

Annex I-B

Schedule of Malaysia

Explanatory Notes

1. This List sets out, pursuant to Article 8.7 (Non-Conforming Measures) and Article 11.13 (Non-Conforming Measures), Malaysia's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 8.3 (National Treatment) or Article 11.4 (National Treatment);
- (b) Article 8.5 (Market Access);
- (c) Article 8.4 (Most-Favoured-Nation Treatment) or Article 11.5 (Most-Favoured-Nation Treatment);
- (d) Article 8.6 (Local Presence);
- (e) Article 11.10 (Performance Requirements); or
- (f) Article 11.11 (Senior Management and Boards of Directors).

2. Each entry in this List sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Subsector**, where referenced, refers to the specific subsector for which the entry is made;
- (c) **Level of Government** indicates the level of government maintaining the listed measures;
- (d) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.7 (Non-Conforming Measures) and Article 11.13 (Non-Conforming Measures), do not apply to the listed measures;
- (e) **Description** sets out the non-conforming measure for which the entry is made; and
- (f) **Measures** identifies the laws, regulations, or other measures, for which the entry is made. A measure cited in the **Measures** element:

- (i) means the measure as amended, continued, or renewed, as of the date of entry into force of this Agreement, and
- (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.

3. In accordance with Article 8.7 (Non-Conforming Measures) and Article 11.13 (Non-Conforming Measures), the Articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the non-conforming measure identified in the Description element of that entry.

4. The Schedules of Korea shall not be used to interpret Malaysia's commitments or obligations under Chapter 8 (Cross-Border Trade in Services), Chapter 11 (Investment), or other Chapters of this Agreement.

5. Article 8.6 (Local Presence) and Article 8.3 (National Treatment) are separate disciplines and a measure that is only inconsistent with Article 8.6 (Local Presence) need not be reserved against Article 8.3 (National Treatment).

6. For greater certainty, the specific commitments applying to the temporary entry and stay of the business persons are set out in the Annex 9-A (Specific commitments).

1	Sector	:	All sectors
	Subsector	:	
	Level of Government	:	Central and Regional
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Local Presence (Article 8.6)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Only Malaysian nationals or permanent residents can register a sole proprietorship or partnership in Malaysia. Foreigners can register a Limited Liability Partnership (LLP), but the compliance officer shall be a citizen or permanent resident of Malaysia who resides in Malaysia.</p> <p>Foreigners are not allowed to establish or join cooperative societies in Malaysia.</p>
	Measures	:	<p><i>Registration of Businesses Act 1956</i> [Act 197]</p> <p><i>Limited Liability Partnerships Act 2012</i> [Act 743]</p> <p><i>Co-operative Societies Act 1993</i> [Act 502]</p> <p><i>Business Names Ordinance 1932</i> [Sarawak Cap. 64] (1958 Edition)</p> <p><i>Business, Professions and Trade Licensing Ordinance 1955</i> [Sarawak Cap. 33] (1958 Edition)</p>

		<p><i>Trades Licensing Ordinance</i> (Sabah Cap. 144)</p> <p><i>Companies Act 2016</i> [Act 777]</p> <p>General Guidelines for Registration of Limited Liability Partnership</p>
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2	Sector	:	All sectors
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	National Treatment (Article 11.4)
	Description	:	<p><u>Investment</u></p> <p>At least one director of a private company incorporated in Malaysia shall ordinarily reside in Malaysia by having a principal place of residence in Malaysia.</p> <p>At least two directors of a public company incorporated in Malaysia shall ordinarily reside in Malaysia by having a principal place of residence in Malaysia.</p>
	Measures	:	<i>Companies Act 2016 [Act 777]</i>

3	Sector	:	Fisheries
	Subsector	:	Marine capture fisheries
	Level of Government	:	Central and Regional
	Obligations concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Local Presence (Article 8.6)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>No foreign fishing vessel shall:</p> <p>(a) load or unload any fish, fuel, or supplies;</p> <p>(b) tranship any fish;</p> <p>(c) fish or attempt to fish; or</p> <p>(d) conduct any techno-economic research or water survey of any fishery,</p> <p>in Malaysian fisheries waters ¹ unless authorised to do so.</p> <p>An application for a permit to be issued in respect of a foreign fishing vessel to fish in Malaysian fisheries waters shall be made through a Malaysian agent who shall undertake legal and financial responsibility for the activities to be carried out by such vessel.</p>

¹ 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.

		<p>For the purposes of this entry, “fishing vessel” means any boat, craft, ship, or other vessel which is used or equipped to be used for, or of a type used for:</p> <p>(a) fishing; or</p> <p>(b) 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.</p>
	Measures	<p>: <i>Fisheries Act 1985</i> [Act 317]</p> <p><i>Lembaga Kemajuan Ikan Malaysia Act 1971</i> [Act 49]</p> <p><i>Exclusive Economic Zone Act 1984</i> [Act 311]</p> <p><i>Continental Shelf Act 1966</i> [Act 83]</p>

4	Sector	:	Patent agent services Trademark agent services Copyright representatives Industrial design agent services Geographical indication agent services
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	National Treatment (Article 8.3 and Article 11.4) Local Presence (Article 8.6) Senior Management and Board of Directors (Article 11.11)
	Description	:	<u>Cross Border Trade in Services and Investment</u> Only a person who is residing in Malaysia or is a permanent resident of Malaysia, and who is registered with the Intellectual Property Corporation of Malaysia (MyIPO), is allowed to carry out a business, practice, or act as a patent agent in Malaysia. Only a person who is residing in Malaysia, or is a permanent resident of Malaysia or has a principal place of business in Malaysia, and who is registered with MyIPO, is allowed to carry out business, practice, or act as a trademark, industrial design, or geographical indication agent in Malaysia. Any person who is residing in Malaysia or is a permanent resident of Malaysia, or a company registered under Malaysian law, and carries on business in Malaysia, is allowed to act as a copyright representative.

	Measures	:	<i>Patents Act 1983</i> [Act 291] <i>Trade Marks Act 1976</i> [Act 175] <i>Industrial Designs Act 1996</i> [Act 552] <i>Geographical Indications Act 2000</i> [Act 602] <i>Copyright Act 1987</i> [Act 332]
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5	Sector	:	Professional services covering: Engineering services Quantity surveying services Land surveying services Architectural services
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	National Treatment (Article 8.3 and Article 11.4) Local Presence (Article 8.6) Performance Requirements (Article 11.10) Senior Management and Board of Directors (Article 11.11) Market Access (Article 8.5)
	Description	:	<u>Cross Border Trade in Services and Investment</u> Any qualified persons who are resident in Malaysia and registered with the relevant professional boards are allowed to provide consultancy practices and supply engineering, quantity surveying, land surveying, and architectural services. Engineering services and architectural services must be authenticated by a professional registered with the relevant professional board in Malaysia. Engineering, quantity surveying, and architectural consultancy practices must be registered with the relevant professional boards to obtain approval to practice. For each of these establishments, a two-thirds majority of its directors shall be

		registered and authorised professionals. This shall also apply to all board of directors of a multi-disciplinary practice (MDP) comprising registered and authorised architects, professional engineers with practising certificate, or consultant quantity surveyors.
	Measures	: <p><i>Registration of Engineers Act 1967 (Revised 2015)</i> [Act 138]</p> <p><i>Registration of Engineers Regulations 1990 (Revised 2015)</i> [P.U.(A) 128/90]</p> <p><i>Licensed Land Surveyors Act 1958 (Revised 1992)</i> [Act 458]</p> <p><i>Architects Act 1967 (Revised 2015)</i> [Act 117]</p> <p><i>Architects Rules 1996 (Revised 2022)</i> [P.U.(A) 379/96]</p> <p><i>Quantity Surveyors Act 1967</i> [Act 487]</p> <p><i>Quantity Surveyors Rules 1973</i> [P.U.(A) 366/73]</p> <p><i>Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994</i> [Act 520]</p> <p><i>Land Surveyors Ordinance 2001</i> [Sarawak Cap. 40]</p> <p><i>Surveyors Ordinance 1960</i></p> <p><i>Surveyors Regulation (Amendment) 2019</i></p> <p>Administrative Guidelines</p>

6	Sector	:	Real estate services on a fee or contract basis
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	National Treatment (Article 8.3 and Article 11.4) Local Presence (Article 8.6)
	Description	:	<u>Cross-Border Trade in Services and Investment</u> Only registered persons and authorised foreigners registered with <i>the Board of Valuers, Appraisers, Estate Agents, and Property Managers</i> can provide real estate services for a fee or on contract basis.
	Measures	:	<i>Valuers, Appraisers and Estate Agents Act 1981</i> [Act 242] <i>Valuers, Appraisers and Estate Agents Rules 1986</i> [P.U. (A) 64/1986] <i>Valuation and Property Services Rules 1999</i> [P.U.(A) 382/99]

7	Sector	:	Communications services
	Subsector	:	Telecommunication services
	Level of Government	:	Central
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Licences for the supply of telecommunications services in Malaysia are divided into individual licences and class licences, depending on the character of the service.</p> <p>The following persons or classes of persons shall be ineligible to apply for an individual licence:</p> <p>(a) a foreign company defined under the <i>Companies Act 2016</i> [Act 777];</p> <p>(b) an individual or a sole proprietorship;</p> <p>(c) a partnership; and</p> <p>(d) such other persons or classes of persons as may be decided by the Minister from time to time.</p>

		<p>The following persons or classes of persons shall be ineligible to be registered as a class licensee:</p> <ul style="list-style-type: none"> (a) a foreign individual who is not a permanent resident; and (b) a foreign company as defined under the <i>Companies Act 2016</i> [Act 777]. <p>Foreigners are not permitted to apply for Content Applications Service Providers (CASP) services, a special subset of applications service providers that refers to satellite broadcasting, subscription broadcasting, terrestrial free to air television, or terrestrial radio broadcasting.</p> <p>The Minister charged with the responsibility for Communications and Multimedia may, for good cause or as the public interest may require, permit either of the above to apply to be registered as any one of the licensees mentioned above.</p>
	Measures	<p>: <i>Communications and Multimedia Act 1998</i> [Act 588]</p> <p><i>Communications and Multimedia (Licensing) Regulations 2000</i> [P.U.(A) 129/2000]</p>

8	Sector	:	Private education services
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Private education services, skill training centres, and vocational institutions can only be provided by education services suppliers that are registered and established in Malaysia, and with authorisation.</p>
	Measures	:	<p><i>Education Act 1996</i> [Act 550]</p> <p><i>Private Higher Education Institutions Act 1996</i> [Act 555]</p> <p><i>National Skills Development Act 2006</i> [Act 652]</p> <p>Administrative Guidelines</p>

9	Sector	:	Private healthcare services
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Private healthcare facilities and healthcare services can only be provided by services suppliers that are registered and established, or obtained through acquisition, mergers or take-overs, in Malaysia, and with authorisation.</p> <p>Medical Specialty Services</p> <p>Foreigners are not allowed to provide medical specialty services unless they are granted a full registration and specialist registration by the Malaysian Medical Council.</p> <p>Specialised Dental Services</p> <p>Foreigners are not allowed to provide specialised dental services unless they are granted a Temporary Practicing Certificate and recognised as specialists by the Malaysian Dental Council.</p>

		<p>Allied Health Services</p> <p>Foreigners are not allowed to provide allied health services in Malaysia unless they have been granted a Temporary Practising Certificate and are recognised by the Malaysian Allied Health Professions Council or other relevant regulatory authority.</p> <p>Pharmacists</p> <p>Foreign pharmacists are not allowed to prepare, dispense, assemble, or sell medicinal products unless they are registered and established in Malaysia with authorisation by the Pharmacy Board Malaysia and the relevant regulatory bodies.</p> <p>Traditional and Complementary Medicine</p> <p>Traditional and complementary medicine services can only be provided by services suppliers that are registered in Malaysia, and with authorisation from the Traditional and Complementary Medicine Council.</p>
	Measures	<p>: <i>Medical Act 1971</i> [Act 50]</p> <p><i>Medical Regulations 2017</i> [P.U. (A) 188/2017]</p> <p><i>Dental Act 2018</i> [Act 804]</p> <p><i>Dental Regulations 2021</i> [P.U.(A) 443/2021]</p> <p><i>Private Healthcare Facilities and Services Act 1998</i> [Act 586]</p> <p><i>Private Healthcare Facilities and Services (Private Medical Clinics or</i></p>

		<p><i>Private Dental Clinics) Regulations 2006</i> [P.U. (A) 137/2006]</p> <p><i>Private Healthcare Facilities and Services (Private Hospitals and Other Private Healthcare Facilities) Regulations 2006</i> [P.U.(A) 138/2006]</p> <p><i>Registration of Pharmacists Act 1951</i> [Act 371]</p> <p><i>Registration of Pharmacists Regulations 2004</i></p> <p><i>Poisons Act 1952 (Revised 1989)</i> [Act 366]</p> <p><i>Allied Health Professions Act 2016</i> [Act 774]</p> <p><i>Traditional and Complementary Medicine Act 2016</i> [Act 775]</p> <p>Administrative Guidelines</p>
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10	Sector	:	Customs agents and brokers
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Foreigners are not allowed to act as customs agents and brokers.</p> <p>Foreigners are not allowed to own more than 49 per cent of equity shareholding in any entity providing and supplying customs agents and brokers services.</p>
	Measures	:	<p><i>Customs Act 1967 (Revised 1980)</i> [Act 235]</p> <p><i>Customs Regulations 1977</i> [P.U.(A) 162/77]</p> <p><i>Customs Standing Orders No.45/2003</i></p>

11	Sector	:	Tour operators and tourist guide services
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Market Access (Article 8.5)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Foreigners are not allowed to provide tour operators and tourist guide services unless authorisation is obtained.</p>
	Measures	:	<p><i>Tourism Industry Act 1992</i> [Act 482]</p> <p>Administrative Guidelines</p>

12	Sector	:	Transport services
	Subsector	:	International maritime transport services
	Level of Government	:	Central and Regional
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Measures	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Foreign registered shipping vessels are not permitted to provide and supply domestic shipping services.</p> <p>Malaysia International Ship Registry</p> <p>Foreign persons may provide international maritime services in domestic waters only through a representative office, regional office, or locally incorporated joint venture or corporation with Malaysian individuals or Malaysian-controlled corporations or both. Aggregate foreign shareholding in the joint venture or corporation shall be the majority shares including the voting shares.</p> <p>All joint ventures or corporations seeking to register ships under this registry shall</p>

		<p>appoint a ship manager prior to registration of a ship, who shall be:</p> <ul style="list-style-type: none"> (a) a Malaysian citizen having his or her permanent residence in Malaysia; or (b) a company incorporated in Malaysia and having its principal place of business in Malaysia. <p>The owner of a ship shall ensure that a ship manager is appointed for the entire period that his ship remains registered under this Part.</p> <p>Malaysia Ship Registry</p> <p>Only ships registered under the Malaysia Ship Registry may provide domestic maritime services.</p> <p>Foreign persons may only register a ship on the Malaysia Ship Registry through a representative office, regional office, or locally incorporated joint venture or corporation with Malaysian individuals or Malaysian-controlled corporations or both. Aggregate foreign shareholding in the joint venture or corporation shall not be the majority shares including the voting shares.</p> <p>All joint ventures or corporations seeking to register ships under this registry shall satisfy the following conditions:</p> <ul style="list-style-type: none"> (a) majority of senior managers and board of directors shall be Malaysians; and (b) incorporated in Malaysia and having main business operations in Malaysia.
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	Measures	:	<i>Merchant Shipping Ordinance 1952</i> [Ordinance 70/1952] <i>Merchant Shipping Ordinance 1960</i> (Sabah) [Ordinance 11/1960] <i>Merchant Shipping Ordinance 1960</i> (Sarawak) [Ordinance 2/1960] <i>Merchant Shipping (Amendment and Extension) Act 2007</i> [Act A1316] Administrative Guidelines
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13	Sector	:	Construction and related engineering services
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Only an entity incorporated in Malaysia registered with the Malaysian Construction Development Board (CIDB) and locally incorporated either through a representative office, regional office, or joint venture corporation, with Malaysian individuals or Malaysian-controlled corporations, may be permitted to provide construction and related services.</p> <p>Any entity incorporated in Malaysia, whose foreign equity exceeds more than 30 per cent by way of a joint venture corporation or consortium with Malaysian individuals or Malaysian-controlled corporations, is subject to the registration requirements by CIDB.</p> <p>The senior management and board of directors of each foreign entity shall be of</p>

		Malaysian majority that shall have control over its management and investment.
	Measures	<p>: <i>Registration of Engineers Act 1967 (Revised 2015)</i> [Act 138]</p> <p><i>Registration of Engineers Regulations 1990 (Revised 2015)</i> [P.U. (A) 128/90]</p> <p><i>Licensed Land Surveyors Act 1958 (Revised 1992)</i> [Act 458]</p> <p><i>Architects Act 1967 (Revised 2015)</i> [Act 117]</p> <p><i>Architects Rules 1996 (Revised 2022)</i> [P.U.(A) 379/96]</p> <p><i>Quantity Surveyors Act 1967</i> [Act 487]</p> <p><i>Quantity Surveyors Rules 1973</i> [P.U. (A) 366/73]</p> <p><i>Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994</i> [Act 520]</p> <p>Administrative Guidelines</p>

14	Sector	:	Freight road transportation services
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.6)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Only entities that are registered and established in Malaysia are allowed to provide freight road transportation services in Malaysia.</p> <p>Foreigners are not allowed to own more than 49 per cent of equity shareholding in any entity providing and supplying freight transportation services covering transportation of containerised freight based on a fee or contractual basis.</p>
	Measures	:	<p><i>Land Public Transport Act 2010</i> [Act 715]</p> <p>Land Public Transport Agency (APAD) Licensing Policy Guidelines</p>

15	Sector	:	Manufacturing
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	National Treatment (Article 11.4) Most-Favoured-Nation Treatment (Article 11.5)
	Description	:	<p><u>Investment</u></p> <p>1. Foreign equity is limited up to 49 per cent for investment in the manufacture or assembly of motor vehicles. However, no foreign equity restrictions are imposed on the following categories:</p> <p>(a) luxury passenger vehicles with engine capacity of 1,800 c.c. and above and on-the-road price not less than RM150,000;</p> <p>(b) pick-up trucks and commercial vehicles;</p> <p>(c) hybrid and electric vehicles; and</p> <p>(d) motorcycles with engine capacity of 200 c.c. and above.</p> <p>2. Foreign equity is restricted to no more than 30 per cent for the manufacture of batik fabric and apparel of batik.</p>
	Measures	:	<p><i>Industrial Co-ordination Act 1975</i> [Act 156]</p> <p>Administrative Guidelines</p>

16	Sector	:	Manufacturing
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	Performance Requirements (Article 11.10)
	Description	:	<p><u>Investment</u></p> <p>(a) Companies located within the Licensed Manufacturing Warehouse (LMW) and Free Industrial Zone (FIZ) are subject to export requirements.</p> <p>(b) Companies engaging in petroleum refining activities are subject to export requirements.</p> <p>(c) Expansion projects will be considered only for existing independent palm oil refineries which source 100 per cent from their own plantations. For Sabah and Sarawak, a manufacturing licence will only be considered for new integrated projects which source 50 per cent of crude palm oil from their own plantations. Integrated projects refer to projects with own plantations.</p> <p>(d) For pineapple canning, approval will only be granted for projects which source 100 per cent supply from their own plantations.</p>
	Measures	:	<i>Industrial Co-ordination Act 1975</i> [Act 156]

			<p><i>Customs Act 1967 (Revised 1980) [Act 235]</i></p> <p><i>Free Zone Act 1990 [Act 438]</i></p> <p><i>Petroleum Development Act 1974 [Act 144]</i></p> <p><i>Pineapple Industry (Cannery Control) Regulations 1989</i></p> <p><i>Pineapple Industrial Act 1957 (Revised 1990) [Act 427]</i></p> <p>Administrative Guidelines</p>
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17	Sector	:	Legal services (other than arbitration)
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Peninsular Malaysia and the Federal Territory of Labuan</p> <p>Foreign law firms and foreign lawyers are not permitted to practice save as provided under the <i>Legal Profession Act 1976</i> [Act 166] and the <i>Legal Profession (Licensing of International Partnerships and Qualified Foreign Law Firms and Registration of Foreign Lawyers) Rules 2014</i> [P.U. (A) 148/2014].</p> <p>Foreign law firms from recognised jurisdictions must apply to the Selection Committee to be established as a Qualified Foreign Law Firm (QFLF) or an International Partnership (IP) with a Malaysian law firm. A maximum of five QFLF licences may be issued initially and only to foreign law firms with proven expertise in International Islamic Finance.</p> <p>Only foreign lawyers from recognised jurisdictions can apply to work in a QFLF, an IP or a Malaysian law firm. Such foreign lawyers must be resident in</p>

		<p>Malaysia for not less than 182 days in any calendar year.</p> <p>A QFLF and an IP, and a registered foreign lawyer working in a Malaysian law firm are subject to the provisions of the <i>Legal Profession Act 1976</i> [Act 166].</p> <p>Foreign lawyers providing legal services in Malaysia on a “fly-in and fly-out” basis shall be subject to the provisions under section 37(2B)(b) of the <i>Legal Profession Act 1976</i> [Act 166].</p> <p>Sabah and Sarawak</p> <p>Foreign law firms and foreign lawyers are not permitted to practice in Sabah or Sarawak.</p>
	Measures	<p>: <i>Legal Profession Act 1976</i> [Act 166]</p> <p><i>Legal Profession (Licensing of International Partnerships and Qualified Foreign Law Firms and Registration of Foreign Lawyers) Rules 2014</i> [P.U. (A) 148/2014]</p> <p><i>Labuan Companies Act 1990</i> [Act 441]</p> <p><i>Labuan Financial Services and Securities Act 2010</i> [Act 704]</p> <p><i>Advocates Ordinance of Sabah 1953</i> [Sabah Ordinance Cap. 2]</p> <p><i>Advocates Ordinance of Sarawak 1953</i> [Sarawak Ordinance Cap. 110]</p>

18	Sector	:	Wholesale and retail trade services
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Foreigners are not allowed to operate supermarkets, mini markets, provision shop or general vendor, permanent wet markets, permanent pavement markets, fuel stations with or without kiosks, news agents, medical halls, Malaysian cuisine restaurants, bistros, and textile stores.</p> <p>Foreigners are not allowed to apply for a franchise broker or consultant licence.</p> <p>The sale of a franchise is deemed to be in Malaysia where an offer to sell or buy a franchise:</p> <p>(a) is made in Malaysia and accepted within or outside Malaysia;</p> <p>(b) is made outside Malaysia and accepted within Malaysia; or</p>

		<p>(c) the franchised business is or will be operating in Malaysia.</p> <p>There are three types of franchises as follows:</p> <table><tr><th>Type of Franchises</th><th>Definition</th></tr><tr><td>Franchisor</td><td>A person who grants a franchise to a franchisee and includes a master franchisee and his relationship with a sub-franchisee.</td></tr><tr><td>Master Franchisee</td><td>A person who has been granted the rights by a franchisor to sub-franchise to another person, at his own expense, the franchise of the franchisor.</td></tr><tr><td>Franchisee of Foreign Franchisor</td><td>A person who has been granted the rights by a foreign franchisor but does not sub-franchise to another person.</td></tr></table> <p>For convenience stores, only a foreign company that is not associated with the franchisor (according to <i>Franchise Act 1998</i> [Act 590]) may invest or own not more than 30 per cent equity interest.</p> <p>For greater certainty, “only a foreign company that is not associated with the franchisor” means only a foreign company that is not the franchisor according to <i>Franchise Act 1998</i> [Act 590].</p>	Type of Franchises	Definition	Franchisor	A person who grants a franchise to a franchisee and includes a master franchisee and his relationship with a sub-franchisee.	Master Franchisee	A person who has been granted the rights by a franchisor to sub-franchise to another person, at his own expense, the franchise of the franchisor.	Franchisee of Foreign Franchisor	A person who has been granted the rights by a foreign franchisor but does not sub-franchise to another person.
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Measures	:	Guidelines on Foreign Participation in the Distributive Trade Services in Malaysia								

		<i>Franchise Act 1998</i> [Act 590] <i>Companies Act 2016</i> [Act 777] Administration Guidelines
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