



MY/RL1/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 1

(This is authentic in English only)

This text replaces ACIA Reservation List No. 1 (All Sectors) of
Malaysia

Technical refinements have been made to the Description of Measure
for clarity and transparency purpose.

MALAYSIA

1.

Sector : **All Sectors**

Sub-Sector : -

**Industry
Classification** : -

Level of Government : Central

Type of Obligation : National Treatment
Senior Management and Board of Directors

**Description of
Measure** : Every company incorporated in Malaysia shall have at least 2 directors who each has his principal or only place of residence within Malaysia (Section 122(1) of the Companies Act 1965 [Act 125]).

Source of Measure : Companies Act 1965 [Act 125]



MY/RL2/Rev.1

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COUNTRY: MALAYSIA

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Supplement 2

(This is authentic in English only)

This text replaces ACIA Reservation List No. 2 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and Source
of Measure for clarity and transparency purposes. This includes the
following:

- Land Acquisition Act, 1960 [Act 486]
- Land Conservation Act 1960 [Act 385]
- Federal Lands Commissioner Act 1957 (Revised 1988) [Act 349]
- National Land Code (Penang and Malacca Titles) Act 1963 [Act 518]
- Strata Titles Act 1985 [Act 318]
- Building and Common Property (Maintenance and Management) Act 2007 [Act 663]
- Strata Management Act 2012 [Act 757]
- Land (Group Settlement Areas) Act 1960 [Act 530]
- Kedah Enactment No 63 (Malay Reservations)

- Kelantan Malay Reservations Enactment, 1930;
- Kelantan Land Settlement Act 1955 (Revised 1991) [Act 460]
- Perlis Malay Reservations Enactment, 1353
- Perlis Land Settlement Enactment, 1966
- Johore Malay Reservation Enactment, 1936
- Terengganu Malay Reservation Enactment, 1360
- Terengganu Settlement Enactment, 1356
- Sabah Land Ordinance (Sabah Cap 68)
- Sabah Land Acquisition Ordinance (Sabah Cap 69)
- Local Government Act 1976 [Act 171]
- Town and Country Planning Act 1976 [Act 172]
- Federal Territory (Planning) Act 1982 [Act 267]
- Federal Capital Act 1960 [Act 190]
- Street, Drainage and Building Act 1974 [Act 133]

MALAYSIA

2.

- Sector** : **All Sectors**
- Sub-Sector** : -
- Industry Classification** : -
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
- Description of Measure** : Acquisitions or dealings of land by foreign investors must be approved by the relevant State Authority, subject to such conditions and restrictions as may be imposed by that Authority.
- Source of Measure** : - Land Acquisition Act, 1960 [Act 486]
 - Land Conservation Act 1960 [Act 385]
 - National Land Code 1965 [Act 56]
 - National Land Code (Penang and Malacca Titles) Act 1963 [Act 518]
 - Strata Titles Act 1985 [Act 318]
 - Building and Common Property (Maintenance and Management) Act 2007 [Act 663]
 - Strata Management Act 2012 [Act 757]
 - Federal Lands Commissioner Act 1957 (Revised 1988) [Act 349]
 - Land (Group Settlement Areas) Act 1960 [Act 530]
 - Malay Reservations Enactment 1933
 - Kedah Enactment No 63 (Malay Reservations)
 - Kelantan Malay Reservations Enactment, 1930

- Kelantan Land Settlement Act 1955 (Revised 1991) [Act 460]
- Perlis Malay Reservations Enactment, 1353
- Perlis Land Settlement Enactment, 1966
- Johore Malay Reservation Enactment, 1936
- Terengganu Malay Reservation Enactment, 1360
- Terengganu Settlement Enactment, 1356
- Sabah Land Ordinance (Sabah Cap 68)
- Sabah Land Acquisition Ordinance (Sabah Cap 69)
- Sarawak Land Code 1958
- Local Government Act 1976 [Act 171]
- Town and Country Planning Act 1976 [Act 172]
- Federal Territory (Planning) Act 1982 [Act 267]
- Federal Capital Act 1960 [Act 190]
- Street, Drainage and Building Act 1974 [Act 133]



MY/RL3/Rev.1

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COUNTRY: MALAYSIA

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Supplement 3

(This is authentic in English only)

This text replaces ACIA Reservation List No. 3 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and Source
of Measure for clarity and transparency purposes. This includes the
following:

- Securities Industry (Central Depositories) Act 1991 [Act 453]

MALAYSIA

3.

Sector : **All Sectors****Sub-Sector** : -**Industry Classification** : -**Level of Government** : Central**Type of Obligation** : National Treatment

Description of Measure : Where the Companies Act 1965 [Act 125] or memorandum and articles of association of a company imposes a prescribed foreign shareholding limit, the company may restrict certain entitlement with respect to shares that have exceeded the prescribed limit¹ (excess shares).

Source of Measure : - Companies Act 1965 [Act 125]
 - Securities Industry (Central Depositories) Act 1991 [Act 453]
 - Securities Industry (Central Depositories) (Foreign Ownership) Regulations 1996

∞

¹ For example, a company may still grant certain entitlement i.e. dividend payment to the foreigner holding the excess shares but they may not be entitled to vote. For the purposes of this reservation, the term 'foreigner' can be found in Securities Industry (Central Depositories) (Foreign Ownership) Regulations, 1996.



MY/RL4/Rev.1

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COUNTRY: MALAYSIA

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Supplement 4

(This is authentic in English only)

This text replaces ACIA Reservation List No. 4 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and Source
of Measure for clarity and transparency purposes. This includes the
following:

- Securities Industry (Central Depositories) Act 1991 [Act 453]
- Securities Industry (Central Depositories) (Foreign
Ownership) Regulations 1996.

MALAYSIA

4.

Sector : **All Sectors****Sub-Sector** : -**Industry
Classification** : -**Level of Government** : Central**Type of Obligation** : National Treatment**Description of
Measure** : Malaysia reserves the right to adopt or maintain any measure with respect to securities to be listed or listed on a stock exchange and any matter relating to the acquisition of interests, take-overs and mergers of a public listed company.**Source of Measure** : - Capital Market and Services Act 2007 [Act 671]
- Securities Industry (Central Depositories) Act 1991[Act 453]
- Securities Industry (Central Depositories) (Foreign Ownership) Regulations 1996



MY/RL5/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

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Supplement 5

(This is authentic in English only)

This text replaces ACIA Reservation List No. 5 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and Source
of Measure for clarity and transparency purposes. This includes the
following:

- Malaysia Public Private Partnership (PPP) programme
- Guidelines on Public Private Partnership (PPP)
- Social and economic development plans/policies
- New Economic Model

MALAYSIA

5.

Sector : **All Sectors****Sub-Sector** : -**Industry Classification** : -**Level of Government** : Central and Regional**Type of Obligation** : National Treatment
Senior Management and Board of Directors**Description of Measure** : Malaysia reserves the right to adopt or maintain any measures relating to privatisation, divestment of assets through transfer or disposal of equity interests or assets owned wholly or partially by the Government.

All privatised projects are subjected to Malaysia's social and economic development policies and the Privatisation Master Plan with regards to foreign participation. In general, foreign participation is restricted to 25% of total equity. However, considerations can be given up to 49% on a case by case basis. Foreign participation may be considered in the following cases:

- where foreign expertise is needed to upgrade efficiency and such expertise is not available locally;
- where their participation is necessary to promote export market;
- where local capital is insufficient; and
- where the nature of business requires international linkages and exposure.

All conditions imposed on existing privatised entities will continue to be applicable.

- Source of Measure** : - Malaysia Public Private Partnership (PPP) programme
- Privatisation Master Plan
- Guidelines on Public Private Partnership (PPP)
- Social and economic development plans/policies
- New Economic Model



MY/RL6/Rev.1

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COUNTRY: MALAYSIA

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Supplement 6

(This is authentic in English only)

This text replaces ACIA Reservation List No. 6 (All Sectors) of
Malaysia

Technical refinements have been made to the Description of Measure
for clarity and transparency purpose.

MALAYSIA

6.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central and Regional
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: Malaysia reserves the right to adopt or maintain any measure affecting activities restricted to designated enterprises ² which are liberalised to those other than the designated entities or where such designated enterprise no longer operate on a non-commercial basis.
Source of Measure	: - Control of Padi and Rice Act 1994 [Act 522] - Industrial Co-Ordination Act 1975 [Act 156] - Government Policy - Administrative Guidelines

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² For illustrative purposes, 'Designated enterprises' may include Padiberas Nasional Berhad (BERNAS) and Kualiti Alam Sdn Bhd.



MY/RL7/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

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Supplement 7

(This is authentic in English only)

This text replaces ACIA Reservation List No. 7 (All Sectors) of
Malaysia

Technical refinements have been made to the Description of Measure
for clarity and transparency purpose.

MALAYSIA

7.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central and Regional
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: Malaysia reserves the right to adopt or maintain any measure for the purposes of enhancing Bumiputera ³ participation in the Malaysia economy. Such measures include: <ul style="list-style-type: none"> - new/additional licences or permits; - assistance, rights, preferences or benefits accorded to Bumiputera; and - providing favourable treatment in relation to acquisition, establishment or operation of any commercial or industrial entity. <p>For greater certainty, such measures do not require an investor by reason of its nationality, to sell or otherwise dispose of an existing investment.</p>
Source of Measure	: - Federal Constitution - Aboriginal Peoples Act 1954 [Act 134] - Interpretation Ordinance 2005 (Cap.61) - Interpretation (Definition of Native) (Cap.64) - Government Policy - New Economic Policy - National Development Policy

³ The term 'Bumiputera' covers Malays, natives of Sabah and Sarawak, and aborigines.

- National Vision Policy
- Guidelines on the Acquisition of Properties,
Economic Planning Unit
- Administrative Guidelines

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MY/RL8/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 8

(This is authentic in English only)

This text replaces ACIA Reservation List No. 8 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and Source
of Measure for clarity and transparency purposes. This includes the
following:

- Immigration Act 1959/63 [Act 152]
- Expatriate Services Division (ESD) Online Guidebook

Removal of Guidebook on the Employment of Expatriates from the
Source of Measure has been made as it has been replaced by
Expatriate Services Division (ESD) Online Guidebook

MALAYSIA

8.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: Malaysia reserves the right to adopt or maintain any measure relating to employment of expatriates. Restrictions may be imposed on the number, duration and type of expatriates employed.
Source of Measure	: - Immigration Act 1959/63 [Act 155] - Employment (Restriction) 1968 (Revised-1988) - Expatriate Services Division (ESD) Online Guidebook - Government Policies

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MY/RL9/Rev.1

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COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 9

(This is authentic in English only)

This text replaces ACIA Reservation List No. 9 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and Source
of Measure for clarity and transparency purposes.

MALAYSIA

9.

- Sector** : **All Sectors**
- Sub-Sector** : -
- Industry Classification** : -
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
- Description of Measure** : Malaysia reserves the right to adopt or maintain any measure relating to National and State unit trusts. This includes unit trust schemes that are created or operated to pursue public policy objectives related to Bumiputera or affirmative action for the socially disadvantaged.
- Source of measures** : - Federal Constitution
- New Economic Policy
- National Development Policy
- National Vision Policy



MY/RL10/Rev.1

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COUNTRY: MALAYSIA

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Supplement 10

(This is authentic in English only)

This text replaces ACIA Reservation List No. 10 (All Sectors) of
Malaysia

Technical refinements have been made to the Description of Measure
for clarity and transparency purpose.

MALAYSIA

10.

Sector : **All Sectors**

Sub-Sector : -

Industry Classification : -

Level of Government : Central and Regional

Type of Obligation : National Treatment

Description of Measure : Malaysia reserves the right to adopt or maintain any measure relating to the issuance of licence/permit including numerical limitations and non-issuance of licences.

Malaysia reserves the right to adopt or maintain any measure relating to the conditions⁴ imposed in the issuance of licence/permit.

Source of Measure : - Government Policy
- Industrial Co-Ordination Act 1975 [Act 156]
- Administrative guidelines

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⁴ For illustrative purposes, this may include the recommendation that employment of workers be reflective of the racial composition of the country and to use local distributors.



MY/RL11/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 11

(This is authentic in English only)

This text replaces ACIA Reservation List No. 11 (All Sectors) of
Malaysia

Technical refinements have been made to the Description and the
Source of Measure for clarity and transparency purposes. This includes
the following:

- Kumpulan Wang Amanah Persaraan (Diperbadankan)
- State Agriculture Development Corporation Enactments

MALAYSIA

11.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central and Regional
Type of Obligation	: National Treatment
Description of Measure	: Malaysia reserves the right to adopt or maintain any measure relating to the rights of statutory bodies. ⁵
Source of Measure	: - Article 92 of Federal Constitution - Employees Provident Fund Act 1991 [Act 452] - Tabung Haji Act 1995 [Act 535] - Tabung Angkatan Tentera Act 1973 [Act 101] - Kumpulan Wang Amanah Persaraan (Diperbadankan) - State Economic Development Corporation Enactments - State Agriculture Development Corporation Enactments - Iskandar Regional Development Authority Act 2007 [Act 664] - Northern Corridor Implementation Authority Act 2008 [Act 687] - East Coast Economic Region Development Council Act 2008 [Act 688]

⁵ Examples of statutory bodies include Employees Provident Fund and Lembaga Tabung Haji.

- Regional Corridors Development Authorities Ordinance 2006
- Sabah Economic Development and Investment Authority (SEDIA) Enactment 2009
- Administrative Guidelines

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MY/RL13/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 12

(This is authentic in English only)

This text replaces ACIA Reservation List No. 13 (Manufacturing and Sub-Sector Services Incidental to Manufacturing) of Malaysia.

Re-classification of sugar refining (ISIC 1542) from the “Sectors which are currently closed” list to “Sectors with specific conditions” list has been made. Nevertheless, the re-classification of sugar refining is still subject to specific conditions which may be inconsistent with National Treatment.

Removal of steel billets/blooms (ISIC 2710) from the “Sectors with specific conditions” list; and hot rolled steel bars and wire rods (ISIC 2710) from the “Sectors which are currently closed” list has been made.

MALAYSIA

13

- Sector** : - **Manufacturing**
- **Services Incidental to Manufacturing**
- Sub-Sector** : -
- Industry Classification** : ISIC (see below)
CPC 884-885
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
- Description of Measure** : Foreign equity is limited up to 30% in the following activities/products:
- fabrics and apparels of Batik (ISIC 1711, ISIC 1712, ISIC 1810)
 - integrated portland cement (ISIC 2694)

Malaysia reserves the right to adopt or maintain any measures relating to the conditions imposed on the following activities/products which may be inconsistent with National Treatment:

Sectors with specific conditions

- Pineapple canning (ISIC 1513)
- Palm oil milling and refining (ISIC 1514)
- Wood-based products utilizing local logs (ISIC 2010, ISIC 2021, ISIC 2022)
- Arms, weapons, ammunitions, explosive, pyrotechnic products, propellant powders, detonating or safety fuses, and the like (ISIC 2429, ISIC 2927)
- Petroleum refining (ISIC 2320)
- Manufacture/Assembly of motor vehicles, passenger cars and commercial vehicles (ISIC 3410)
- Sugar refining (ISIC 1542)

Sectors which are currently closed

- Liquors and alcoholic beverages (ISIC 1551-3)
- Tobacco processing and cigarettes (ISIC 1600)
- Optical discs, including CD, CD-ROM, VCD, DVD (ISIC 2230)
- Biodiesel (ISIC 2411)
- Collection, storage, treatment and disposal of hazardous and toxic wastes
- Ordinary Portland Cement (non-integrated) (ISIC 2694)

Source of Measure : - Industrial Co-Ordination Act 1975 [Act 156]
- Customs Act 1967 [Act 235]

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MY/RL14/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 13

(This is authentic in English only)

This text replaces ACIA Reservation List No. 14 (Fishery and Services Incidental to Fishery) of Malaysia

Technical refinements have been made to the Description and the Source of Measure for clarity and transparency purpose. This includes the following:

- Lembaga Kemajuan Ikan Malaysia Act 1971 [Act 49]

Removal of Fisheries Development Authority of Malaysia Act 1971 from Source of Measure has been made.

In addition, a footnote has been included as follows:

For greater certainty, under the (Fisheries Act 1985) [Act 317], "Malaysian fisheries waters" means maritime waters under the jurisdiction of Malaysia over which exclusive fishing rights or fisheries management rights are claimed by law and includes the internal waters of Malaysia, the territorial sea of Malaysia and the maritime waters comprised in the exclusive economic zone of Malaysia.

MALAYSIA

14.

- Sector** : - **Fishery**
- **Services Incidental to Fishery**
- Sub-Sector** : **Capture fisheries**
- Industry Classification** : ISIC Division 05
CPC 882
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
- Description of Measure** : No foreign fishing vessel⁶ shall load or unload any fish, fuel or supplies or transship any fish or fish or attempt to fish or conduct any techno-economic research or waters survey of any fishery, in Malaysian fisheries waters⁷ unless authorised to do so.

Fishing vessel means any boat, craft, ship or other vessel which is used for equipped to be used for, or of a type used for

- fishing; or
- aiding or assisting other boat, craft, ship or other vessel in the performance of any activity related to fishing, including any of the activities of preparation, processing, refrigeration, storage, supply or transportation of fish.

⁶ For the purpose of this reservation, the term 'foreign fishing vessels' can be found in Section 2 Fisheries Act 1985 [Act 317]

⁷ For greater certainty, under the (Fisheries Act 1985) [Act 317], "Malaysian fisheries waters" means maritime waters under the jurisdiction of Malaysia over which exclusive fishing rights or fisheries management rights are claimed by law and includes the internal waters of Malaysia, the territorial sea of Malaysia and the maritime waters comprised in the exclusive economic zone of Malaysia.

- Source of Measure** :
- Fisheries Act 1985 [Act 317]
 - Lembaga Kemajuan Ikan Malaysia Act 1971 [Act 49]
 - Exclusive Economic Zone Act 1984 [Act 311]
 - Continental Shelf Act 1966 [Act 83]
 - National Land Code [Act 56]

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MY/RL16/Rev.1
Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 14

(This is authentic in English only)

This text replaces ACIA Reservation List No. 16 (Forestry and Services
Incidental to Forestry) of Malaysia

Technical refinements have been made to the Description of Measure
for clarity and transparency purpose.

MALAYSIA

16.

- Sector** : - **Forestry**
- **Services Incidental to Forestry**
- Sub-Sector** : - **Extraction and Harvesting of Timber**
- **Forest Plantation**
- Industry Classification** : ISIC Division 02
CPC 8814
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
- Description of Measure** : Malaysia reserves the right to adopt or maintain any measure relating to forest plantation.
- Extraction and harvesting of timber is closed to foreign investors in Peninsular Malaysia and Sabah. However, for Sarawak, local involvement and majority local control is required. Forest areas to be opened for such activities shall be gradually reduced in the future to enable the resources to be managed sustainably.
- Services incidental to extraction and harvesting of timber is closed to foreign investors in Peninsular Malaysia and Sabah. However, for Sarawak, maximum foreign equity ownership allowed is 30%; flexibility could be considered.
- Source of Measure** : - National Forestry Act 1984 [Act 313]
- F.M.S Forest Enactment 1934
- Johor Forest Enactment
- Kedah Forest Enactment
- Kelantan Forest Enactment
- Perlis Forest Enactment
- S.S Forest Ordinance
- Sabah Forest Enactment
- Sarawak Forest Ordinance
- Terengganu Forest Enactment
- Administrative guidelines



MY/RL17/Rev.1

Date/Month/Year: 22/11/2018

COUNTRY: MALAYSIA

Schedule of ACIA

Supplement 15

(This is authentic in English only)

This text replaces ACIA Reservation List No. 17 (Mining and Quarrying and Services Incidental to Mining and Quarrying) of Malaysia

Technical refinements have been made to the Description of Measure for clarity and transparency purposes.

MALAYSIA

17.

- Sector** : - **Mining and Quarrying**
- **Services Incidental to Mining and Quarrying**
- Sub-Sector** : **Oil and Gas Upstream Industries**
- Industry Classification** : ISIC Divisions 10 to 14
CPC 883
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
Senior Management and Board of Directors
- Description of Measure** : PETRONAS and its successor are vested with the entire ownership in, and the exclusive rights, powers, liberties and privileges, which shall be irrevocable, in exploring, exploiting, winning and obtaining petroleum whether onshore or offshore of Malaysia.
- Malaysia reserves the right to adopt or maintain any measures relating to the oil and gas upstream industry including related activities.
- Source of Measure** : - Petroleum Development Act 1974 [Act 144]
- Petroleum Mining Act 1966 [Act 95]



MY/RL18/Rev.1

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COUNTRY: MALAYSIA

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Supplement 16

(This is authentic in English only)

This text replaces ACIA Reservation List No. 18 (Mining and Quarrying and Services Incidental to Mining and Quarrying) of Malaysia

Technical refinements have been made to the Description of Measure for clarity and transparency purposes.

MALAYSIA

18.

- Sector** : - **Mining and Quarrying**
- **Services Incidental to Mining and Quarrying**
- Sub-Sector** : **Other mining and quarrying activities**
- Industry Classification** : ISIC Divisions 10 to 14
CPC 883
- Level of Government** : Central and Regional
- Type of Obligation** : National Treatment
Senior Management and Board of Directors
- Description of Measure** : Malaysia reserves the right to adopt or maintain any measures relating to mining and quarrying activities. Joint ventures with state or state-linked enterprises may be required.
- Source of Measure** : - Minerals Development Act 1994 [Act 525]
- State Mineral Enactments