SALES TAX AND SERVICE TAX
2018

GUIDE ON:
CUSTOMS RULING

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Disclaimer

This information is intended to provide a general understanding of the relevant treatment under Sales Tax and Service Tax and aims to provide a better general understanding of taxpayers' tax obligations. It is not intended to comprehensively address all possible tax issues that may arise. While RMCD has taken the initiative to ensure that all information contained in this Guide is correct, the RMCD will not be responsible for any mistakes and inaccuracies that may be contained, or any financial loss or other incurred by individuals using the information from this Guide. All information is current at the time of preparation and is subject to change when necessary.

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INTRODUCTION

1. Effective from 1 September 2018, Sales Tax Act 2018 and the Service Tax Act 2018 together with its respective subsidiary legislations are introduced to replace the Goods and Service (GST) Act 2014.

2. Under the Sales Tax Act 2018, sales tax is charged and levied on imported and locally manufactured goods either at the time of importation or at the time the goods are sold or otherwise disposed of by the registered manufacturer. Whereas, the Service Tax Act 2018 stipulates that service tax is charged and levied on any provision of taxable services chargeable by taxable persons in Malaysia.

3. This guide is prepared to assist individuals or businesses in understanding the provisions of the Sales Tax Act 2018 and the Service Tax Act 2018 in relation to customs ruling and the procedures related to the application of a customs ruling from the Royal Malaysian Customs Department (RMCD).

4. Under section 43 of the Sales Tax Act 2018 and Service Tax Act 2018, upon request by any person, RMCD may issue customs ruling for the interpretation and classification regarding to sales tax and service tax treatment on issues related to certain industries.

RELEVANT PROVISIONS

5. Specific provisions are introduced in the Sales Tax Act 2018 and Service Tax Act 2018 as well as in the Sales Tax (Customs Ruling) Regulations 2018 and Services Tax (Customs Ruling) Regulations 2018 with regards to the implementation of the customs ruling.

6. Section 43 of the Sales Tax Act 2018 and section 42 of the Service Tax Act 2018 allow a person to request for a ruling from the Director General (DG) of Customs by using a prescribed form with fee. The DG is empowered to make a customs ruling on how the provision of the Sales Tax Act 2018 and the Service Tax Act 2018 would apply to the person and to the matters for which the ruling is sought.

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7. A customs ruling issued by the Director General (DG) shall be binding upon a person in relation to any matters specified in the application made by the applicant and is valid for a period of three years from the date stated in the customs ruling as provided under section 44 of the Sales Tax Act 2018 and section 43 of the Service Tax Act 2018.

SCOPE OF CUSTOMS RULING

Matters Where A Customs Ruling May Be Sought

8. Any person may apply for a customs ruling in respect of any one or more of the following matters:

(i) For sales tax:
   (a) The classification of taxable goods
   (b) The determination of a taxable person;
   (c) The principles to be adopted for the purposes of determination of value of taxable goods; or
   (d) Any other matters as determined by the DG.

(ii) For service tax:
   (a) The determination of a taxable service;
   (b) The determination of a taxable person;
   (c) The principles to be adopted for the purposes of determination of value of a service; or
   (d) Any other matters as determined by the DG.

APPLICATION FOR CUSTOMS RULING

When To Submit An Application

9. An application for customs ruling in respect of imported goods, manufactured goods or provision of service may be made at the following times:

(i) At any time before the goods that are the subject matter of the application, are to be imported or intended to be imported into Malaysia or are to be manufactured;

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(ii) At any time before a service is provided; or

(iii) At any time permitted by the DG.

10. An application may be withdrawn at any time before the ruling is issued by the applicant. However, the fee relating to the customs ruling will be forfeited.

Fees

11. An application for a customs ruling will only be processed after the payment of the processing fee of RM200.00 is paid by the applicant.

12. The types of fees are as follows:

(i) **Processing Fee**

A processing fee of RM200 is payable upon application of customs ruling and is non-refundable. The fee is to be paid before the application is registered and processed by Technical Services Division, RMCD Headquarters, Putrajaya.

(ii) **Analysis Fee**

In cases where an analysis is required to be conducted by any specific person or body before a customs ruling is made, a fee may be incurred and charged for the purpose of the analysis. The fee shall be borne by the applicant.

(iii) **Certified Copy Fee**

The holder of a customs ruling may request for a certified copy of the holder's ruling for a fee of RM50.

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NON-ISSUANCE OF A CUSTOMS RULING

13. An application for a customs ruling may be declined and a ruling may not be issued by the DG under the following situations:

(i) The information given by the applicant is insufficient;

(ii) The application is for a hypothetical situation; or

(iii) Any pending appeal under section 96 of the Sales Tax Act 2018 or section 81 of the Service Tax Act 2018 involves the subject matter referred to in the application.

14. The applicant will be notified in writing at the earliest possible time and given the reasons for the DG not making or declining to make a customs ruling.

PROCEDURE RELATED TO CUSTOMS RULING

New Application

15. An application for a customs ruling has to be made in a prescribe form:

(i) For sales tax application on matters below, the application shall be made using the form of First Schedule of Sales Tax (Customs Ruling) Regulations 2018:
   (a) The determination of manufacturing;
   (b) The determination of a taxable person;
   (c) Other matters.

(ii) For service tax application on matters below, the application shall be made using the form of First Schedule of Sales Tax (Customs Ruling) Regulations 2018:
   (a) The determination of a taxable service;
   (b) The determination of a taxable person;
   (c) Other matters.

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(iii) Application on tariff classification and valuation of goods shall be made in the form of Schedule A of Section 10A of the Customs Act 1967/Section 5A of the Excise Act 1976. The form can be obtained at the nearest Technical Service Division office.

16. First Schedule of Sales Tax (Customs Ruling) Regulations 2018 and First Schedule of Service Tax (Customs Ruling) Regulations 2018 form can be download from MySST portal. The procedure is as follows;

(i) Download the application form from the SST portal.
(Legislation & Guide>SST Forms>Application form for Customs Ruling)

(ii) Fill up the necessary information.

(iii) Attach relevant supporting documents e.g. catalogue, product information, work flow process, service contract, etc.

(iv) A letter of authorization from the person or company to certify that the applicant is acting on his behalf.

(v) A processing fee of RM200.00 is to be attached with the application for customs ruling. For submission by post kindly attach a bank draft of RM200.00 under the name of **KETUA PENGARAH KASTAM MALAYSIA.** For submission by hand**,** the applicant will be issued a letter by RMCD requesting for an application fee of RM200.00 to be paid either by cash or bank draft under the name of **KETUA PENGARAH KASTAM MALAYSIA** at a specific cashier's counter. Applicants are advised to submit their application before 03.30 pm.

(vi) For payment made via post, an official receipt of payment and an acknowledgement of the application will be posted to the applicant. The applicant may be able to make an inquiry regarding the application using the details stated in the acknowledgement slip such as the applicant's reference number and contact person.

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(vii) For payment made by hand, an official receipt will be given to the applicant upon settlement of payment and the receipt is to be submitted to the respective Technical Services Division so that the customs ruling application may be registered and processed accordingly. An official acknowledgement of receipt will be given to the applicant so as to enable the applicant to make an inquiry regarding his application.

17. There are two methods of submitting an application:

(i) By post to Royal Malaysian Customs Headquarters Putrajaya :

Technical Services Division,
Classification, Tariff and Drafting Branch,
Level 6 North, Finance Ministry Complex,
No. 3, Persiaran Perdana, Precinct 2,
62596 Putrajaya.

(ii) By hand to either:

- Royal Malaysian Customs Department
  Technical Services Division,
  Classification, Tariff and Drafting Branch,
  Level 6 North, Finance Ministry Complex,
  No. 3, Persiaran Perdana, Precinct 2,
  62596 Putrajaya.

- Any of the Technical Services Division of the Royal Malaysian Customs offices as stated below:
  (a) Kangar, Perlis;
  (b) Alor Setar, Kedah;
  (c) Seberang Jaya, Penang;
  (d) Ipoh, Perak;
  (e) Pelabuhan Klang, Selangor;
  (f) Kelana Jaya, Wilayah Persekutuan Kuala Lumpur;
  (g) Seremban, Negeri Sembilan;
  (h) Ayer Keroh, Melaka;
  (i) Johor Bahru, Johor;

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(j) Kuantan, Pahang;
(k) Kuala Terengganu, Terengganu;
(l) Kota Bharu, Kelantan;
(m) Kuching, Sarawak;
(n) Kota Kinabalu, Sabah;
(o) Labuan; or
(p) KLIA

Processing Application of Customs Ruling

18. A consultation between RMCD and the applicant may be made. The DG shall issue a customs ruling within a period of 90 days (ninety days) from the date of the complete document received.

19. In cases where an analysis is required to be conducted by a specific body or party, the applicant will be notify through a written notice. If the applicant agreed on the analysis, then he need to make a payment to that specific body or party which doing the analysis. If the applicant disagree, DG will issue a written notice stated that an application for a custom ruling will not be able to proceed as the requirement of conducting an analysis is not been fulfilled.

20. A customs ruling shall be issued within a period of 60 days (sixty days) from the date:

(i) The receipt by the DG of the analysis report; and

(ii) The analysis fee has been paid by the applicant to the specific body or party.

ISSUANCE AND VALIDITY OF A CUSTOMS RULING

21. A customs ruling will be issued in the form prescribed in the Second Schedule of the Sales Tax (Customs Ruling) Regulations 2018 or Second Schedule of the Service Tax (Customs Ruling) Regulations 2018. The ruling shall be valid for a period of three years from the date stated in the customs ruling.

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WITHDRAWAL OF AN APPLICATION

22. An applicant may withdraw his application at any time before a customs ruling is made and any payment related to the application will not be refunded.

RENEWAL OF A CUSTOMS RULING

23. A request to renew a customs ruling may be made by the holder of the customs ruling by submitting the application in the form prescribed in the Third Schedule of the Sales Tax (Customs Ruling) Regulations 2018 or Third Schedule of the Service Tax (Customs Ruling) Regulations 2018.

24. The application must be made at least three (3) months before the date of expiry of the customs ruling.

25. A renewed customs ruling may be issued with or without imposing any condition on the ruling or a renewal may also be declined and not issued at all.

26. An application for renewal of a customs ruling is not subject to any processing fee.

27. Upon receiving renewal application, a consultation between RMCD and the applicant may be made. Subsequently, a renewal of a customs ruling will be issued in the form prescribed in the Second Schedule of the Sales Tax (Customs Ruling) Regulations 2018 or Second Schedule of the Service Tax (Customs Ruling) Regulations 2018.

28. A renewed customs ruling shall be valid for a period of two years from the date of its original expiry.

AMENDMENT, MODIFICATION OR REVOCATION OF CUSTOMS RULING

29. A customs ruling may be amended, modified or revoked by the DG if:

(i) The customs ruling contains an error which needs to be corrected;

(ii) The customs ruling was based on error of fact or law;

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(iii) There is a change of law relating to sales tax or service tax; or

(iv) There is a change in the material fact or circumstances on which the customs ruling was based.

30. Any customs ruling which is amended, modified or revoked by the DG will be notified to the applicant and such amendment, modification or revocation will take effect from the date stated in the notice.

31. If the amendment, modification or revocation of the customs ruling result in a decreased in the sales tax or service tax liability, any higher sale tax or service tax which has been paid is treated as if the higher sale tax or service tax has been erroneously paid.

CUSTOMS RULING DECLARED NULL, VOID AND OF NO EFFECT

32. Customs rulings shall become null, void and of no effect in the cases of :

(i) Any customs ruling which was obtained by way of fraud, misrepresentation or falsification of facts. The applicant will be notify through a notice by the DG.

(ii) If the applicant receives two or more customs ruling on the same subject matter.

33. If an applicant receives two or more customs rulings on the same subject matter, the rulings are treated as null and void and he must immediately notify the DG of such occurrence and the DG shall within thirty days of his notification make a new customs ruling.

CONFIRMATION OF BASIS OF CUSTOMS RULING

34. The DG may through a written notice require the holder of a customs ruling to confirm certain matters such as:

(i) That the facts or information on the basis of which the customs ruling was made by the DG remain unchanged; and

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(ii) That any condition imposed in the customs ruling has been complied with by the holder.

35. The holder of the customs ruling upon receiving the notification from the DG, he shall respond to the inquiry within a period of thirty days from the date of the written notice or any extension of time given by the DG. Failing which the DG shall withdraw the customs ruling and such withdrawal shall take effect from the date specified in the written notice.

REQUEST FOR CERTIFIED COPY OF CUSTOMS RULING

36. The holder of a customs ruling may request from the DG a certified copy of the holder's ruling and the certified copy shall be subject to a fee of RM50.00.

37. The holder of a customs ruling shall write to the DG requesting a certified copy of his ruling and deliver in person his written request to RMCD Putrajaya :

Technical Services Division,
Classification, Tariff and Drafting Branch,
Level 6 North, Finance Ministry Complex,
No. 3, Persiaran Perdana, Precinct 2,
62596 Putrajaya.

38. The holder will be issued a letter by RMCD requesting for an application fee of RM50.00 to be paid either by cash or bank draft under the name of **KETUA PENGARAH KASTAM MALAYSIA** at a specific cashier's counter. Applicants are advised to submit their application before 03.30 pm.

39. An official receipt will be given to the holder upon settlement of payment and the receipt is to be submitted to the respective Technical Services Division so that the request for a certified copy of the customs ruling may be registered and processed accordingly.

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ERRORS IN CUSTOMS RULING

40. Any typographical or other minor error found in a customs ruling which has been issued by the DG does not result in the customs ruling becoming void or affected by the error if such occurrences does not change the meaning of the customs ruling in substance and effect.

REVIEW AND APPEAL ON CUSTOM'S RULING DECISION

REVIEW

41. Applicants who are dissatisfied by the Custom's ruling decision may submit an application for review to the Director General of Customs within thirty days from the date the applicant is notified of the Customs Decision as provided under the provisions of section 96 of the Sales Tax Act 2018 and section 81 of the Tax Services Act 2018 provided that no appeal has been made on the same decision to the Customs Appeal Tribunal or the court.

42. The application for review must fill out the SST-03 form in accordance with the provisions of regulation 32 of the Sales Tax Regulations 2018 and regulation 25 of the Service Tax Regulations 2018.

43. SST-03 form shall be submitted to:

Ketua Pengarah Kastam
Cawangan Khas SST dan Cukai Pelancongan
Ibu Pejabat Kastam Diraja Malaysia
Aras 5, Blok A, Menara Tulus
No. 22, Persiaran Perdana Presint 3
62100 Putrajaya

44. Applicants shall give a reasonable reason and fact with the supporting documents in support of the appeal.

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APPEAL

45. Applicants who are dissatisfied with the decision of the review may submit an appeal in written to the Customs Appeal Tribunal within 30 days from the date of the decision in accordance with the provisions of Section 96 of the Sales Tax Act 2018 and Section 81 of the Service Tax Act 2018.

FORMS

46. The types of forms applicable for customs ruling are found in the schedules under Sales Tax (Customs Ruling) Regulations 2018 and Service Tax (Customs Ruling) Regulations 2018. Please refer to the Appendixes I – VIII.

Types of Forms	
First Schedule	Application Form For Customs Ruling
Second Schedule	Customs Ruling
Third Schedule	Application Form For Renewal of Customs Ruling

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INQUIRY

For any inquiries for this guide please contact:

Internal Tax Division

Royal Malaysian Customs Department

Level 3 - 7, Block A, Menara Tulus,

No. 22, Persiaran Perdana, Presint 3,

62100 Putrajaya.

FURTHER ASSISTANCE AND INFORMATION ON SST

Further information on SST can be obtained from:

(i) SST website : https://mysst.customs.gov.my

(ii) Customs Call Center:

- Tel: 03-7806 7200 / 1-300-888-500
- Fax: 03-7806 7599
- Email: ccc@customs.gov.my

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SUMMARY OF DOCUMENT CHANGE

Version 4 - 29 November 2019

Para	Changes
Para 18	**Replace** the following paragraph 18. A consultation between RMCD and the applicant may be made. The DG shall issue a customs ruling within a period of 90 days (ninety days) from the date of the complete document received
Para 41	**Add** the following paragraph 41. Applicants who are dissatisfied by the Custom's ruling decision may submit an application for review to the Director General of Customs within thirty days from the date the applicant is notified of the Customs Decision as provided under the provisions of section 96 of the Sales Tax Act 2018 and section 81 of the Tax Services Act 2018 provided that no appeal has been made on the same decision to the Customs Appeal Tribunal or the court.

APPENDIX I

FIRST SCHEDULE
[Subregulation 2(1)]

SALES TAX ACT 2018

SALES TAX (CUSTOMS RULING) REGULATIONS 2018

ROYAL MALAYSIAN CUSTOMS
APPLICATION FORM FOR CUSTOMS RULING

<table>
<tr><td colspan="2">1. To: Director General of Customs and Excise, c/o:</td><td colspan="3">8. E-mail address:</td></tr>
<tr><td colspan="2">2. Applicant:</td><td colspan="3" rowspan="4">9. Indicate which type of ruling sought:

Mark (/)
(a) Tariff classification ☐
(b) Valuation ☐
(c) Manufacturer/Taxable person ☐
(d) Registered person ☐
(e) Taxable goods ☐
(f) Taxable services ☐
(g) Other matters ☐</td></tr>
<tr><td colspan="2">3. Passport No./Identification Card No.:</td></tr>
<tr><td colspan="2">4. Applicant's address:</td></tr>
<tr><td colspan="2">5. Name of contact person:</td></tr>
<tr><td>6. Telephone:</td><td>7. Facsimile:</td><td colspan="3">FOR OFFICIAL USE</td></tr>
<tr><td colspan="2"></td><td>10. Date received:</td><td colspan="2">11. Application No.:</td></tr>
<tr><td colspan="5">APPLICATION DETAILS</td></tr>
<tr><td colspan="5">FOR ALL RULINGS</td></tr>
<tr><td colspan="3">12. Full description of the particular goods (including name of goods, trade name, brand, model no., serial no.)/services (type of services provided):</td><td colspan="2">13. Point of entry (where applicable):</td></tr>
</table>

FOR TARIFF CLASSIFICATION RULING ONLY

14. Form of goods imported/manufactured:

[Please attach detail information in a separate sheet]

15. Composition of the goods:

16. Usage/function of the goods:

17. Previous classification ruling :

Mark (/)

☐ Yes

If yes, state the classification ruling given, customs reference and date

……

……

☐ No

FOR VALUATION RULING ONLY

18. State valuation issue:

19. Reason for application:

*20. Overseas seller / principal / agent

*Please delete whichever is not applicable

*21. Contract / agreement with overseas sellers / principal / agent

Mark (/)

☐ Yes ☐ No

If Yes, submit a copy

* Please delete whichever is not Applicable

22. Previous ruling:

Mark (/)

☐ Yes ☐ No

If Yes, state the ruling given, customs reference and date

FOR DETERMINATION OF MANUFACTURER OR TAXABLE PERSON

23. Name and address of manufacturer:

24. Place of manufacturing:

25. For goods, describe the process of manufacturing:

FOR DETERMINATION OF TAXABLE SERVICE

26. Name and address of service provider:	27. Place where services are provided:	28. For services, to describe details of the service provider:

APPLICANT'S OPINION

29. For the applicant to state opinion(s) on what the ruling should be and reason(s) together with any relevant document or information for the opinion. (Additional comments may be provided on a separate sheet, signed and attached to this application).

DECLARATION BY APPLICANT

30. I declare that the information contained in this form is true and accurate

…… Date: ……
Signature of applicant

Designation: ……..

FOR OFFICIAL USE

31. Note:

Name, signature and official stamp Date: ……..

…….

32. **Note**

1. An application is only for one type of ruling for a particular goods or service.

2. All information requested shall be clearly and completely provided. Where the column provided is insufficient, the information may be provided on a separate sheet and to be signed.

3. An application for a ruling must be legible and complete in all material detail. Where appropriate an application should be supported by illustrations or other adequate information (e.g., commercial, trade and technical literature or chemical formula). Supporting document may be provided directly by the manufacturer, supplier or provider of services. Application that is incomplete or not supported by sufficient information in respect of the goods or services for which a ruling is sought, or not accompanied by the prescribed fee, will not be processed until that information or fee is provided.

4. Customs No.1A form is also to be filled up by the applicant for valuation and is to be submitted together with this application.

5. The application must be accompanied by the goods or a sample of the goods. If it is difficult, please discuss with the nearest Internal Tax Division, Royal Malaysian Customs Department before submitting the application (samples submitted will be retained by Royal Malaysian Customs Department until the expiry date of appeal).

6. The Director General may, at any time, request any information from the applicant if it is considered that such information is relevant for a proper consideration of the application.

7. At any time after a ruling is made, the applicant may be required to satisfy the Director General that the facts or information on which the customs ruling was made remain correct and, where applicable, that any conditions on which the ruling was made have been complied with.

8. A customs ruling ceases to have effect after the expiry of 3 years from the date specified in the ruling. The applicant should take note of this matter which is stated in subregulation 5(1) of the Sales Tax (Customs Ruling) Regulations 2018.

9. An application may be submitted to any nearest Technical Service Division, Royal Malaysian Customs Department. However, the applicant is encouraged to submit his application directly to the Internal Tax Division, Royal Malaysian Customs Department Headquarters, Putrajaya.

10. The fee for each application of customs ruling is two hundred ringgit in relation to each particular goods or services and must be accompanied with when the application is submitted.

APPENDIX II

SECOND SCHEDULE
[Subregulation 4(3)]

SALES TAX ACT 2018

SALES TAX (CUSTOMS RULING) REGULATIONS 2018

Serial No. : .....

ROYAL MALAYSIAN CUSTOMS

CUSTOMS RULING

Section 44 of the Sales Tax Act 2018

Applicant:
……

Address:
.....

After taking into consideration the facts and information submitted, the customs ruling is decided as follows:

The validity period of customs ruling: _____

for Director General Of Customs Malaysia **Date:**

APPENDIX III

THIRD SCHEDULE
[Subregulation 7(1)]

SALES TAX ACT 2018

SALES TAX (CUSTOMS RULING) REGULATIONS 2018

ROYAL MALAYSIAN CUSTOMS
APPLICATION FORM FOR RENEWAL OF CUSTOMS RULING

<table>
<tr><td rowspan="2">1. To: The Director General of Customs and Excise, c/o:</td><td colspan="2">FOR OFFICIAL USE</td></tr>
<tr><td>Date received:</td><td>Application No.:</td></tr>
<tr><td colspan="3">2. Applicant:</td></tr>
<tr><td colspan="3">3. Passport No. / Identification No.:</td></tr>
<tr><td colspan="3">4. Applicant's address:</td></tr>
<tr><td>5. Telephone:</td><td>6. Facsimile:</td><td>7. E-mail address:</td></tr>
<tr><td colspan="3">8. Serial number of customs ruling issued:</td></tr>
</table>

9. Reasons for renewal required:
10. State whether there is a change of facts in the previous customs ruling:

DECLARATION BY APPLICANT	**FOR OFFICIAL USE**
11. I declare that the information contained in this form is true and accurate. Date: .... Signature of applicant Designation:	12. Approved / Not approved Date: ..... …… For Director General of Customs Malaysia

APPENDIX IV

FIRST SCHEDULE
[Subregulation 2(1)]

SERVICE TAX ACT 2018

SERVICE TAX (CUSTOMS RULING) REGULATIONS 2018

ROYAL MALAYSIAN CUSTOMS
APPLICATION FORM FOR CUSTOMS RULING

<table>
<tr><td colspan="2">1. To: Director General of Customs and Excise, c/o:</td><td colspan="3">8. E-mail address:</td></tr>
<tr><td colspan="2">2. Applicant:</td><td colspan="3" rowspan="5">9. Indicate which type of ruling sought:

Mark (/)

(h) Tariff classification ☐
(i) Valuation ☐
(j) Manufacturer/Taxable person ☐
(k) Registered person ☐
(l) Taxable goods ☐
(m) Taxable services ☐
(n) Other matters ☐</td></tr>
<tr><td colspan="2">3. Passport No./Identification Card No.:</td></tr>
<tr><td colspan="2">4. Applicant's address:</td></tr>
<tr><td colspan="2">5. Name of contact person:</td></tr>
<tr><td></td><td></td></tr>
<tr><td>6. Telephone:</td><td>7. Facsimile:</td><td colspan="3">FOR OFFICIAL USE</td></tr>
<tr><td colspan="2"></td><td>10. Date received:</td><td colspan="2">11. Application No.:</td></tr>
<tr><td colspan="5">APPLICATION DETAILS</td></tr>
<tr><td colspan="5">FOR ALL RULINGS</td></tr>
<tr><td colspan="3">12. Full description of the particular goods (including name of goods, trade name, brand, model no., serial no.)/services (type of services provided):</td><td colspan="2">13. Point of entry (where applicable):</td></tr>
</table>

FOR TARIFF CLASSIFICATION RULING ONLY

14. Form of goods imported/manufactured:

[Please attach detail information in a separate sheet]

15. Composition of the goods:

16. Usage/function of the goods:

17. Previous classification ruling :

Mark (/)

☐ Yes

If yes, state the classification ruling given, customs reference and date

……

……

☐ No

FOR VALUATION RULING ONLY

18. State valuation issue:

19. Reason for application:

*20. Overseas seller / principal / agent

*Please delete whichever is not Applicable

*21. Contract / agreement with overseas sellers / principal / agent

Mark (/)

☐ Yes ☐ No

If Yes, submit a copy

* Please delete whichever is not Applicable

22. Previous ruling:

Mark (/)

☐ Yes ☐ No

If Yes, state the ruling given, customs reference and date

FOR DETERMINATION OF MANUFACTURER OR TAXABLE PERSON		
23. Name and address of manufacturer:	24. Place of manufacturing:	25. For goods, describe the process of manufacturing:
FOR DETERMINATION OF TAXABLE SERVICE		
26. Name and address of service provider:	27. Place where services are provided:	28. For services, to describe details of the service provider:

APPLICANT'S OPINION

29. For the applicant to state opinion(s) on what the ruling should be and reason(s) together with any relevant document or information for the opinion. (Additional comments may be provided on a separate sheet, signed and attached to this application).

DECLARATION BY APPLICANT

30. I declare that the information contained in this form is true and accurate

…… Date: ……
Signature of applicant

Designation: ……..

FOR OFFICIAL USE

31. Note:

Name, signature and official stamp Date: ……..

…….

32. **Note**

1. An application is only for one type of ruling for a particular goods or service.

2. All information requested shall be clearly and completely provided. Where the column provided is insufficient, the information may be provided on a separate sheet and to be signed.

3. An application for a ruling must be legible and complete in all material detail. Where appropriate an application should be supported by illustrations or other adequate information (e.g., commercial, trade and technical literature or chemical formula). Supporting document may be provided directly by the manufacturer, supplier or provider of services. Application that is incomplete or not supported by sufficient information in respect of the goods or services for which a ruling is sought, or not accompanied by the prescribed fee, will not be processed until that information or fee is provided.

4. Customs No.1A form is also to be filled up by the applicant for valuation and is to be submitted together with this application.

5. The application must be accompanied by the goods or a sample of the goods. If it is difficult, please discuss with the nearest Internal Tax Division, Royal Malaysian Customs Department before submitting the application (samples submitted will be retained by Royal Malaysian Customs Department until the expiry date of appeal).

6. The Director General may, at any time, request any information from the applicant if it is considered that such information is relevant for a proper consideration of the application.

7. At any time after a ruling is made, the applicant may be required to satisfy the Director General that the facts or information on which the customs ruling was made remain correct and, where applicable, that any conditions on which the ruling was made have been complied with.

8. A customs ruling ceases to have effect after the expiry of 3 years from the date specified in the ruling. The applicant should take note of this matter which is stated in subregulation 5(1) of the Service Tax (Customs Ruling) Regulations 2018.

9. An application may be submitted to any nearest Technical Service Division, Royal Malaysian Customs Department. However, the applicant is encouraged to submit his application directly to the Technical Service Division, Royal Malaysian Customs Department Headquarters, Putrajaya.

10. The fee for each application of customs ruling is two hundred ringgit in relation to each particular goods or services and must be accompanied with when the application is submitted.

APPENDIX V

SECOND SCHEDULE
[Subregulation 4(3)]

SERVICE TAX ACT 2018

SERVICE TAX (CUSTOMS RULING) REGULATIONS 2018

Serial No. : .....

ROYAL MALAYSIAN CUSTOMS

CUSTOMS RULING

Section 43 of the Service Tax Act 2018

Applicant:
……

Address:
.....

After taking into consideration the facts and information submitted, the customs ruling is decided as follows:

The validity period of customs ruling: _____

for Director General Of Customs Malaysia **Date:**

APPENDIX VI

THIRD SCHEDULE
[Subregulation 7(1)]

SERVICE TAX ACT 2018

SERVICE TAX (CUSTOMS RULING) REGULATIONS 2018

ROYAL MALAYSIAN CUSTOMS
APPLICATION FORM FOR RENEWAL OF CUSTOMS RULING

<table>
<tr><td rowspan="2">1. To: The Director General of Customs and Excise, c/o:</td><td colspan="2">FOR OFFICIAL USE</td></tr>
<tr><td>Date received:</td><td>Application No.:</td></tr>
<tr><td colspan="3">2. Applicant:</td></tr>
<tr><td colspan="3">3. Passport No. / Identification No.:</td></tr>
<tr><td colspan="3">4. Applicant's address:</td></tr>
<tr><td>5. Telephone:</td><td>6. Facsimile:</td><td>7. E-mail address:</td></tr>
<tr><td colspan="3">8. Serial number of customs ruling issued:</td></tr>
</table>

9. Reasons for renewal required:
10. State whether there is a change of facts in the previous customs ruling:

DECLARATION BY APPLICANT	**FOR OFFICIAL USE**
11. I declare that the information contained in this form is true and accurate. Date: .... Signature of applicant Designation:	12. Approved / Not approved Date: ..... …… For Director General of Customs Malaysia

APPENDIX VII

EXAMPLE OF APPLICATION FOR CUSTOMS RULING FORM - DETERMINATION OF PROCESSING PROCESS UNDER SECTION 3 OF SALES TAX ACT

FIRST SCHEDULE
[Subregulation 2(1)]

SALES TAX ACT 2018

SALES TAX (CUSTOMS RULING) REGULATIONS 2018

ROYAL MALAYSIAN CUSTOMS
APPLICATION FORM FOR CUSTOMS RULING

1. To: Director General of Customs and Excise, c/o: **SEKRETERIAT UNIT KHAS KETETAPAN KASTAM (if the application is submitted by the applicant to the head quarters)** **PERKHIDMATAN TEKNIK SELANGOR (if application is submitted to state e.g: Selangor)**	8. E-mail address: **abc_123@abc.com**
2. Applicant: **ABC SDN.BHD**	9. Indicate which type of ruling sought: Mark (/) (a) Tariff classification ☐ (b) Valuation ☐ (c) Manufacturer/Taxable person ☒ **Application for (a) Tariff Clarification AND (b) Valuation, please use application form in SCHEDULE A, ROYAL MALAYSIAN CUSTOMS, APPLICATION FOR CUSTOMS RULING SECTION 10A OF THE CUSTOMS ACT 1967/SECTION 5A OF THE EXCISE ACT 1976.** **The form can be obtained at Technical Service Division Office**
3. Passport No./Identification Card No.:**B123456 (company registration no.)**	
4. Applicant's address: **LOT 123 A, JALAN 123, SEKSYEN 12A, 46100 PETALING JAYA, SELANGOR DARUL EHSAN** **(the company address if the application was made by the company)**	
5. Name of contact person: **AHMAD BIN ABDULLAH** **880818-08-8888** **(contact person's name and identification card no.)**	
6. Telephone: **03-78888222** **017-8888222**	7. Facsimile: **03-78888223**
FOR OFFICIAL USE	
10. Date received:	11. Application No.:
LEAVE THIS SECTION EMPTY	
APPLICATION DETAILS	
FOR ALL RULINGS	

12. Full description of the particular goods (including name of goods, trade name, brand, model no., serial no.)/services (type of services provided):	13. Point of entry (where applicable):

LEAVE THIS SECTION EMPTY

FOR TARIFF CLASSIFICATION RULING ONLY

14. Form of goods imported/manufactured: [Please attach detail information in a separate sheet]	15. Composition of the goods:
16. Usage/func	ion ruling given, te …… …… ☐ No

LEAVE THIS SECTION EMPTY.

THIS SECTION IS FOR TARIFF CLASSIFICATION APPLICATION. PLEASE USE APPLICATION FORM IN THE SCHEDULE A - APPLICATION FORM FOR CUSTOMS RULING FOR TARIFF CLASSIFICATION RULING (Section 10A Customs Act 1967)

FOR VALUATION RULING ONLY

18. State valuation issue:	19. Reason for application:
*20. Overseas seller	ence and date

LEAVE THIS SECTION EMPTY.

THIS SECTION IS FOR TARIFF CLASSIFICATION APPLICATION. PLEASE USE APPLICATION FORM IN THE SCHEDULE A - APPLICATION FORM FOR CUSTOMS RULING FOR TARIFF CLASSIFICATION RULING (Section 10A Customs Act 1967)

*Please delete which applicable

Applicable

FOR DETERMINATION OF MANUFACTURER OR TAXABLE PERSON

23. Name and address of manufacturer:	24. Place of manufacturing:	25. For goods, describe the process of manufacturing:
ABC SDN.BHD **LOT 123 A, JALAN 123, SEKSYEN 12A, 46100 PETALING JAYA, SELANGOR DARUL EHSAN**	**NO. 456, JALAN ABC, SEKSYEN 17, 46100 PETALING JAYA, SELANGOR DARUL EHSAN**	(Please provide a detailed description of the manufacturing process from beginning to end ie from the use of raw materials / components / etc including other equipment involved in the manufacturing process until finished product. Please submit a manufacturing flow chart including manufacturing process images / videos if applicable.)

FOR DETERMINATION OF TAXABLE SERVICE

26. Nan rvice
prov

LEAVE THIS SECTION EMPTY

This section is for application for determination of taxable service. Please use application form in the FIRST SCHEDULE - APPLICATION FOR DETERMINATION OF TAXABLE SERVICE [Subruling 2(1)] Service Tax (Customs Ruling) Regulation 2018.

APPLICANT'S OPINION

29. For the applicant to state opinion(s) on what the ruling should be and reason(s) together with any relevant document or information for the opinion. (Additional comments may be provided on a separate sheet, signed and attached to this application).

The manufacturing process described in item 25 / annex does not conform to the manufacturing purpose under section 3 of the Sales Tax Act 2018. Accordingly, the ABC SDN.BHD company is not subject to the Sales Tax Act 2018.

DECLARATION BY APPLICANT

30. I declare that the information contained in this form is true and accurate

Applicant's name, position, date, signature and company's official stamp

……
Signature of applicant

Designation: ……..

FOR OFFICIAL USE

31. Note:

Name, signature and official s ……..

LEAVE THIS SECTION EMPTY

To be filled by JKDM officer who receive an application at state.

……

32. Note

1. An application is only for one type of ruling for a particular goods or service.

2. All information requested shall be clearly and completely provided. Where the column provided is insufficient, the information may be provided on a separate sheet and to be signed.

3. An application for a ruling must be legible and complete in all material detail. Where appropriate an application should be supported by illustrations or other adequate information (e.g., commercial, trade and technical literature or chemical formula). Supporting document may be provided directly by the manufacturer, supplier or provider of services. Application that is incomplete or not supported by sufficient information in respect of the goods or services for which a ruling is sought, or not accompanied by the prescribed fee, will not be processed until that information or fee is provided.

4. Customs No.1A form is also to be filled up by the applicant for valuation and is to be submitted together with this application.

5. The application must be accompanied by the goods or a sample of the goods. If it is difficult, please discuss with the nearest Technical Service Division, Royal Malaysian Customs Department before submitting the application (samples submitted will be retained by Royal Malaysian Customs Department until the expiry date of appeal).

6. The Director General may, at any time, request any information from the applicant if it is considered that such information is relevant for a proper consideration of the application.

7. At any time after a ruling is made, the applicant may be required to satisfy the Director General that the facts or information on which the customs ruling was made remain correct and, where applicable, that any conditions on which the ruling was made have been complied with.

8. A customs ruling ceases to have effect after the expiry of 3 years from the date specified in the ruling. The applicant should take note of this matter which is stated in subregulation 5(1) of the Sales Tax (Customs Ruling) Regulations 2018.

9. An application may be submitted to any nearest Technical Service Division, Royal Malaysian Customs Department. However, the applicant is encouraged to submit his application directly to the Technical Service Division, Royal Malaysian Customs Department Headquarters, Putrajaya.

10. The fee for each application of customs ruling is two hundred ringgit in relation to each particular goods or services and must be accompanied with when the application is submitted.

APPENDIX VIII

EXAMPLE FOR APPLICATION FOR CUSTOMS RULING FORM - DETERMINATION OF TAXABLE SERVICE UNDER SECTION 8 OF SERVICE TAX ACT

FIRST SCHEDULE
[Subregulation 2(1)]

SERVICE TAX ACT 2018

SERVICE TAX (CUSTOMS RULING) REGULATIONS 2018

ROYAL MALAYSIAN CUSTOMS
APPLICATION FORM FOR CUSTOMS RULING

<table>
<tr><td colspan="2">1. To: Director General of Customs and Excise, c/o:
SEKRETERIAT UNIT KHAS KETETAPAN KASTAM (if the application is submitted by the applicant to the head quarters)

PERKHIDMATAN TEKNIK SELANGOR (if application is submitted to state e.g: Selangor)</td><td>8. E-mail address:

abc_123@abc.com</td></tr>
<tr><td colspan="2">2. Applicant: ABC SDN.BHD</td><td rowspan="4">9. Indicate which type of ruling sought:
Application for (a) Tariff Clarification AND (b) Valuation, please use application form in SCHEDULE A, ROYAL MALAYSIAN CUSTOMS, APPLICATION FOR CUSTOMS RULING SECTION 10A OF THE CUSTOMS ACT 1967/SECTION 5A OF THE EXCISE ACT 1976.
The form can be obtained at Technical Service Division Office
(a) Registered person ☐
(b) Taxable goods ☐
(c) Taxable services ☑
(d) Other matters ☐</td></tr>
<tr><td colspan="2">3. Passport No./Identification Card No.: B123456 (company registration no.)</td></tr>
<tr><td colspan="2">4. Applicant's address:
LOT 123 A, JALAN 123, SEKSYEN 12A, 46100 PETALING JAYA, SELANGOR DARUL EHSAN

(note the company address if the application was made by the company)</td></tr>
<tr><td colspan="2">5. Name of contact person:
AHMAD BIN ABDULLAH
880818-08-8888

(contact person’s name and identification card no.)</td></tr>
<tr><td>6. Telephone:

03-78888222
017-8888222</td><td>7. Facsimile:

03-78888223</td><td>FOR OFFICIAL USE
10. Date received: | 11. Application No.:
LEAVE THIS SECTION EMPTY</td></tr>
<tr><td colspan="3">APPLICATION DETAILS</td></tr>
<tr><td colspan="3">FOR ALL RULINGS</td></tr>
</table>

12. Full description of the particular goods (including name of	13. Point of entry (where applicable):

LEAVE THIS SECTION EMPTY

FOR TARIFF CLASSIFICATION RULING ONLY

14. Form of goods imported/manufactured: [Please attach detail information in a separate sheet]	15. Composition of the goods:
16. Usage/fun ition ruling given, ate …… …… No	

LEAVE THIS SECTION EMPTY.

THIS SECTION IS FOR TARIFF CLASSIFICATION RULING APPLICATION. USE SCHEDULE A FROM APPLICATION FORM FOR CUSTOMS RULING FOR TARIFF CLASSIFICATION RULING APPLICATION (Section 10A Customs Act 1967)

FOR VALUATION RULING ONLY

18. State valuation issue:	19. Reason for application:
*20. Overseas seller g ence and date *Please delete which applicable Applicable	

LEAVE THIS SECTION EMPTY.

THIS SECTION IS FOR TARIFF CLASSIFICATIONRULING APPLICATION. USE SCHEDULE A FROM APPLICATION FORM FOR CUSTOMS RULING FOR TARIFF CLASSIFICATION RULING APPLICATION (Section 10A Customs Act 1967)

FOR DETERMINATION OF MANUFACTURER OR TAXABLE PERSON

23. Name and address of manufacturer:	24. Place of manufacturing:	25. For goods, describe the process of manufacturing:

LEAVE THIS SECTION EMPTY

THIS SECTION IS FOR THE APPLICATION FOR DETERMINATION OF TAXABLE MANUFACTURER / MANUFACTURING PROCESS. PLEASE USE FIRST SCHEDULE FORM - APPLICATION PROCEDURES OF THE MANUFACTURING PROCESS / TAX GUIDE [Subregulation 2 (1)] Sales Tax (Customs Ruling) Regulation 2018.

FOR DETERMINATION OF TAXABLE SERVICE

26. Name and address of service provider:	27. Place where services are provided:	28. For services, to describe details of the service provider:
ABC SDN.BHD **LOT 123 A, JALAN 123, SEKSYEN 12A, 46100 PETALING JAYA, SELANGOR DARUL EHSAN**	**NO. 456, JALAN ABC, SEKSYEN 17, 46100 PETALING JAYA, SELANGOR DARUL EHSAN**	Post-sales support provisioning services to software update and technical information technology assistance **(Please provide a detailed description of the service delivery process from the beginning to the end. Submit a service flow chart including picture / video if applicable.)**

APPLICANT'S OPINION

29. For the applicant to state opinion(s) on what the ruling should be and reason(s) together with any relevant document or information for the opinion. (Additional comments may be provided on a separate sheet, signed and attached to this application).

The provision of after-sales support services to software updates and technical information technology assistance should not be considered taxable services because;

- We do not provide software update but it belongs to the principal.
- The intellectual property of the software belongs to the principal.
- We only serve as distributors.

Accordingly, the service of ABC company Sdn.Bhd is not subject to the Service Tax Act 2018.

DECLARATION BY APPLICANT

30. I declare that the information contained in this form is true and accurate

Applicant's name, position, date, signature and company's official stamp

…… ……

Signature of applicant

Designation: ……..

FOR OFFICIAL USE

31. Note:

LEAVE THIS SECTION EMPTY.

The space is filled by RMCD officer who receive state-level applications

Name, signature and official s ……..

……

32. Note

1. An application is only for one type of ruling for a particular goods or service.

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4. Customs No.1A form is also to be filled up by the applicant for valuation and is to be submitted together with this application.

5. The application must be accompanied by the goods or a sample of the goods. If it is difficult, please discuss with the nearest Internal Tax Division, Royal Malaysian Customs Department before submitting the application (samples submitted will be retained by Royal Malaysian Customs Department until the expiry date of appeal).

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9. An application may be submitted to any nearest Technical Service Division, Royal Malaysian Customs Department. However, the applicant is encouraged to submit his application directly to the Technical Service Division, Royal Malaysian Customs Department Headquarters, Putrajaya.

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