system will be intensified. Agencies will attain best value for money as more suppliers use the eP system.* |
| Website for further information:  | www.eperolehan.gov.my |  |
| Contact point for further details: | fauziah.yaacob@treasury.gov.my, azah.ahmad@treasury.gov.my, afifah.sahib@treasury.gov.my, saedah.kamaruddin@treasury.gov.my |  |
| ***Deregulation/Regulatory Review*** | *Malaysia is committed in promoting a transparent, sound and fair regulatory environment and to remove market distortions, encourage healthy competition, and reduce the cost of doing business by undertaking regulatory review in the following areas;** *Public sector delivery and procurements*
* *Established Electronic Government for on-line transaction with government agencies*
* *Local Authority approval of licenses and permits through One-Stop Centre (OSC)*
* *Reducing red tapes in business licensing*
* *Streamlining government formalities and procedures*

*pertaining to ease of doing business (through the special Taskforce to Facilitate Business or PEMUDAH)** *Structural reforms in construction sector, hotel industry, and capital markets*
* *Rationalise public sector role in public healthcare, electricity supply, and telecommunications*

*Business Process Re-Engineering In Business Licensing** *The Task Force to Facilitate Business or its acronym PEMUDAH has embarked on “Modernising Business Licensing” (MBL) by reviewing all procedures related to the application of business-related licenses at 23 ministries and agencies. This is to create a more conducive and competitive business environment in Malaysia. This initative aimed to eliminate redundant and hampering licensing processes based on their legality, necessity and appropriateness. As a result, 52 per cent of 761 licenses were identified to be eliminated and simplified. This process has helped to reduce an estimated RM792.2 million in business license compliance cost.*

*Starting A Business** *Introduced Malaysian Corporate Identity Number (MyCoID) that allows the use of a single reference number for registration and transaction purposes with five Government agencies.*
* *Business Licensing Electronic Support System (BLESS) has been improved to provide simultanueos applications for 102 licences/ permits/ approvals offered by 45 agencies in the construction, manufacturing and hotel to the applicants registered with the Registrar of Companies (ROC).*

*Trading Across Borders** *Information on Permit Issuing Agencies (PIAs), client charter, work process flow and National Single Window (NSW) liaison officer has been published in the NSW’s portal (www.mytradelink.gov.my*
* *One of the initiatives to reduce the number of documents for import and export is through the merging of invoice and packing list. This initiative reduces time taken to export and simplify process through reusability of data.*

*Empoying Workers** *Establishment of National Wages Consultative Council* *which holds the responsibility to conduct studies on all matters concerning minimum wages and to make recommendation to the Government on minimum wages orders.*

*Registering Property** *continues to improve the transparency and time taken for registering property. The improvement covers pre-, during and post-registration process. These include:*
* *Standardisation of Form 14A according to the standard format as per National Land Code 1965;*
* *Implemention of advance stamp duty payable within one day;*
* *Computerisation of strata registration, similar to the Integrated Land Management System (SPTB) for land registration;*
* *Introduction of notification system that will complement the manual notice of the client’s submission status from Land Office; and*
* *Standardisation of checklist for initial stage of submission of application.*
 | *Malaysia has embarked on a new direction in its development towards becoming a high-income economy which is inclusive and sustainable in-line with the goals set forth in the Vision 2020. In-line with the Government Transformation Program (GTP) and Economic Transformation Program, the government has undertaken several initiatives in modernising business regulations as follows;** *Conducting business licensing review for all governments’ licenses and permits to further improve ease of doing business and the nation’s overall competitiveness*
* *Enhancing collaboration between public and private sector in regulatory review especially that will impact the National Key Economic Areas.*
* *Analysing international best practices which are suitable to be adapted*
* *Networking with local and international agencies and putting in place efficient and effective regulatory system*
* *Promoting best practices regulations that match global standards and adapt to rapidly changing environment*
* *Organise program on good regulatory practices to increase productivity, economic growth, and competitiveness*
* *Facilitates business growth through PEMUDAH initiatives especially the small and medium enterprises who typically do not have the financial resources to deal with regulatory requirements in a cost-effective manner*
* *Continuously improve the interface between the business and government by reducing procedures for approvals and leveraging on ICT*
* *Building capabilities in regulatory review in order to sustain innovation, economic health, and job creation.*

*Business Process Re-Engineering In Business Licensing** *Going forward, the Focus Group under PEMUDAH will:*
* *Streamline and simplify business licensing processes using Business Process Reengineering methodology;*
* *Coordinate and monitor the implementation of reformed programme across Ministries and agencies; and*
* *Incorporating reformed licenses for online registration into Business Licensing Electronic Support System (BLESS).*

*Starting A Business** *To increase the take up rate of using MyCoID (for company incorporation) through awareness programme; and*
* *BLESS Phase II and III was initiated in May 2011 and is scheduled to be completed in November 2013. Phase II and III is planned to cover 73 agencies and about 350 licences/ permits/ approvals and incorporates several improvements over Phase I by including the following:*
* *Applications for the renewal of licences/ permits/ approvals;*
* *Inclusion of licenses in five additional sectors of tourism, health, education and training, logistics and distributive trade;*
* *Enabling individual applicants or applicants registered with the Registrar of Businesses (ROB), Registrar of Societies (ROS) or the Cooperatives Commission to apply licences/permits/ approvals via BLESS;*
* *Interfacing BLESS with online systems operated by agencies; and*
* *Rolling out BLESS to the whole of Peninsular Malaysia*

*Trading Across Borders** *To Promote transparency among Forwarding Agents, Freight Forwarders and Hauliers by encouraging them to publish their charges and fees in their websites.*

*Employing Workers** *Formulation of Standard Definition of Wages based on the Employment Act 1955, Employees Provident Fund (EPF) Act 1991, Employees Social Security Act 1969 and Human Resources Development Fund (HRDF) Act 2001.**The objectives are to:*
* *Facilitate and assist employers in calculating and making contribution to EPF, SOCSO and HRDF;*
* *Ease the calculation of the Ordinary Rate of Pay (ORP) under the Employment Act 1955;*
* *Strengthen the social safety net especially old age savings; and*
* *Strengthen the service delivery and enforcement by the Government agencies.*

*Registering Property**To Incorporate additional improvement made in the 3rd Edition Guidebook on Registering Property in Malaysia namely reduction in the number of procedures through self-registration and faster registration of Strata Title* |
| Website for further information:  | [www.pemudah.gov.my](http://www.pemudah.gov.my),  |  |
| Contact point for further details: | Cik Bahria Mohd Tamil – allpemudahmiti@miti.gov.my*DIRECTOR OF PEMUDAH SECRETARIAT**LEVEL 5, BLOCK 10**GOVERNMENT OFFICES COMPLEX**JALAN DUTA**50622 KUALA LUMPUR****MALAYSIA*** |  |
| ***Implementation of WTO Obligations/ROOs*** | * *Status in 2011:*

*WTO/UR Agreements are fully implemented.* | *As further improvement is an on-going process, Malaysia will continue to undertake initiatives such as:*1. *Increasing binding coverage on tariff from 60% in the UR to 94.5% in the DOHA round;*
2. *Participating actively in the discussion on NTBs under the ambit of NAMA negotiations to further improve existing commitments under the TBT Agreement; and*
3. *Liberalising 17 services sub-sectors gradually to further attract foreign investors.*
 |
| Website for further information:  | <http://www.miti.gov.my/cms/content.jsp?id=com.tms.cms.section.Section_f4ca2319-ac1c231a-64e5b200-dd222f22>  |  |
| Contact point for further details: | Senior Director, Multilateral Trade and Policy Negotiations Division E-mail: allmtpn@miti.gov.myTel: 03-6200 0486 Fax: 03-6203 1745 |  |
| ***Dispute Mediation*** | * *Malaysia enacted new Arbitration Act 2005 [Act 646], which came into force on 15 March 2006.*
* *It is an Act to reform the law relating to domestic arbitration, provide for international arbitration, the recognition and enforcement of awards and for related matters.*
* *Malaysia understands that mediation is a form of Alternative Dispute Resolution (ADR, which differs from arbitration method which generally involves a neutral party (mediator) facilitates discussion and assists the disputing parties in reaching a voluntary and mutually resolution. The mediator does not have the authority to make a binding decision*
* *There is currently no specific legislation on Mediation in Malaysia. However, currently Court-led Mediation is being implemented administratively by way of Practice Direction No 5 of 2010 on Mediation issued by the Chief Justice of Malaysia.*
* *The Practice Direction on mediation, which came into effect on 16 Aug 2010. According to the Practice Direction, all Judges of the High Court and its Deputy Registrar and all Judges of the Sessions Court and Magistrates and their Registrars, may “give such directions that the parties facilitate the settlement of a matter before the court by way of mediation”.*
* *The objective of this Practice Direction is to encourage parties to arrive at an amicable settlement without having to go through, or complete, a trial or appeal. The Practice Direction offers the following modes of referrals to mediation, whereby parties are given the option to select:*

*(i) Option A - Judge-led mediation; or**(ii) Option B - By a mediator agreeable to by both parties.** *The Malaysian Mediation Centre (MMC) is a body established in the year 1999, under the auspices of the Bar Council of Malaysia.*
* *Its objective is to promote mediation as a means of alternative dispute resolution and to provide a proper avenue for successful dispute resolutions. The Alternative Dispute Resolution Committee of the Bar Council is responsible for the proper functioning and implementation of the Centre's objectives.*
 |  |
| Website for further information:  | <http://www.malaysianbar.org.my>[*http://www.kehakiman.gov.my/?q=en*](http://www.kehakiman.gov.my/?q=en) |  |
| Contact point for further details: | Encik Muhammad Rushdan bin Mohamed*Head of Multilateral Trade, International Arbitration And Disputes Unit.**International Affairs Division**Attorney General’s Chambers, No.45, Persiaran Perdana, Presint 4, 62100 Putrajaya.**Tel No: 03-8872 2328**Email:* *rushdan@agc.gov.my* |  |
| *Mobility of Business People* | ***Malaysia had agreed and adopted the following ABTC policies in 2011:***1. ***Extension of ABTC facility***
	* *to transitional APEC members countries such as Unites States of America, Canada and Russia; and*
	* *to non APEC economies members with condition approval by all APEC member countries.*
2. ***New Format of ABTC***
	* *Malaysia had adopted the new format of ABTC.*
3. ***Extension of ABTC Special Lane***
	* + *Malaysia had extended its ABTC special lane facility to several other major national checkpoints namely Sultan Iskandar Complex, Sultan Abu Bakar Complex, Sungai Tujoh, Miri, Woodland Train Checkpoint, Singapore (WTCP) & Port Klang.*
4. ***Study Of ABTC Online Application***
	* + *Malaysia recognized the importance to improve and create and alternative option of its current ABTC application mechanism. In line with immigration vision towards e-services, Malaysia is studying the requirement and implementation of ABTC online application.*

***Other Policy related to Mobility of Business People***1. *I-Pass*

*Since September 2011, Ministry of Home Affairs has been implementing i-Pass in order to replace the earlier version of i-Card. I-Pass is issued for holder of Employment and Resident Pass. Below are the benefits to the pass holders:*1. *exempt from filling in embarkation/ disembarkation card at entry/ exit point; and*
2. *function as identification for the pass holder to reside temporarily and facilitate movement within Malaysia. In the case of movement within East Malaysia, the holder will still have to carry their travel documentation.*
3. *Resident Pass for Talent(RP-T)*
4. *The Residence Pass for Talent was introduced in April 2011 by the Malaysian Government. It aims to attract and retain top talent in the country with a range of benefits. The Economic Transformation Programme is anticipated to create more than 3 million jobs in the National Key Economic Areas (NKEAs) by 2020, and the RP-T will be offered to highly qualified expatriates seeking to continue living and working in Malaysia on a long-term basis.*
 | 1. *Malaysia anticipates the possibility to enhance its ABTC services through an autogate facility for ABTC holders to ease and promote seamless immigration clearance at its border checkpoints in the future.*
2. *Resident Pass for Talent (RP-T) in the following categories:*
* *Entrepreneur*
* *investor*
 |
| *Website for further information:*  | [*www.imi.gov.my*](http://www.imi.gov.my)*;* [*http://www.talentcorp.com.my/expatriates/residence-pass/*](http://www.talentcorp.com.my/expatriates/residence-pass/) |  |
| *Contact point for further details:* | *Mr. Azman Azra bin Abdul Rahman +603 88863308,* *azman\_azra@moha.gov.my**Mr. Mohd Fardhi bin Ahmad - +603 88863307, fardhi@moha.gov.my* |  |
| *Official websites that gather economies’ information* | * + *Generally, the Ministry of International Trade and Industry’s website has sufficienct information with links provided to the other Ministries should further information be required.*
	+ *The Malaysian Government also applies the “No Wrong Door Policy” as such any query will be answered by respective Ministry and query beyond its jurisdiction, it will than be forwarded to the relevant Ministry and Agency.*
	+ *Alternatively, all information related to the Malaysian Government and machinery is also available at the* [*www.malaysia.gov.my*](http://www.malaysia.gov.my)*. This website provides a single point access and gateway to multiple Government online services as well as information on the Government’s machinery.*
 | *Provide brief points only* |
| Website for further information:  | [www.miti.gov.my](http://www.miti.gov.my),www.malaysia.gov.my |  |
| Contact point for further details: | apecmiti@miti.gov.my |  |
| ***Transparency*** | * + *Malaysia encourages the principle of transparency in a number of aspect. All of its policy, laws and regulations are published on the respective Ministry and Agencies’ website for the publics’ information.*
	+ *Further information can be sought by the public through respective Ministries and Agencies’ website and its social networking pages such as twitter and facebook.*
 | *Provide brief points only* |
| Website for further information:  | [www.malaysia.gov.my](http://www.malaysia.gov.my), www.miti.gov.my |  |
| Contact point for further details: | apecmiti@miti.gov.my |  |

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| **RTAs/FTAs**  |
| ***-*** ***Description of current agreements*** | *Malaysia-New Zealand Free Trade Agreement**- Date of entry into force: 1 August 2010**- Notification to the WTO: To Be Determined**Malaysia-India Comprehensive Economic Cooperation Agreement**- Date of entry into force: 1 July 2011**- Notification to the WTO: To Be Determined**ASEAN-Australia-New Zealand Free Trade Agreement* *- Date of entry into force: 1 January 2010**- Notification to the WTO: To Be Determined**ASEAN-India Free Trade Agreement**- Date of entry into force: 1 January 2010**- Notification to the WTO: To Be Determined**Malaysia-Chile Free Trade Agreement**- Date of entry into force: 28 February 2012**- Notification to the WTO: To Be Determined**For more information on all FTAs: http://www.miti.gov.my* |
| ***- Agreements under negotiation*** |  |
|  | ***Agreement #1*** | Malaysia-Australia Free Trade AgreementThe Malaysia-Australia FTA is a comprehensive agreement that covers Trade in Goods, Services, Investment, Intellectual Property, Competition and Economic and Technical Cooperation. Negotiations that commenced in April 2005 are still ongoing. Negotiators are working to conclude negotiations by mid-2012. |
| ***Agreement #2*** | Malaysia-Turkey Free Trade AgreementNegotiations commenced in 2010. The Malaysia-Turkey FTA is a limited scope agreement that covers Trade in Goods and Economic Cooperation. Negotiators are working to conclude negotiations in 2012. |
| ***Agreement #3*** | Malaysia-European Union Free Trade AgreementMalaysia-European Union FTA is a comprehensive agreement that covers Trade in Goods, Services, Investment, IPR, Competition, Government Procurement and Sustainable Development (Labour and Environment). Negotiators are working to conclude negotiations in 2012. |
| ***Agreement #4*** | Trans-Pacific Partnership (TPP)The TPP is an FTA initiative involving Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, United States and Viet Nam. The objective of the TPP negotiations is to establish an FTA for the 21st century which will not only encompass the elements of a traditional FTA but also new areas i.e. *Government Procurement, Competition, IPR, Labour, Environment and Horizontal Issues (Regional Integration, Regulatory Coherence, Competitiveness and Supply Chain, Development and SMEs)*.The aim is to develop a living agreement that not only effectively deals with current issues, concerns and interest of international business but also be able to evolve and deal with issues, concerns and interest that may arise in the future. A living agreement will also enable other countries to join the TPP in future.Negotiators have achieved a broad outline of the agreement in 2011 and are working to conclude negotiations in 2012. |
| ***Agreement #5*** |  |
| ***Agreement #6*** |  |
| ***Agreement #7*** |  |
| ***Agreement #8*** |  |
| ***Agreement #9*** |  |
| ***Agreement #10*** |  |
| ***Agreement #11*** |  |
| ***Agreement #12*** |  |
| ***Agreement #13*** |  |
| ***Agreement #14*** |  |
| ***Agreement #15*** |  |
| ***Agreement #16*** |  |
| ***Agreement #17*** |  |
| ***Agreement #18*** |  |
| ***Agreement #19*** |  |
| ***Agreement #20*** |  |
| ***-*** ***Future plans*** | Malaysia is working to commence negotiations with the Gulf Cooperation Council (GCC) and Bangladesh. Preliminary discussions have commenced on these initiatives. |
| Website for further information:  | http://www.miti.gov.my |
| Contact point for further details: | Peter Brian M. Wang (pbrian@miti.gov.my) |

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| ***Other voluntary reporting areas*** | *Provide brief points only* | *Provide brief points only* |
| Website for further information:  |  |  |
| Contact point for further details: |  |  |

1. Economies assessed in 2010, on the achievement of the Bogor Goals: APEC industrialized economies: Australia, Canada, Japan, New Zealand, and the United States, and volunteer developing economies: Chile; Hong Kong, China; Korea; Malaysia; Mexico; Peru; Singapore and Chinese Taipei. [↑](#footnote-ref-1)