| **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.*** |
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| IAP Chapter (and Sub-Chapter and Section Heading, if any) | **Improvements made since [Year] IAP** | **Further Improvements Planned** |
| --- | --- | --- |
| Tariffs | 1. Implementation of Customs Duties Order 2012 and Customs Duties (Goods of ASEAN Countries Origin) (ASEAN Harmonised Tariff Nomenclature and ASEAN Trade in Goods Agreement) Order 2012 with effect from 31st October 2012. 2. Elimination and reduction of import duty from 2008 to 2013 are as follows:  |  |  | | --- | --- | | **Year** | **Tariff Lines** | | 2008 | 449 | | 2009 | 361 | | 2010 | 473 | | 2011 | - | | 2012 | 265 | | 2013 | 8 |  1. Malaysia has implemented 13 Free Trade Agreements (FTAs) which is ASEAN FTA, ASEAN-China FTA, ASEAN-Korea FTA, ASEAN-Japan FTA, ASEAN-India FTA, ASEAN-Australia-New Zealand, Malaysia-Japan FTA, Malaysia-Pakistan, Malaysia-India, Malaysia-New Zealand,Malaysia-Australia, Malaysia-Chile, D8 PTA. | *Provide brief points only* |
| Website for further information: | [*www.customs.gov.my*](http://www.customs.gov.my) */* [*tariff.customs.gov.my*](http://tariff.customs.gov.my) |  |
| Contact point for further details: | *SoriaBinti Osman (*[*soria.osman@customs.gov.my*](mailto:soria.osman@customs.gov.my)*)*  *ZaitomBinti Hamid (*[*zaitom.hamid@customs.gov.my*](mailto:zaitom.hamid@customs.gov.my)*)*  *RozimahBinti Ismail (*[*rozimah.ismail@customs.gov.my*](mailto:rozimah.ismail@customs.gov.my)*)*  *Technical Services Division, Royal Malaysian Customs Department* |  |
| ***Non-Tariff Measures*** | 1. Implementation of Customs (Prohibitions of Imports) Order 2012 and Customs (Prohibitions of Exports) Order 2012 with effect from 1st March 2013 2. Removal of import licensing requirement from 2008 to 2013 are as follows:  |  |  | | --- | --- | | **Year** | **Tariff Lines** | | 2008 | 20 | | 2009 | - | | 2010 | 20 | | 2011 | - | | 2012 | 19 | | 2013 | - | | *Provide brief points only* |
| Website for further information: | [www.customs.gov.my](http://www.customs.gov.my) |  |
| Contact point for further details: | *SoriaBinti Osman (*[*soria.osman@customs.gov.my*](mailto:soria.osman@customs.gov.my)*)*  *HabsahBintiKamaron (*[*habsah.kamaron@customs.gov.my*](mailto:habsah.kamaron@customs.gov.my)*)*  *SunartiBintiAtep (*[*sunarti.atep@customs.gov.my*](mailto:sunarti.atep@customs.gov.my)*)*  *Technical Services Division, Royal Malaysian Customs Department* |  |
| ***Services*** | Autonomous liberalisation   * The Government has opened up a number of important services sub-sectors to foreign participation to accelerate the growth of the services industry. Unilaterally, 27 services sub-sectors were opened up in April 2009, and additional 18 sub-sectors are being opened up progressively to foreign ownership beginning 2012 (i.e., Telecommunications (For Application Services Providers (ASP) licences), Courier Services, Private Higher Education with University status, International Schools, Technical and Vocational Secondary Education Services, Technical and Vocational Secondary Education Services for students with special needs, Skills Training Centre, Private Hospitals Service, Specialised Medical Services, Specialised Dental Services, Departmental Stores and Specialty Stores, Incineration Services, Accounting and Taxation Services, Telecommunications (For Network Facilities Providers (NFP) and Network Services Providers (NSP) licences), Architectural services, Engineering services, Legal Services, andQuantity Surveying services). Currently, out of the 45 sub-sectors, 3 sub-sectors are pending amendments to their Acts to achieve full implementation.   Business Enabling Framework   * Malaysia Productivity Corporation (MPC) has mapped out and reviewedthe business enabling framework (BEF) for the 45 services sub-sectors announced for autonomous liberalisation in 2009 and 2011. The BEFs document policy instruments such as permits, license, registration, approval and assessments required to be complied by businesses, both local and foreign. They have been uploaded in the respective websites of sectoral ministries as well as on the services webpage of MITI web portal.   Improvement of Rules and Regulations   * Streamlining and aligning the regulatory and procedural mechanism to implement the autonomously liberalised sub-sectors is in progress. * Standardisation of public consultation procedures for new/amendments of existing legislation have been put in place. * The National Policy on the Development and Implementation of Regulations was launched on 15 July 2013. Under the Policy, all Federal Government regulators must undertake the Regulatory Impact Analysis (RIA) and present the Regulatory Impact Statement (RIS) of all new regulations or review of regulations and its impact on businsessesfor assessment.   Services web portal   * A dedicated services webportal was launched in Dec 2012 which provides a comprehensive information on Malaysia’s services sector, including on sub-sector information and services sector commitments. | * To put together all the building blocks to achieve a more integrated and cohesive development of the sector – where the cross sectoral and inter subsectoral linkages are maximised. * Continue to identify measures to make it easier to do business in Malaysia and encourage investments in the services sector, including to further develop SMEs to become the engine of growth. * To enhance content of the services web portal, including providing more information and linkages to relevant portals. * To improve collection of data for the services sector. |
| *Website for further information:* | [*www.myservices.miti.gov.my*](http://www.myservices.miti.gov.my) |  |
| *Contact point for further details:* | *HiswaniHarun (*[*hiswani@miti.gov.my*](mailto:hiswani@miti.gov.my)*;* [*allssddofficer@miti.gov.my*](mailto:allssddofficer@miti.gov.my)*)*  *Senior Director, Services Sector Development Division, Ministry of International Trade and Industry (MITI)* |  |
| ***Investment*** | *OECD Investment Policy Reviews*   * The Investment Committee of OECD has undertaken the Investment Policy Peer Review (IPPR) onMalaysia. This IPPR is conducted based on the following areas:   + Investment Policy;   + Investment Promotion and Facilitation;   + Corporate Governance;   + Responsible Business Conduct;   + Infrastructure and Financial Sector Development; and   + Green Growth. * The review is done in consultation with stakeholders from the public and corporate sectors. The aim of the review is to serve as an independent assessment and identify gaps in policy areas for improvement. The report of the OECD Investment Policy Reviews was launched on 27 November 2013 in Kuala Lumpur. * For details of the report, please refer to<http://www.oecd-ilibrary.org/finance-and-investment/oecd-investment-policy-reviews-malaysia-2013_9789264194588-en>. | *Provide brief points only* |
| Website for further information: | [www.mida.gov.my](http://www.mida.gov.my) |  |
| Contact point for further details: | [suziyanti@mida.gov.my](mailto:suziyanti@mida.gov.my) and [gheeta@mida.gov.my](mailto:gheeta@mida.gov.my)  Malaysian Investment Development Authority |  |
| ***Standards and Conformance*** | The total Malaysian Standard (MS) developed was 6575  with the percentage of MS alignment with international standard was 58.8%.  For the ISO, the total number of Participating (P) membership is 147 while the total of Observer (O) membership is 133.  For the IEC, the total number of Participating (P) membership is 23 while the total of Observer (O) membership is 78.  Malaysia is the convenor for the following working groups:   1. IEC/TC 82/ JCWG ISO/TC 45/SC 3/WG 4 2. IEC/ TC 115/ Project Team 1 (PT 1) 3. ISO/TC 45/SC 4/ WG 5 4. ISO/TC 61/ SC 2/ WG 2 5. ISO/TC 157/CAG 6. ISO/TC 218/WG4   The total number of accreditation schemes are 5:   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) 5. Malaysia Proficiency Testing Provider Accreditation Scheme (MyPTP)   There are 4 new accreditation programs for Accreditation for Certification Bodies (ACB):   1. Medical Device Quality Management System (MDQMS) 2. Energy Management System (EnMS) 3. Good Manufacturing Practice for Food (GMP) 4. Food Safety System Certification 22000   The total number of accredited laboratories is 626, of which 521 remained active.  The total number of accredited certification bodies are as follows:   1. Quality Management Systems (QMS) - 15 2. Environmental Management Systems (EMS) - 11 3. Product Certification (PC) – 6 4. Occupational Safety & Health (OSH) – 7 5. Hazard Analysis and Critical Control Points (HACCP) – 3 6. Food Safety Management Systems (FSMS) – 5 7. Information Security Management System (ISMS) – 2 8. Forest Management Certification (FMC) - 2   The total number of accredited inspection bodies is 11  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. PerbadananBioteknologi Melaka.   Standards Malaysia participated in various training activities/meetings of the Specialist Regional Bodies (SRBs) namely APLAC GA and PAC. | *Provide brief points only* |
| Website for further information: | [www.jsm.gov.my](http://www.jsm.gov.my) |  |
| Contact point for further details: | Ms.Siti Mariam Mohd Din  mariam@jsm.gov.my  *Ms.Noraiza Abdullah*  *aiza@jsm.gov.my*  *Ms.SharifahAzlinda Syed Abu Bakar*  [*azlinda@jsm.gov.my*](mailto:azlinda@jsm.gov.my)  Mr.MohdNoorhafizMohdNasir  *noorhafiz@jsm.gov.my* |  |
| ***Customs Procedures*** | Authorised Economic Operator (AEO):  AEO Program was implemented on 1.1.2010. As at December 2013, forty-eight (48) companies were granted AEO status.  Self- Certification:  As at 31 December 2013, the number of Certified Exporters for Malaysia is 118 companies.  Single window (SW):  The current implementation status of the 5 core services under the National Single Window are as follows:   * eDeclare [for import/export declarations] : 100% (167 customs offices) * eManifest [for cargo and vessel manifests] : 100% (32 ports) * ePayment [for online duty payment]: 42.8% (implemented in 6 states) * ePermit[for import/export permits]: 96.3% (26 OGAs) * ePCO (Preferential Certificate of Origin): 100% (8 MITI offices) | *Provide brief points only* |
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| Contact point for further details: | Saidi bin Ismail ([saidi.ismail@customs.gov.my](mailto:saidi.ismail@customs.gov.my))  Youp bin Awang ([youp.awang@customs.gov.my](mailto:youp.awang@customs.gov.my))  Customs Division, Royal Malaysian Customs Department  Rita Paul ([rita.paul@customs.gov.my](mailto:rita.paul@customs.gov.my))  Customs Application Unit, Royal Malaysian Customs Department |  |
| ***Intellectual Property Rights*** | 2012   1. Laws and Regulations  * Copyright (Amendment) Act 2012 entered into force on 1 March 2012. The amendments introduced new provisions on anti-camcording, internet service provider’s liability and circumvention of technological protection measures. * In line with the amendment of Copyright Act, three new regulations were introduced namely:  1. Copyright (Voluntary Notification) Regulations 2012 came into force on 1 June 2012 2. Copyright (Lisening Body) Regulations came into force on 1 June 2012 and 3. Copyright (Copyright Tribunal) Regulations 2012. 4. Service Delivery System  * Malaysia introduced the Copyright Voluntary Notification System to enable owners of copyright works to register their works at the Intellectual Property Corporation of Malaysia (MyIPO) on voluntary basis. This system also served as a database for copyright works in Malaysia. * The IP Official Journal was introduced in June 2012 which provides electronic publication for patent, trade mark, industrial design and geographical indication information on weekly and monthly basis. * On 9 March 2012, MyIPO has been awarded with the MS ISO 9001:2008 certification for Expedited Examination of Patent and Trade Mark procedures.  1. Awareness Programmes  * 153 awareness programmes were held throughout the country. * National Intellectual Property Day was held on 26 April 2012 aimed to promote intellectual property awareness and protection in Malaysia. Among the activities include exihibitions, seminars, National IP Award 2012, IP Run, Oratory Competition and IP Concert.  1. International IP Treaty  * Malaysia has joined two international treaties administered by World Intellectual Property Organisation (WIPO) as follows:  1. WIPO Copyright Treaty (WCT); and 2. WIPO Performances and Phonograms Treaty (WPPT).  * Both treaties came into force in Malaysia on 27 December 2012.   2013   1. IP Valuation Initiative  * This initiative consist of IP Valuation Training Module, IP Valuation Model and Platform for IP Marketplace in Malaysia. * This initiative aimed to facilitate IP owners to obtain funds by utilising IP as collateral and to encourage IP transaction among industry players.  1. IP Valuation Training Module  * On 7 Mac 2013, Malaysia introduced IP Valuation Training Module, a systematic training to create local IP Valuer. * The training consist of two session involving 55 participants from various backgrounds such as legal, accountancy, engineering and asset management. * 23 participants has passed the IP Valuation Training Module Test and received certificates of recognition from the Intellectual Property Corporation of Malaysia (MyIPO) and the World Trade Institute (WTI), University of Berne, Switzerland.  1. IP Valuation Model  * The IP Valuation Model was introduced on 6 November 2013 in conjunction with the Global IP Conference held from 6 to 7 November 2013 in Kuala Lumpur. * The Model provides a valuation method acceptable by the financial instution for the purpose of providing funds by utilising IP as collateral.  1. Platform for IP Marketplace  * Malaysia collaborated with IP Marketplace agencies in China and Hong Kong to establish a platform for IP Marketplace in Malaysia.  1. Service Delivery System  * MyIPO has formulated ICT Strategic Planning 2013 – 2017 to empower ICT infrastructures in line with the current technology advancement. * MyIPO introduced IP Official Journal, a portal that provides information on advertisement and publication of patent, trade mark, industrial design and geographical indication. Starting from 1 July 2013, IP Official Journal is the official publication for industrial designs registration. * Pilot Project on Work From Home was introduced on 1 October 2013 for three months. This project enabled two patent examiners and two trade mark examiners to process applications from their homes.  1. Laws and Regulations  * The Industrial Designs (Amendment) 2013 and Industrial Designs Regulations (Amendment) 2013 entered into force on 1 July 2013. The amendments include provision on worldwide novelty, increase term of protection to 25 years and to introduce IP Official Journal as an official publication for industrial design. * The Geographical Indications Regulations (Amendment) 2013 came into force on 15 July 2013. The amendments include improvement of application form, provisions on eligibility, registration and renewal of geographical indication agents, renewal and reinstatement of registration.  1. Awareness Programmes  * Intellectual Property Day 2013 was held on 13 – 15 Jun 2013. The activities include National IP Award, IP Run, Treasure Hunt, IP Concert, Retro Star Competition, Game Show, Forum, Oratory Competition and seminars on trade mark and copyright. * Launching of national IP Mascot on 4 June 2012 known as IP Frenz. * IP Summer Camp 2013 was held in Mei 2013 involving 200 students aged 14 to 16. * Launching of IP Mobile Clinic II in Jun 2013 which served as mobile IP information centre. * Launching of National Geographical Indication Logo in September 2013. * Publication of MyIP Bulletin in April and October 2013 to disseminate information on the current IP issues. | * To review and update Patents Act 1983 and Trade Marks Act 1976. * To develop “Renewal One Stop Centre” at MyIPO’s Website. * To promote Copyright Protection focussing on the Publication Cluster. * To adopt selected school for practical education program on IP. * To accede to the Madrid Protocol. * Collaboration programmes with universities, states government, government agencies and non-governmental organisations to promote IP protection and registration. * To establish a patent library at selected university. * To develop a database for Traditional Cultural Expression (TCE). * To implement Work From Home Phase II. * To develop Integrated IP System for Formality Automation. * To establish IP Marketplace. |
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| ***Competition Policy*** | The Competition Act 2010 came into force on 1st January 2012. Since its inception, the Malaysia Competition Commision (MyCC) has undertaken investigations on 5 infringement cases.  Other initiatives include:   1. Undertaking of Market Studies  * In 2012, a market review on the broiler chicken industry in West Malaysia was conducted by the MyCC. * In 2013, the MyCC conducted aa market review on price-fixing by professional bodies.  1. Introduction of Guidelines  * The Guidelines on Market Definition were published in May 2012. * The Guidelines on Anti-competitive Agreements were published in May 2012. * The Guidelines on Complaints Procedures were published in May 2012. * The Guidelines on Abuse of Dominant Position were published in July 2012. * The Exemption Application Procedures were published in September 2013. * The Guidelines on Financial Penalties and the Guidelines on Leniency Regime are currently undergoing public consultations.  1. Competition Advocacy Programmes  * In 2012, the MyCC issued its Strategy Plan for its Competition Advocacy for the period of 2012-1014 in which 6 priority sectors were identified. * In order to raise awareness and inculcate a culture of compliance to the Competition Act 2010 the MyCC has conducted advocacy programmes to stakeholders. * In 2011 and 2012, 63 advocacyprogrammes were conducted to various sectors and government bodies. * In 2013, 30 specifically targetted advocacy programmes were held. * In September 2013, the inaugural MyCC Competition Conference titled “New Legal Standards of Doing Business in Malaysia” was held and attended by over 400 participants.  1. Competition Publications  * In July 2012, a Competition Handbook for the General Public was published. * In September 2013, a handbook titled Competition Act 2010 : A Guide for Business was published. * In September 2013 a Compliance Guidelines for the Competition Act 2010 was released. | In order to provide better support for the enforcement of the Competition Act 2010, the MyCC will be implementing the following measures:   1. Intensifing efforts to enforce the Comptition Act 2010 especially in relation to cartel enforcement activities. 2. Development of formal rules on oral hearing and investigation procedures. 3. Public consultations with professional bodies in order to curtail price fixing activities. 4. Finalise the Guidelines on Leniency and the Guidelines on Financial Penalties. 5. Increase in advocacy efforts to targeted sectors in order to ensure better compliance by businesses. 6. Increased advocacy to SME’s in order to highlight the benefits of competition policy. 7. Introduction of bid-rigging guidelines to the public sector in order to promote better public procument processes. |
| Website for further information: | [www.mycc.gov.my](http://www.mycc.gov.my) |  |
| Contact point for further details: | *ShilaDorai Raj*  *CEO*  *Malaysia Competition Commission (MyCC)*  *Level 15, Menara SSM@Sentral,*  *No.7, Jalan Stesen Sentral 5,*  *Kuala Lumpur Sentral*  *50623 Kuala Lumpur*  *Tel: +603 2272 1691*  *Fax: +603 2272 1692*  *Email:* [*shila@mycc.gov.my*](mailto:shila@mycc.gov.my) |  |
| ***Government Procurement*** | **Electronic Procurement:**   * To date, there are 2,668 Cost Responsibility Centres (CRCs) of Government Agencies and 89,803 suppliers which are ePerolehan (eP) enabled i.e. participate in GP through the eP system. * Treasury Instruction Letter (TIL) dated 28 June 2013 stipulates that all eP enabled CRCs are required to ensure that at least 75% of their annual allocation for procurement of supplies and services are conducted online through the eP system. In addition, a guideline was issued on 4 July 2013 to improve the implementation by agencies pertaining to tenders submission through eP system.   **Annual Planned Procurement:**   * Treasury Circular Letter (TCL) No. 6 Year 2013 stipulates the requirement for Government Agencies to submit their annual planned tender procurement at the beginning of each year to the Ministry of Finance. The objective of the TCL is to ensure agencies effectively manage and execute their annual procurement as planned. | **New electronic procurement system:**  In August 2012, the Malaysian Government commenced a new project called the NextGeneP which will replace the current ePerolehan system. The new system is expected to go-live in 2015. Awareness programs and campaigns to educate agencies and suppliers on the NextGeneP are anticipated in the near future.  The NextGeneP will be able to deliver more benefits to users i.e. agencies and suppliers as it will feature an intuitive user-friendly interface, flexible architecture, clear and intelligent reporting, online assistance capability for users and seamless intergration between processes. The NextGeneP will also include online submission of annual planned procurement as one of its features. |
| Website for further information: | [www.eperolehan.gov.my](http://www.eperolehan.gov.my) , [www.treasury.gov.my](http://www.treasury.gov.my) |  |
| Contact point for further details: | [gpteam@treasury.gov.my](mailto:gpteam@treasury.gov.my)  Government Procurement Division, Ministry of Finance |  |
| ***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   * Focus Group on Business Process Re-engineering (FGBPR) under the Task Force to Facilitate Business or its acronym PEMUDAH has embarked on “Modernising Business Licensing” (MBL) since March 2011. MBL reviewed the quality of business licenses based on their legality, necessity and efficiency at 23 ministries and its agencies at Federal Level. Unnecessary licenses were eliminated and the rest were simplified; streamlined; integrated; and automated into Business Licensing Electronic Support System (BLESS) to create a more conducive and competitive business environment in Malaysia. In 2013, this initiative has been expanded to States and Local Authorities in Malaysia.   Dealing With Construction Permits (DCP)   * PEMUDAH has embarked on improving quality of regulations in DCP. Among the initiatives undertaken were introducing Standard Guidelines, simplification of statutory requirements, categorising risk-based and self-regulatory inspection system and improving operational features of the existing One-Stop Centre (OSC) for construction permits. As a result, DCP registered marked improvement to rank 43rd in World Bank Doing Business Report 2014 compared to 96th in 2013 and 113rd in 2012.   Reducing Unnecessary Regulatory Burden (RURB) on Businesses  The initiative focuses on identifying unnecessary, burdensome and duplicate regulations in businesses. In 2013, the focus areas are:   * Setting up Private Hospital * Palm Oil * Oil and Gas * Employment * Wholesale and Retail | 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:   * 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 which 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   * Moving forward, FGBPR will continue this initiative to the remaining states and local authorities in Malaysia. * FGBPR coordinates and monitors the implementation of the reformed programme across Ministries; Agencies; States; and Local Authorities. * FGBPR sustains this initiative by creating a Collaborative Innovation Community (CIC), a platform of network Government to discuss issues and recommendations to enhance this national agenda.   Dealing With Construction Permits (DCP)   * Going forward, the DCP initiative has expanded the World Bank methodology to cover land matters and medium-risked construction projects for 100 local authorities in Peninsular Malaysia.   Reducing Unnecessary Regulatory Burden (RURB) on Businesses  Moving forward, MPC will publish a guidebook on RURB and continue conducting assessment in the following sub-sectors:   * Professional Services * Constructions * Logistics * Pharmacy * Electrical & Electronics (E&E) |
| Starting A Business   * + Introduced Malaysian Corporate Identity Number (MyCoID) and MyCOID Portal to make easier for the companies to transact with Government agencies.   Trading Across Borders  · The import and export process flows at major ports in Malaysia had been streamlined and a consultative committee on ancillary charges was set up to oversee issues regarding fees and charges imposed by logistics players.  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:  ـ Standardisation of Form 14A according to the standard format as per National Land Code 1965;  ـ Implemention of advance stamp duty payable within one day;  ـ Computerisation of strata registration, similar to the Integrated Land Management System (SPTB) for land registration;  ـ Introduction of notification system that will complement the manual notice of the client’s submission status from Land Office; and  ـ Standardisation of checklist for initial stage of submission of application. | Starting A Business   * Document for Doing Business (DB) team that mandatory online filling in effect. * Document for DB Team that online filling merges name request and registration into one process. * Document reductions of RM 20 in stamp duty and RM 25 for post-incorporation package- seal,shareregistery, etc. * Support enactment of revised Companies Act authorizes significant cost reductions for DB 2016 and beyond.   Trading Across Borders   * Mandate all players connect to Port Net System; Rebrand system to MyPortNet to reflect national identity for nationwide application. * Customs requires Advance Manifest Submission, with HS Codes * Customs revises work flow to move Physical Examination from beginning to end of customs clearance process. * Customs Implements Selectivity Programme for trustworthy Customs Brokers/Forwarding Agents. * Combined Invoice & Packing List processing software system (Automated Invoice Interface)   Employing Workers  · Modernising the Industrial Court Procedures and amendment of Employment Act 1955.  Registering Property   * Implement online sarch of Land Office (LO) database for lawyers. Increase LO Revenues, reduces two-days to two-minutes, eliminaye one procedure * Self assessment and payment stamp duty (starts Jan 1, 2015) * Work with Associant of Banks in Malaysia to reduce documents filed from tens of pages to 2-3 pages. |
| Website for further information: | [www.pemudah.gov.my](http://www.pemudah.gov.my), |  |
| Contact point for further details: | Ms Chan KumSiew – [allpemudahmiti@miti.gov.my](mailto:allpemudahmiti@miti.gov.my)  DIRECTOR  Regulatory Review Department  MALAYSIA PRODUCTIVITY CORPORATION (MPC),  LorongProduktiviti, Off Jalan Sultan, 46200 PJ |  |
| ***Implementation of WTO Obligations/ROOs*** | WTO / UR Agreement are fully implemented. | As further improvement is an on-going process, Malaysia will continue negotiations in other areas of Doha Development Agenda namely:   1. Appointment of chairperson for Preparatory Committee on Trade Facilitation to ensure the timeline for the entry into force of the Trade Facilitation Agreement is not delayed; 2. Continue negotiation on Agriculture Ministerial Decision on Public Stockholding for Food Security Purposes and Tariff Rate Quota Administration; 3. Participate actively in the discussion on NTBs under the ambit of NAMA negotiations to further improve existing commitments under the TBT Agreement 4. To discuss improvement in S&D Provision |
| Website for further information: | [www.wto.org.com](http://www.wto.org.com); [www.miti.gov.my](http://www.miti.gov.my) |  |
| Contact point for further details: | Senior Director, Multilateral Trade Policy and Negotiations Division  Email: [allmtpn@miti.gov.my](mailto:allmtpn@miti.gov.my)  Fax: +603-6203 1745 |  |
| ***Dispute Mediation*** | Mediation   * Malaysia’s Mediation Act 2012 [Act 749] came into force on 1st August 2012 with the aim of promoting and encouraging mediation as a method of Alternative Dispute Resolution (ADR) and to facilitate the settlement of disputes in a fair, speedy and cost-effective manner. * This Act provides that mediation can be initiated before commencement of any civil action or arbitration. However, it cannot be initiated for certain matters that are specifically excluded under the Schedule of the Mediation Act. The Mediation Act also does not apply to mediation conducted by the courts or mediation conducted by the Legal Aid Department. * A mediation under this Act shall not prevent the commencement of any civil action in court or arbitration nor shall it act as a stay of, or extension of any proceedings, if the proceedings have commenced. * Further, if the parties to mediation reached an agreement upon the conclusion of such mediation, the parties must enter into a binding settlement agreement. If proceedings have commenced in court, the settlement agreement may be recorded before the court as a consent judgment or judgment of the court.   Arbitration   * The Arbitration Act [Act 646] which came into force on 15 March 2006 regulates domestic arbitration, provide for international arbitration, the recognition and enforcement of awards and for related matters. * The Act 646 was recently amended by Arbitration Amendment Act 2011 [Act A 1395]which came into effect on 1 July 2011. The amendments were introduced to address the inconsistency in the interpretation of the provisions of Act 646 and to give effect to some of the representations by the arbitral community. Among amendments made are as follows:  1. Section 8   The purpose of the amendment to Section 8 is to limit court intervention to situations specifically covered by Act 646 and to discourage the use of inherent powers of the court.   1. Section 10   The new amendment removes the ground to stay arbitration proceedings in Section 10(1)(b) where the Court is satisfied that there is no dispute between the parties with regard to the matters which are to be referred.  Further, the amendment also introduces special provisions in relation to admiralty proceedings which permit the Court to order that any property arrested, or bail or other security given, be retained as security for the satisfaction of any award that may be given in the arbitration proceedings or to order that a stay of court proceedings be conditional upon equivalent security being provided for the satisfaction of any award that may be given in the arbitration proceedings.  New sub-section (3) to Act 646 provides that the provisions of Section 10 of Act 646 apply to an international arbitration where the seat of arbitration is not in Malaysia.   1. Section 11   The amendment clarifies that the power of the High Court under Section 10(1)(e) of Act 646 to make interim orders "to secure the amount in dispute" extends to the arrest of property or bail or other security pursuant to the admiralty jurisdiction of the High Court.  A new sub-section (3) extends the powers of the Court under Section 11 to an international arbitration where the seat of arbitration is not in Malaysia.   1. Section 30   The amendment dispense the requirement for the arbitral tribunal to apply Malaysian law where the parties to the dispute have agreed that the dispute is to be governed by the laws of a jurisdiction other than Malaysia.   1. Section 39   The amendment also provides that the determination of the validity of the arbitration agreement should be determined in accordance with the laws of the State where the award was made and not necessarily under the laws of Malaysia.  A new Section 39(3) was also introduced to provide for situation where decision on matters submitted to arbitration can be separated from those which have not been submitted, the Court may recognise and enforce those parts of the award on matters that have been submitted for arbitration.   * This amendments are put in place to enhance arbitration law in Malaysia and allows for greater independence of the arbitral process and lessen possible interventions from the courts. | *Provide brief points only* |
| Website for further information: | [www.malaysianbar.org.my](http://www.malaysianbar.org.my)  [www.kehakiman.gov.my](http://www.kehakiman.gov.my)  [*www.klrca.org.my*](http://www.klrca.org.my) |  |
| Contact point for further details: | Ms.HalizaAiniDato’ Othman  Deputy Head of International Affairs Division  Attorney General’s Chambers,  No.45, PersiaranPerdana, Presint 4, 62100 Putrajaya.  Tel No: 03-8872 2257  Email: [haliza@agc.gov.my](mailto:haliza@agc.gov.my) |  |
| *Mobility of Business People* | **Malaysia has undertaken the following improvements to its ABTC and immigration policies, processes and procedures in 2012 & 2013:**   1. **Extension of ABTC Facility**   Malaysia has extended full ABTC facility to the Russian Federation since its official full membership in the ABTC Scheme on 1 September 2012, and vice versa. As such, Malaysian and Russian ABTC Card Holders now do not need to obtain visa prior to their short-term visit/entry to the respective economies.   1. **Streamlining of Domestic ABTC Processing and Approval**   Malaysia has undertaken a review on its domestic ABTC processing and approval in 2012, and further implemented the streamlined/improved ABTC processes and procedures effective 16 August 2013. The Improvements were made to facilitate applicants and expedite processing time as well as to ensure only genuine business travellers receive ABTC Cards.   1. **Extension of ABTC Special Lane**   Malaysia has now designated ABTC special lane facility to 7 major national checkpoints, i.e., Sultan Iskandar Complex (BSI) in Johor, Sultan Abu Bakar Complex (Second Link) in Johor, Kuala Lumpur International Airport (KLIA), Low Cost Carrier Terminal (LCCT) in Kuala Lumpur, Kota Kinabalu International Airport, Penang Airport and Kuching Airport.   1. **Abolition of the Use of Immigration Arrival Cards for Foreign Travellers/Tourists (Form IMM.26)**   Effective 1 June 2012, foreign tourists travelling into Malaysia are no longer required to fill in the Immigration Arrival Cards (Form IMM.26). As a replacement, the Immigration Department of Malaysia has introduced a biometric system to record all foreign tourists/travellers through the National Enforcement Registration System (NERS) which was first implemented on 1 June 2011.   1. **Expediting Immigration Clearance at National Entry Point**   The “10 Minutes Clearance” initiative has been undertaken to improve and resolve the space and congestion issues during peak hours at major national entry points. Additional counters with extra personnel on duty would be opened during peak hours to reduce the congestion and waiting time at immigration counters in KLIA (since February 2013) and LCCT (since 2011).   1. **New Security Feature of Malaysian Passport and Malaysia’s Membership in the  International Civil Aviation Organization (ICAO) Public Key Directory (PKD)**   Effective 2013, Malaysian passports have been enhanced with a new feature of Polycarbonate Biodata Page to improve the level of security of the travel documents. The security feature is in line with the ICAO standards on electronic passports or Machine Readable Travel Documents.  Malaysia has been included in the ICAO PKD following the awarding of Country Signing Certificate Authority (CSCA) to the Immigration Department of Malaysia by ICAO on 18 February 2013. Malaysian passport holders would now be able to travel visa-free to 163 countries. | 1. Malaysia is studying the possibility to enhance the **ABTC** services through an **autogate facility** at its border checkpoints. Malaysia (through its APEC BMG representation) has agreed to lead a proposed study on the possibility of integrating the ABTC system with economies’ systems. 2. Malaysia is planning to implement the **Advanced Passenger Screening System (APSS)** in the near future to monitor people’s movement to Malaysia. 3. **Business Process Reengineering (BPR) on Immigration Core Services**   The Immigration Department of Malaysia is in the process of improving its computerised systems to become more user/business-friendly. This would include IMI’s online/e-Services such as My-Online Passport, My-Online Visa, My-Online Employment Pass, My-Online Maid and  My-Online Student**.** |
| *Website for further information:* | [*www.imi.gov.my*](http://www.imi.gov.my)*;* [*http://www.talentcorp.com.my/expatriates/*](http://www.talentcorp.com.my/expatriates/) |  |
| *Contact point for further details:* | *Mr. Azman Azra bin Abdul Rahman (+603 88863307,* [*azman\_azra@moha.gov.my*](mailto:azman_azra@moha.gov.my)*)*  *Mr. Mohd Faizol Isma Amzan (+603 88863313,* [*faizol@moha.gov.my*](mailto:faizol@moha.gov.my)*)* |  |
| *Official websites that gather economies’ information* | * + Generally, the Ministry of International Trade and Industry’swebsite 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, www.malaysia.gov.my, [www.treasury.gov.my](http://www.treasury.gov.my), [www.bnm.gov.my](http://www.bnm.gov.my) |  |
| Contact point for further details: | [apecmiti@miti.gov.my](mailto:apecmiti@miti.gov.my) |  |
| ***Transparency*** | * Malaysia encourages the principle of transparency in its initiatives in ensuring the quality of regulations. 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. * Malaysia has developed the policy and handbook on GRP: National Policy on Development and Implementation of Regulations, Best Practice Regulation Handbook and Quick Reference of Best Practice Regulation Handbookas a tool to facilitate the implementation of Good Regulatory Practice (GRP). * On 15 July 2013, Malaysia launched the National Policy and the Development and Implementation of Regulations and a Circular to formalise the requirement of Regulatory Impact Assessment (RIA) to be adhered by all ministries and agencies. * Under this Policy, all Federal Government regulators must undertake the Regulatory Impact Analysis (RIA) and present the Regulatory Impact Statement (RIS) in the creation of all new regulations or review of regulations that relate to, or impact business, investments and trade, to enhance transparency, accountability and openness. * The Government circular on online public engagement issued on 25 April 2012 by the Chief Secretary to the Government of Malaysia with regard to online publication of draft regulations provide the general guideline on mechanism and approach should be taken by ministries and agencies. * MPC has developed RIS Portal which used as a platform for public consultation in drafting new regulations and amending existing regulations. It is available at <http://ris.mpc.gov.my/> to provide stakeholders and affected parties a means to provide feedback. | * + A Guidelines for Standardization of Public Consultation Procedures for New /Amendments of Legislation (for Domestic Regulations) will be published in 2014. |
| Website for further information: | [www.malaysia.gov.my](http://www.malaysia.gov.my)  [www.miti.gov.my](http://www.miti.gov.my)  *[www.mpc.gov.my](http://www.mpc.gov.myhttp://ris.mpc.gov.my/)*  *[http://ris.mpc.gov.my/](http://www.mpc.gov.myhttp://ris.mpc.gov.my/)* |  |
| Contact point for further details: | Senior Director, APEC Division, MITI – [apecmiti@miti.gov.my](mailto:apecmiti@miti.gov.my)  *M.s Roziana Othman –* [*ogie@mpc.gov.my*](mailto:ogie@mpc.gov.my)  *Senior Manager*  *Regulatory Review Department*  *Malaysia Productivity Corporation (MPC),* |  |

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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: 7 February 2012  Malaysia-India Comprehensive Economic Cooperation Agreement  - Date of entry into force: 1 July 2011  - Notification to the WTO: 6 September 2011  ASEAN-Australia-New Zealand Free Trade Agreement  - Date of entry into force: 1 January 2010  - Notification to the WTO: 8 April 2010  ASEAN-India Free Trade Agreement  - Date of entry into force: 1 January 2010  - Notification to the WTO: 19 August 2010  Malaysia-Chile Free Trade Agreement  - Date of entry into force: 28 February 2012 (for Malaysia)  (Records in the WTO stated that the EIF for Chile is 18 December 2012)  - Notification to the WTO: 12 February 2013  Malaysia-Australia Free Trade Agreement  - Date of entry into force: 1 January 2013  - Notification to the WTO: 13 May 2013  For more information on all FTAs: <http://www.miti.gov.my> |
| ***- Agreements under negotiation*** | | *Please provide information on agreements that are currently under negotiation eg issues being covered in the negotiation and the status of the negotiation.* |
|  | ***Agreement #1*** | Malaysia-Turkey Free Trade Agreement  Negotiations commenced in May 2010 and concluded in January 2014. The Malaysia-Turkey FTA covers Trade in Goods and Economic Cooperation. |
| ***Agreement #2*** | Malaysia-European Union Free Trade Agreement  Malaysia-European Union FTA is a comprehensive agreement that covers Market Access for Goods, Services and Investment, Customs and Trade Facilitation, Rules of Origin (ROO), Trade Remedies, Sanitary and Phyto-Sanitary (SPS) Measures, Technical Barriers to Trade (TBT), Competition Policy, Intellectual Property Rights (IPR), including Geographical Indications (GI), Government Procurement (GP), Sustainable Development Issues (i.e., Labour and Environment) and Dispute Settlement Mechanism. Negotiations are still on-going. |
| ***Agreement #3*** | Trans-Pacific Partnership (TPP)  The TPP is an FTA initiative involving Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico,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 for Malaysia i.e. *Government Procurement, Competition, IPR, Labour, Environment and Horizontal Issues (Regulatory Coherence, Competitiveness and Business Facilitation, Development and SMEs)*.  The aim is to develop a living agreement that deals with current issues, concerns and interests of international business and evolves to respond to future needs. A living agreement will also enable other countries to join the TPP in future.  Negotiations are still on-going. |
| ***Agreement #4*** | Regional Comprehensive Economic Partnership (RCEP)  The RCEP is an FTA initiative involving the 10 ASEAN Member States and its 6 FTA Partners (i.e., Australia, China, India, Japan, the Republic of Korea and New Zealand). It will have broader and deeper engagement with significant improvements over the existing ASEAN+1 FTAs, while recognizing the individual and diverse circumstances of the participating economies. Negotiations are ongoing on areas such as trade in goods, services, investment, intellectual property, competition, economic and technical cooperation and dispute settlement. |
| ***Agreement #5*** |  |
| ***Agreement #6*** |  |
| ***Agreement #7*** |  |
| ***Agreement #8*** |  |
| ***Agreement #9*** |  |
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| ***Agreement #19*** |  |
| ***Agreement #20*** |  |
| ***-*** ***Future plans*** | | Malaysia is working to commence negotiations with the European Free Trade Association (EFTA) and Bangladesh. Discussions have progressed on these initiatives. |
| Website for further information: | | <http://www.miti.gov.my> |
| Contact point for further details: | | Lin AzuraYahya ([linazura.yahya@miti.gov.my](mailto:linazura.yahya@miti.gov.my), [allfta@miti.gov.my](mailto:allfta@miti.gov.my))  FTA Policy and Negotiations Coordination Division, MITI |

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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: |  |  |