8.0 MALAYSIA



Always check the latest in-country requirements on Micor

1. Establishment registration

You can start the product registration at the same time

Timing – 3 months if documentation complete

2. Halal

This process can start at the same time as the factory registration process The manufacturer needs to complete an application and submit to the Malaysian Department of Veterinary Services (DVS).

- Application form
- <u>List of current Dairy establishments listed with the Malaysian Government as of June 2022:</u>
- · Applying for listing
- · 'Application to Export Meat, Poultry, Milk, Egas and Products to Malaysia' form
- · Sample certification

While not technically compulsory, most dairy products will require halal certification to enter Malaysia. The Halal certificate(s) must be issued by the Malaysian Accredited Halal Authority, the Islamic Development Malaysia (JAKIM), or be issued by a foreign halal authority recognised by the Malaysian Halal Authority (JAKIM).

- · Understanding halal
- · List of certifying bodies
- · Certification process
- Forms/information required
- Who can apply
- Common reasons for unsuccessful applications

The name of the halal certification body need to be marked on the packaging.

3. Shipping and shipping documents

What documents do I need?

- Transfer document
- Health Certificate or Certificate as to the Condition
- · Certificate of Origin
- · Commercial Invoice
- Packing List
- · Certificate of Analysis
- · Fit for Human Consumption Letter
- Bill of Lading or Seaway Bill

These documents are required for prescribed goods under Australian law. Unprescribed goods are not regulated by Australian law and exporters must confirm requirements with Malaysia.

4. Product registration

Timing – 2 months Validity – 1 year

- Things to know before importing
- Labelling

Stickering on arrival in Malaysia is allowed.

5. Food regulations

- Standard parameters
- Food definition
- · Microbial and residue limits
- Food additives
- Heavy metals
- · Maximum drug residues

6. Import Permit Application

Application approval – 5 working days Validity – up to 90 days

Certificate of Analysis

Besides complying with the Food Act 1983 and Food Regulations 1985 under the MOH (Ministry of Health), the consignment of milk or milk products is also required to obtain a valid import permit issued by the Director General of Veterinary Service (DVS), Malaysia

- Documents required
- Fee
- · Surrender of official documents

7. Intellectual property

Intellectual property, trademarks and brand protection are key considerations for manufacturers when commencing exports

8. Tariff quota and HS Codes

See the <u>Trade Agreement Comparison Guide</u> for Malaysia tariff rates Check <u>DFAT Free Trade Agreement Portal</u> To confirm HS codes and tariff rates

9. Useful links

MALAYSIA REGISTRATION PROCESS



Visit this website to start the application process

Submit Application

Enter the FSQ website and fill in the necessary information. Upload the application together with supporting documents

Payment

Pay the processing fee

Download the food product license



Document Requirements

- Application Form
- Artwork
- Scientific supporting documents
- Business license
- · Other certificates (if any): eg. Halal, Kosher

See appendix for detailed e-submission guide



MALAYSIA PROCESS GUIDE

1. Establishment registration

Timings – There is no specific timeframe for the registration to be approved by the Malaysian Government.

Expectation – 3 months for Australian exporters. This is based on the assumption that all documentation is complete and in order when the application is submitted.

Guide – > than 3 months. If documentation is incomplete, then the timing will be extended accordingly. This has been known to be 12 months or longer. Some companies have not been able to achieve registration due to incomplete documentation.

Establishments that attained export registration with the Department after 2 March 2017 and wish to send dairy products to Malaysia are required to apply to: http://www.dvs.gov.my/index.php/pages/view/1941

Malaysia's Department of Veterinary Services (DVS) for listing. Australian dairy establishments that were export-registered with the Department on 2 March 2017 have automatically been listed with Malaysia as eligible to import dairy products into this market.

Processing establishments that intend to manufacture milk and milk products for export to Malaysia may be required to complete the form titled 'Application to Export Meat, Poultry, Milk, Eggs and Products to Malaysia' which is available on Malaysia's <u>DVS website</u>.

Application forms must be completed in English and signed by the Department. Additional information such as photographs may be provided as attachments. Completed forms and attachments will be provided to DVS by the Department. Establishments should be aware that delays in processing may result from submission of incomplete or inadequate information.



2. Halal

What is Halal?

Halal is an Arabic word that means 'permitted' or 'lawful' in Islam. It is both an umbrella term used in relation to all food products, and a term that refers to a method of livestock slaughtering consistent with Islamic rites.

1. What is permitted?

All foods are Halal **unless** they are Haram (which means prohibited or unlawful). For example, all fruit and vegetables are Halal **unless** they are contaminated with Haram substances or the production plant contains Haram substances.

2. What is doubtful?

Mashbooh is an Arabic word that means <u>doubtful or questionable</u>. In relation to Halal guidelines, Mashbooh products cannot be clearly classified as either Halal or Haram without more information. For example, food products that contain ingredients such as enzymes, gelatine, emulsifiers and flavours are Mashbooh because the origin of these ingredients is not known. Generally, Muslims will avoid eating Mashbooh foods.

3. What is prohibited?

Food products that are considered Haram include pork and its by-products, animals with fangs, Halal animals improperly slaughtered, lard, alcoholic drinks, and foods contaminated with the aforementioned. More information about Halal and Haram foods can be found at:

- The Department of <u>Agriculture and Water</u>
 <u>Resources—Australian Government Authorised</u>
 <u>Halal Program</u> (meat notice 2009/08: guidelines
 for the preparation, identification, storage and
 certification for export of Halal red meat and red
 meat products)
- Meat and Livestock Australia—has produced an <u>Australian Halal meat products guide</u> and an <u>Australian Halal fact sheet</u> (focused on meat products)
- Halal Australia (a certifying body)—provides general information about Halal and Haram foods, as well as Halal certification, as does the Islamic Co-ordinating Council of Victoria and the Islamic Council of Queensland.



<u>Halal certification in Australia: a quick guide – Parliament of Australia (aph.gov.au)</u>

Certification Process

As with other certification processes, Halal certification follows a series of broad steps:

- The relevant food producer or manufacturer applies to the relevant certifying organisation (for example, Halal Certification Authority Australia). This usually involves providing detailed information about the raw materials, ingredients and additives, and the manufacturing process.
- An inspection of the manufacturing site is then conducted by an appropriately qualified person on behalf of the certifying organisation to determine whether all the relevant requirements are consistently being met, and a report prepared. The applicant may be required to alter their manufacturing processes or ingredients, or to provide further information about their supply chain.
- 3. A certification agreement is then concluded between the applicant and the certifying body, and Halal accreditation or certification is awarded for a certain period of time.

The applicant must fill in the relevant forms:

- · Products/consumer goods
- Food premise
- Slaughterhouse

The application must be submitted online completed with the attachment of required documents and relevant certificates as listed below:

- · Company profile;
- Company/business registration;
- Name and description of product/menu for certification;
- · Ingredients used;
- Name and address of manufacturer/ingredient supplier;
- Halal status for ingredients with a Halal certificate or product specification for critical ingredients (if relevant);
- · Type of packaging material;
- Manufacturing process and procedure;
- Other documents such as HACCP, ISO, GHP, GMP, TQM etc. (If any); and
- · Location map of premise/factory.
- The applicant must create a "Halal Confirmation Certificate" file to store all relevant documents for reference during premises inspection.

Below is a list of eligible applicants for the Halal Confirmation Certificate:

- 1. Manufacturer/producer
- 2. Distributor/trader

- 3. Sub-contract manufacturer
- 4. Re-packager
- 5. Food premises
- 6. Abattoir/slaughterhouse

Both domestic and international companies should submit the application to the JAKIM Halal Hub (online application).

Below are common reasons for unsuccessful applications:

- Producing and distributing halal and non-Halal products;
- · Product is not Halal;
- Natural substance that do not involve any processing;
- Drugs or products that are categorised as pharmaceutical products by the Ministry of Health Malaysia;
- Hair colour/hair dye;
 - Processed products which were manufactured overseas:
 - Products that are labelled with names synonymous to confusing terminologies such as 'bak kut teh' and so on;
 - Fertilisers and animal feed.

3. Shipping and shipping documents

A transfer document is required for each movement of Australian made prescribed goods that are going to be exported.

Transfer documents can only be issued where the dispatch and receiving locations are registered export establishments and where it has been identified that the goods are eligible for export.

Note: This example	is for dairy produc	ts.				
TEM .	No XX Dairy Rd Somewhere, Au Ph: (0X) XXX XX Registered esta		34			
Product	Establishment of origin	Batch / Product code	Manufacture date	Number & kind of packages	Quantity	Net weight
Receiving establishmen	nt name	***************************************		ing country require		
Receiving establishmen			EU eligible (if a	pplicable)		
Receiving establishment registration number						
Temperature requirem ☐ Must be kept frozen			t chilled (keep at	5°C or less) □ Un-	refrigerated	
Date of departure	Estim	ated date of arriv	val	Transport compa	ny	
Declaration by despate	ching establishment		'			
	dance with: nort conditions, and are e Export Control Act 2 requirements relating as been nominated at eneral export standar nformation regarding ppany formation contained i	by other export of 020; and to the milk and ove, then the pro- d and not in acco importing countr	onditions that ap milk products har oduct identified i rdance with any: y eligibility shoul	ply in relation to the vertice been met. In this declaration is specific importing of the confirmed by the plete	ne milk and n nas been country contacting <	
Signed:		Pri	nted Name:			
Dated://	/	Po	sition:			
Note: The declaration can only be signed by a person listed in the company's approved arrangement as a nerson eligible to make such a declaration.						

Generic health certificates for milk and milk products

For milk and milk products produced for human consumption (including milk and milk products classified as a prescribed good by an importing country), use health certificate template ZD035 with endorsement 455 and optional endorsement 408.

The ZD035 certificate contains the following attestations:

I hereby certify that to the best of my knowledge the conditions or restrictions applicable under the particular inspection system prescribed under the Export Control Act have been complied with in respect of the prescribed good described above, being goods that are:

- in sound condition
- fit for human consumption
- · of Australian origin.

Endorsement 455

Australia was free of Foot and Mouth Disease, Rinderpest, Contagious Bovine Pleuropneumonia and Bovine Spongiform Encephalopathy for twelve months prior to the export of the above product.

Optional endorsement 408

Australia was free of Foot and Mouth Disease, Rinderpest, Contagious Bovine Pleuropneumonia and Bovine Spongiform Encephalopathy for twelve months prior to the export of the above product.

The goods described in this certificate have not been contaminated by radioactive elements from nuclear fallout. Analysis of representative samples of similar products has shown that the radioactivity level does not exceed 50 Bq/kg.

Health certification for milk and milk products of nonbovine origin

For non-bovine milk and milk products and ice cream for human consumption (including milk and milk products from buffalo, goat, sheep and camel species) to be eligible for health certification for Malaysia, the manufacturer must be export registered and the establishment must be listed with DVS. Guidance on export registration for manufacturer's producing non-bovine milk and milk products can be found at Dairy export registered establishments.



www.agriculture.gov.au/biosecurity-trade/export/controlled-goods/non-prescribed-goods

For further information on export registration and exporting non-bovine milk and milk products and ice cream for human consumption to Malaysia, contact the Dairy Eggs and Fish Program at DairyEggsFish@agriculture.gov.au



www.agriculture.gov.au/biosecurity-trade/export/controlled-goods/dairy/registered-establishment

What is micor and what can I use it for?

Micor (Dairy) sets out the known certification and importing country requirements that must be met to gain market access for milk and milk products (including colostrum). This includes products that are intended for human consumption, products that require further manufacturing before they are fit for human consumption, and products that are not intended for human consumption, such as animal feed, and technical products.

4. Product registration

Things need to know before importing:

- Ensure that food complies with the Food Act 1983 and Food Regulations 1985 and their regulations, and Halal standards in Malaysia
- Ensure that food does not fall under the jurisdiction of National Pharmaceutical Regulatory Agency (NPRA), Ministry of Health Malaysia
- 3. Identify whether food requires additional documentation when it is imported
- Importer and forwarding agent (Customs broker) must register with the Food Safety Information System of Malaysia (FoSIM)
- Infant food imported shall adhere to the Code of Ethics for the Marketing of Infant Food and Related Products 2008 governed by the Nutrition Department, Ministry of Health Malaysia
- Ensure that food and food ingredients obtained through modern biotechnology have gained approval from the Ministry of Natural Resources and Environment, Malaysia (NRE)
- Certain food may require import permits/licences/ fulfilment from other governmental agencies such as Malaysian Quarantine and Inspection Services (MAQIS), e.g. dairy

Labelling

All imported products must be registered with the Malaysian Government. The registration process can only be carried out by a registered Malaysian company. Once the products are registered, the products can be imported.

A sticker can be placed on the products upon their arrival in Malaysia.

- a. Regulation 10 Language to used
 - For imported products, labels should be in Bahasa Melayu or English
- b. Regulation 11 Particular in labelling
 - For imported food, should state the name and business address of manufacture, or the agent of any of them, and the name and business address of the importer in Malaysia and the name of the country of origin of the food
- c. Regulation 12 Form and manner of labelling
 - A label can be placed inside the package if: the package is made of clear transparent material, the food is not for direct consumption or the food has its natural shell that not directly contact with the label
- d. Regulation 18B Nutrition labelling
 - Amount of energy (kcal/KJ), protein and carbohydrates (g per 100 g) must be written on the label

Exporters should check requirements with importers/distributors for any changes to the regulation.

The importer or manufacturer of the foods and goods which have been certified as Halal by the foreign Halal certification body recognised by JAKIM shall mark on the said foods and goods the name of the said certification body.

5. Food regulations

Standard parameters

According to Food Act 1983:

- 1. Any importation of any food which does not comply with this regulation is prohibited.
- Where food which is sought to be imported into Malaysia is processed food in a finished form and if sold in Malaysia constitutes an offence relating to labelling, the food may be imported into Malaysia for the purpose of relabelling it so that it complies with the provisions of this Act relating to labelling.
- 3. Where food which is sought to be imported into Malaysia is raw or semi-processed food and if sold in Malaysia constitutes an offence, the food may be imported into Malaysia for the purpose of reprocessing or reconditioning it so that it complies with the provisions of this Act.
- 4. Where such food is imported into Malaysia for the purposes of relabelling, reprocessing, or reconditioning it, and the food is not relabelled, reprocessed, or reconditioned within three months of the importation,

- the food shall be exported by the importer within a period of two months or such other period as the Minister may determine and, where it is not so exported, it shall be forfeited and disposed of as the Minister may direct.
- 5. The Director may require the importer to relabel, reprocess or recondition the food in a designated area under the supervision of an authorised officer to ensure that the relabelling, reprocessing or reconditioning of the food comply with the provisions of this Act.
- 6. The Minister may exempt any food or class of food from the provisions of this section.

Food Regulations 1985 (Incorporating latest amendment - P.U. (A) 208/2020)

Food definition

Regulation 90. Full cream milk powder or dried full cream milk

The definition:

- · Not contain more than 5% of water
- · Contain not less than 26% of milk fat
- · May contain permitted food container
- Labelling requirements:
 - a. The words "full cream milk powder" or "dried full cream milk", immediately followed by the words "NOT SUITABLE FOR INFANTS BELOW SIX MONTHS OF AGE".
 - b. The words "to prepare a liquid milk which shall contain not less than 3.25% of milk fat and not less than 8.5% of non-fat milk solids, add (state the number) parts of water to 1 part of this milk powder by volume."
- Regulation 91. Skimmed milk powder, skim milk powder, dried non – fat milk solids or separated milk powder

The definition:

- · Not contain more than 5% of water
- Not contain more than 1.5% of milk fat
- Labelling requirement:
 - a. The words "skimmed milk powder, skim milk powder, dried non-fat milk solid or separated milk powder", immediately followed by the words "NOT SUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE".
 - Every package of skimmed milk powder, skim milk powder, dried non-fat milk solids or separated milk shall be labelled with a direction for its use.

c. Regulation 106. Cheese

The definition:

- May contain ripening ferments, harmless acid producing bacterial cultures, special mould cultures and may be coated with harmless wax or plastic.
- · Not contain less than 40% of milk fat on a water-free basis. Water content for hard cheese not more than 39%.
- May contain permitted preservative, permitted colouring substance of vegetable origin and permitted flavouring substance.
- May contain transglutaminase as a permitted food conditioner.

Microbial and residue limits

Under Food Regulations 1985 - Regulation 39

a. Microbiological Standard

Food	TPC at 37°C for 48 hours	Coliform Count at 37°C for 48 hours
Pasteurised milk, pasteurised cream and milk powder (inc. full cream and skim milk powder)	10 ⁵ per g or per ml	5 x 10 per g or per ml

b. Mycological Contaminant

Food	Mycological Contaminant	Max permitted proportion in microgram per kg (μg/kg)
Milk	Aflatoxin	0.5

Food additives

Doc refers to Jadual di bawah Peraturan-Peraturan Makanan 1985 (<u>Food Requiring Written Warranty</u>), this includes list of approved additives and nutrients

Food Category	Food Additives Max per kg (mg/kg)			
	Sulphur dioxide (or sulfites counted as sulphur dioxide)	Benzoic acid (or sodium benzoate counted as an acid benzoic)	Sorbic acid (or sodium salt, calcium or potassium counted as sorbic acid)	
Cheese, processed cheese, cheese paste and dried cheese	None	None	1,000	

Heavy metals

Food category	Metal contamination (max in mg per kg)				
	Arsenic (As)	Lead (Pb)	Mercury (Hg)	Cadmium (Cd)	Antimony (Sb)
Milk and milk products	0.5	1	0.05	1	1

Maximum drug residues

Substance	Drugs Define residue where MRL set	MRL (Max Residue Limit) in food (μg/kg)
Albendazole	2-Aminosulfone	100
	metabolites	
Amoxicillin	Amoxicillin	4
Avoparcin	Avoparcin	10
Benzylpenicillin	Benzylpenicillin	4
Cefquinome	Cefquinome	20
Ceftiofur sodium	Desfuroylceftiofur	100
Cloxacillin	Cloxacillin	30
Colistin	Colistin	50
Dexamethasone	Dexamethasone	0.3
Dicloxacillin	Dicloxacillin	30
Dihydrostreptomycin	Dihydrostreptomycin	200
Diminazene	Diminazene	150
Erythromycin	Erythromycin	40
Febantel & Fenbendazole	Additional results febandazole, oxfendazole and oxfendazole sulfone	100
Gentamicin	Gentamicin	100
Isometamidium	Isometamidium	100
Oxacillin	Oxacillin	30
Oxibendazole	Oxibendazole	50
Spectinomycin	Spectinomycin	200
Streptomycin	Streptomycin	200
Sulphadimidine	Sulphadimidine	25
Trimethoprim	Trimethoprim	50
Tylosin	Tylosin	50

6. Import Permit Application

Documents requirements

a. Health certificate

A health certificate released by an official veterinarian must be attached in each consignment of milk products. This certificate must be in English, dated within 7 days of export and signed/endorsed by a veterinary officer of the Government Veterinary Authority of the origin country. The certificate must explain the following conditions in the country:

- No foot and mouth disease and rinderpest for the past twelve (12) months prior to and till the date of export
- 2. The farm of origin has been certified free from tuberculosis and brucellosis by the Government Veterinary Authority
- 3. The animals were found to be healthy and free from any clinical sign of infectious or contagious diseases (including ectoparasites) at the time of milking
- 4. The milk or milk products were processed and packed in a plant that has been approved for export by the competent authority of the exporting country (the name, address and establishment number of the plant as well as batch/lot number and date of production must be clearly stated in the certificate)
- 5. The milk or milk products were produced in food safety and hygiene standards

b. Halal certificate

Issued by registered Islamic organisations in Australia that are approved by the Malaysia authority (list approved Islamic organisation in Halal-Jakim section).

Surrender of Official Documents in Malaysia

Upon arrival in Malaysia, all documents and the products shall be surrendered for inspection and verification by veterinary authorities at the point of entry. Random samples will be collected for laboratory testing and DVS has the right to reject, destroy or further detain any consignment when deemed necessary.

Fee

Below are fees which imported milk and milk products are subject to:

- Import permit: RM 3 per consignment
- Veterinary inspection: RM 50 per consignment

Note: once DVS approves the application, the exporter will be listed in an online import permit system called e-dagang (http://www.dagangnet.com/trade-facilitation/epermit/). This system will help MAQIS to verify during customs clearance.



List of approved importation facilities of dairy products from Australia: (link).

7. Intellectual property

Intellectual property, trademarks and brand protection are key considerations for manufacturers when commencing exports.

Manufacturers looking to export to Malaysia should undertake an IP audit and better understand key IP considerations by visiting IP Australia and the Intellectual Property Corporation of Malaysia (MyIPO) websites.

Companies should protect these rights through the registration of their brands and trademarks either at a country level as a starting point, or via the global brand registration system, the Madrid System (The World Intellectual Property Organization - WIPO).

Intellectual property such as key ingredient information or production processes should be protected via confidentiality agreements or non-disclosure agreements.

As an example, please see link below for an article on IKEA.



Sweden's IKEA loses right to use its own name in Indonesia | Reuters

8. Tariff quota and HS codes

Australia and Malaysia are both party to the multilateral ASEAN, Australia, New Zealand, Free Trade Agreement (AANZFTA), and the Malaysia Australia Free Trade Agreement. These agreements came into force on 1 January 2010 and 15 January 2013, respectively. Under both agreements, tariffs on all Australian origin dairy imports to Malaysia have reached 0%, with the exception of liquid milk. Country specific quotas (CSQ's) for Australian origin liquid milk are included in both the AANZFTA and MAFTA agreements with in quota tariffs of 0% and out of quota tariffs of 20% for Australian origin liquid milk (subject to import permits).

USEFUL LINKS



Animal and animal product import and export provision

Austrade: New service helps dairy processors get export ready

Dairy | Micor (agriculture.gov.au)

Dairy Malaysia (MY) | Micor (agriculture.gov.au)

DAFF: Charging guidelines 2022

DAFF: Export facilitator service

DAFF: Meat Notice 2009/08

<u>DAFF: Requirements for transferring prescribed</u> goods between export registered establishments

DFAT Free Trade Agreement Portal

Export Control (Milk and Milk Products) Rules 2021

Exporting non-prescribed goods from Australia

Halal Certification Australia

Halal certification in Australia: a quick guide

List of approved Foreign Halal Certification Bodies

<u>List of recognised Islamic bodies for halal</u> <u>certification of red meat</u>

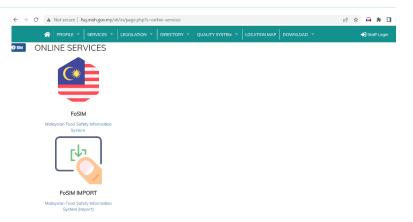
List of Halal Certification Bodies

Modernising agricultural trade

What is Kosher and Halal slaughter in Australia?

MALAYSIA REGISTRATION PROCESS

1. Enter the FSQ website, click on "FoSIM"

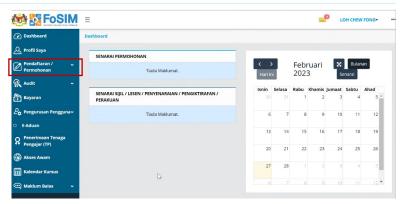


2. Log-in portal by given Username and password

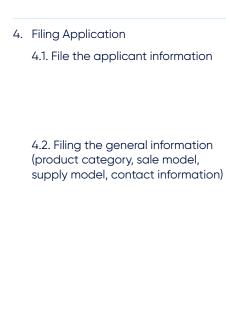


- 3. Choose the "Label Review Service"
 - 3.1: Click "Pendaftaran Permohonan"

3.2: Click "Pelabelan" > "Semakan Pelabelan"



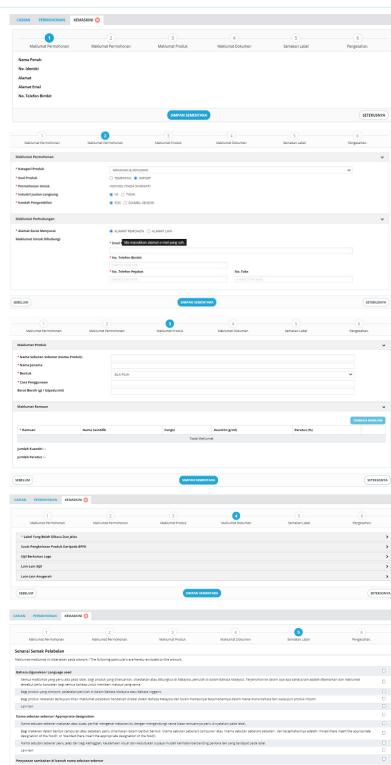




4.3. Filing general product information (product name, brand name, net content, direction for use, form of product (liquid or solid), ingredient list & percentage for each ingredient)

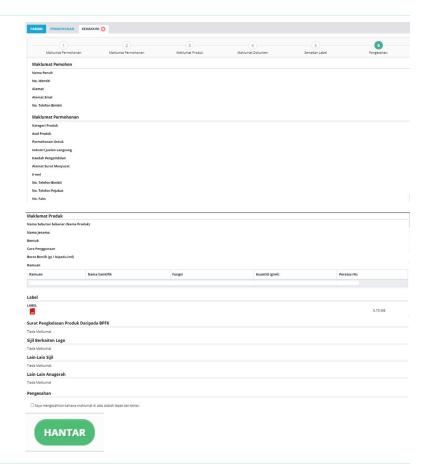
4.4. Uploading the artwork and supporting documents

4.5. Tick the applicable information to reflect the nature of the product (attached list here for reference)



4. Filing Application

4.6 Final review for the application and submission



5. Payment to process the application

Fi pemprosesan (tidak dikembalikan) RM1000.00 bagi setiap produk hendaklah dibuat dalam bentuk bank draf / kiriman wang atas nama "Ketua Setiausaha Kementerian Kesihatan Malaysia".

Processing fee (not refundable) RM1000.00 per product should be submitted in the form of bank draft / money order made payable to "Secretary General Ministry of Health Malaysia".

Cara pembayaran fi / Fee payment method:
bank draft yang bernombor / number:
Nama bank & Cawangan / Bank Name & Branch:
kiriman wang / money order yang bernombor / number: Nama bank & Cawangan / Bank Name & Branch: