



ROYAL MALAYSIAN CUSTOMS

GOODS AND SERVICES TAX

GUIDE ON APPROVED TOLL MANUFACTURER SCHEME

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INTRODUCTION

1. This industry guide is prepared to assist businesses in understanding matters with regards to GST treatment on Approved Toll Manufacturer Scheme (ATMS).

Overview of Goods and Services Tax (GST)

2. Goods and Services Tax (GST) is a multi-stage tax on domestic consumption. GST is charged on all taxable supplies of goods and services in Malaysia except those specifically exempted. GST is also charged on importation of goods and services into Malaysia.

3. Payment of tax is made in stages by the intermediaries in the production and distribution process. Although the tax would be paid throughout the production and distribution chain, only the value added at each stage is taxed thus avoiding double taxation.

4. In Malaysia, a person who is registered under the Goods and Services Tax Act 20XX is known as a “registered person”. A registered person is required to charge GST (output tax) on his taxable supply of goods and services made to his customers. He is allowed to claim back any GST incurred on his purchases (input tax) which are inputs to his business. Therefore, the tax itself is not a cost to the intermediaries and does not appear as an expense item in their financial statements.

GENERAL OPERATIONS OF THE INDUSTRY

Overview of Approved Toll Manufacturer Scheme

5. Approved Toll Manufacturer Scheme (ATMS) is a scheme which allows any taxable person approved (toll manufacturer) to disregard any value added activity (contract services) on the goods belonging to a person who does not belong in Malaysia (overseas principal).

6. Under this scheme, the toll manufacturer will receive goods sent by his overseas principal for any treatment or processing. After the treatment, most of the processed goods (at least 80%) must be sent back to the overseas principal or to

any other countries as instructed by the overseas principal. The balance (maximum 20%) is allowed to be drop shipped to the local customer of the overseas principal.

GST TREATMENT FOR THE INDUSTRY

GST treatment on goods imported under ATMS

7. A toll manufacturer even though is an approved person under ATMS still has to pay import duties and GST on goods that are imported at the time of importation. This includes the goods consigned and sent by his overseas principal for the manufacturing process to be performed in Malaysia. However, an approved toll manufacturer is eligible to apply for the Approved Trader Scheme (ATS). Once the approved toll manufacturer also becomes an approved person under ATS, the GST on any consigned goods imported is suspended. ***For further details, please refer to guide on ATS.***

GST treatment regarding value-added activities

8. Basically, all type of value-added activities that cover any treatment, processing, finishing, assembling, and other manufacturing-related works on consigned goods of the overseas principal are standard rated as the value added activities are supplies of services made in Malaysia. However, under this scheme such supply of services is disregarded for the purposes of GST. Thus, output tax on such activities need not be charged.

GST treatment on delivery of value-added goods to overseas principal

9. Generally, all or at least 80% of the finished goods or value-added goods must be exported to the overseas principal in his country of origin or to any other countries as may be instructed by the overseas principal. In such a case, there is no GST liability since the goods belongs to the overseas principal

GST treatment on delivery of value-added goods to the local customer of overseas principal

10. Certain portion (not more than 20% in term of value or quantity) of value-added goods consigned under the ATMS might be drop-shipped in Malaysia to some

local customers of the overseas principal. Any delivery of the treated or processed goods by the toll manufacturer to a local customer of an overseas principal is actually a supply made by the overseas principal. In this situation, the overseas principal who does not belong in Malaysia is liable to charge GST on the supply made if he is a registered person. However, under this scheme since the overseas principal is not a registered person, 'recipient accounting system' is introduced under the ATMS.

11. Under the concept of “**recipient self-accounting**”, the local customer, irrespective of whether he is registered or not, will account for output tax on the supply made by overseas principal as if he had himself supplied the goods in Malaysia in the furtherance of a business. If he is a registered person, he then nets off the output tax payable with the corresponding deemed input tax credits. In this manner, the local customer does not have to pay GST upfront on such receipt of goods from the toll manufacturer.

12. The local customer has to do the “recipient self-accounting” when he receives invoice from the overseas principal or when he makes payment to the principal, whichever is the earlier.

Example 1:

XYZ Sdn. Bhd. is a local customer of an overseas company receives goods from ABC Sdn. Bhd. (toll manufacturer). ABC Sdn. Bhd. issues a delivery order for each consignment of goods send to XYZ Sdn. Bhd. The overseas company will invoice XYZ Sdn. Bhd. on such deliveries.

<u>Date of invoice</u>	<u>Value of transaction</u>
5.10.20XX	RM10, 000.00
10.10.20XX	<u>RM 20,000.00</u>
Total	RM 30,000.00

(Total output tax is RM1,800.00 i.e. 6% of RM30,000.00)

Accounting in GST return by way of “recipient self-accounting” should reflect as follows:

Table 1: GST return for the period 1.10.20XX to 31.10.20XX

Output/Input Tax Particulars	RM
*Output tax	
- <i>Finished goods supplied</i>	RM1,800.00
<u>Less:</u>	
*Input tax Credit	
- <i>Finished goods received</i>	RM1,800.00
Tax payable	(0.00)

(* Assuming there are no other output tax due or input tax claims made in the same tax return (GST-03))

13. However, if the local customer is a not a registered person, he has to pay GST on such deemed supply made to himself but cannot claim the same GST as his input tax credit. In such a situation, the local customer has to declare the GST in a prescribed form (GST-04) and has to make payment not later than the last day of the subsequent month from the month in which the supply is made.

GST Treatment on farming out to sub-contractors by an approved toll manufacturer

14. In some instances, a toll manufacturer may need to outsource certain manufacturing or value added activities or processes on the consigned goods to other parties. Farming out does not transfer the ownership of the goods to the sub-contractor. As such, it is not a supply of goods and the toll manufacturer does not have to account for output tax on the raw materials. On the other hand, if the sub-contractor is a GST registered person, he has to account for output tax on the value of the services supplied to the toll manufacturer and the toll manufacturer can claim the GST paid as his input tax credit.

GST treatment on goods acquired by toll manufacturer for value added activities

15. A toll manufacturer may acquire goods locally for value added activities. If the goods are acquired under the account of the toll manufacturer, the GST charged on the acquisition can be claimed by him. However, under this scheme, if the goods

acquired by the toll manufacturer is under the account of the overseas principal, then the goods is zero rated.

ELIGIBLE PERSONS FOR THE ATMS

16. Any toll manufacturer who has contract(s) with overseas principal(s) to carry out valued-added activities worth RM2 million or more (excluding the cost of raw materials supplied or belonging to the overseas principal) per annum is eligible to apply for the ATMS subject to approval given by the Director General.

CONDITIONS FOR APPROVED TOLL MANUFACTURERS

17. Like any other special schemes, there are conditions imposed under in which an approved toll manufacturer must strictly adhere to. The conditions imposed under the ATMS include the following:

- (a) Carrying out value-added activities for an overseas principal;
A taxable person can apply for the ATMS if he is a toll manufacturer doing value-added activities on consigned goods for an overseas principal. He can also apply for ATMS if he is contracted to do such activities but has not started yet. However, he must provide proof on such activities, for example a contract with his overseas principal, when applying for ATMS status.
- (b) Value of service chargeable on value-added activities;
The total service chargeable for value-added activities for his overseas principal(s) must aggregate to at least RM2 million per annum, excluding the cost of any raw materials supplied by him in the course of carrying out the value-added activities.
- (c) At least 80% of finished goods must be exported;
At least 80% (in term of value or quantity) of the finished goods after undergoing value-added activities must be exported by the toll manufacturer. [Export of goods means sending goods out of the federation of Malaysia and its territorial waters, but does not include goods in transit. For the purpose of GST, “export” and “in-transit” have

the same meaning as defined under section 2 of the Custom Act 1967.
(See Example below)

Example 2:

- (i) Total value of finished goods (after performing value-added activities) is RM30 million per annum.*
 - (ii) At least RM24 million out of RM30 million of total finished goods (i.e. 80% X RM30 million = RM 24 million) must be exported.*
 - (iii) The balance of finished goods amounting to RM6 million can be drop-shipped to local customer of the overseas principal.*
- (d) An approved toll manufacturer must be a GST registered person;
Any person applying for ATMS status must be a GST registered person.
 - (e) All parties in the supply chain must together apply for ATMS status;
Toll manufacturer and local customer(s) of overseas principal must together apply for the ATMS.
 - (f) Monthly taxable period;
An approved toll manufacturer must be accounting for GST on monthly basis.
 - (g) Electronic submission of GST return;
An approved toll manufacturer must submit their monthly GST returns through electronic filing (e-filing).
 - (h) Maintaining of good accounting and inventory records;
A toll manufacturer under the ATMS must at all-time maintain and preserve good accounting and inventory records with respect to raw materials received, stored and manufactured as well as finished goods delivered and exported. The local customer under the ATMS must similarly maintain and preserve good accounting and inventory records at all time with respect to finished goods received and supplied, both locally and overseas.
 - (i) Maintaining of good compliance record with the RMC;

All approved toll manufacturers must always maintain a good record of compliance on any matter with the RMC.

- (j) Furnishing of security to the Director General (DG) of RMC; and
Under certain circumstances, an approved toll manufacturer may be required by the DG to furnish security to protect revenue. The security can be in the form of a bank guarantee or bond or both.
- (k) Other Conditions;
The DG may impose additional or revise any condition(s) from time to time as he deems fit. The conditions set here do not preclude or override any other conditions imposed on you and all the parties in the chain of value-added tax activities. The DG also reserves the rights to reject any application, to review or revoke any approval granted at any time without prior notice to protect revenue.

RESPONSIBILITIES OF AN APPROVED TOLL MANUFACTURER

Record keeping and accounting requirements

18. Both the toll manufacturer and the local customer of the overseas principal who are registered under the ATMS must maintain up-to-date accounts, all original documents and records related to the supplies, receipts and acquisitions of raw materials and finished goods consigned under the scheme at all times. The record must be kept and preserved by the respective parties under the scheme for at least 7 years.

19. A good accounting system means maintaining of proper accounts and inventory records for tracking and accounting of raw materials that were acquired or consigned under the ATMS. It also includes proper accounting on work-in-progress, stocks on hand and finished goods disposed of to both the local and overseas markets. All accounting records must be supported by related original documents and must be kept in accordance with the Principles of Standard Accounting Practices adopted in Malaysia. A good accounting system required of each respective party under the ATMS will be spelt out in the conditions upon approval and must be adhered to at all time.

Approval granted under the scheme

20. Any approval granted under the ATMS is not transferable. Any taxable person (transferee) who purchases business as a going concern and is eligible for ATMS status and wish to enjoy ATMS treatment should apply for ATMS status before the transfer is made. **See the GST Guide on Transfer of Going Concern.**

21. Approval for ATMS status is on a two-yearly basis or for a shorter period, as the case may be, and any application for renewal must be made two months before the last day of each approval period.

Other responsibilities under the ATMS

22. As an approved person under ATMS, the following must be adhered to:
- (a) Good compliance on any dealings with the RMC must be maintained at all time. If any law administered by the RMC is not complied with, ATMS status will be suspended or revoked. Any breach of conditions of any law administered by the RMC amounts to an offence which are punishable under the GST law;
 - (b) All deliveries and supplies of consigned goods, including raw materials, made under the ATMS must be properly and sufficiently supported by relevant documents and records. All such documents and records must be made available upon request by GST officer for inspection;
 - (c) Must immediately inform the Director General if there are any discrepancies on the consigned goods and account for GST on such discrepancies. Any discrepancies in the amount is deemed to be a local supply and GST is to be accounted for by the approved toll manufacturer who is responsible for such discrepancy. The GST payable will be based on the open market value of the value-added (finished) goods under consignment and must be accounted for in the taxable period in which the discrepancy is discovered;
 - (d) Must immediately notify the RMC on any change in particulars submitted to RMC under ATMS.

FREQUENTLY ASKED QUESTIONS

Q1: Can any export made by the local customer be taken into account for the purpose of calculating the 80% export rule?

A1: No, for the purpose of calculating the 80% rule, only consigned goods exported by the toll manufacturer are taken into account.

Treatment on goods and services locally sourced under ATMS

Q2: I am a toll manufacturer under the ATMS and if I urgently need to purchase locally some raw materials and components to perform value-added activities, do I still have to pay GST on such purchases?

A2: Yes, you have to pay GST on the locally acquired raw materials and components but you can claim such GST payment as your input tax credits.

Q3: If overseas principal bears the cost of raw materials purchased locally and consigned the goods to the toll manufacturer for value-added activities, is there any element of GST on the goods received by local manufacturer?

A3: Local acquisitions of raw materials and components by overseas principal are zero-rated under the GST (Zero Rate Supplies) Order 20XX provided they are delivered to the approved toll manufacturer. Under the ATMS, the local supplier will zero rate the acquisition made by the overseas principal.

Q4: Is there any GST implication if services acquired by approved toll manufacturer is contracted to and paid by the overseas principal?

A4: If the toll manufacturer has paid the services rendered by the local supplier, he can then claim the GST incurred as his input tax credit. If the overseas principal bear the cost of the services rendered, the supplies made to the overseas principal under the ATMS cannot be zero-rated. Supplies contracted to overseas principal which can be zero-rated only cover raw materials and components.

Treatment on goods imported under ATMS

Q5: Are all goods imported under the ATS including components and raw materials allowed to be suspended from payment of GST on importation?

A5: Yes, GST on all goods imported under the ATS can be suspended. However, the goods must be used to make only wholly taxable supplies.

Q6: I am a toll manufacturer registered under the ATMS. If my overseas principal delivers to me some machinery for temporary use, do I have to pay GST on such delivery?

A6: It depends on whether the machinery is brought in as temporary import or normal import. If they are brought in as temporary import, GST is exempted under the GST Relief Order 20XX, subject to conditions imposed. On the other hand, if it is declared as a normal import, GST is payable on the machinery at the time of import, unless GST is suspended under ATS.

Q7: My overseas principal consigns to me raw materials and ownership of the raw materials remains with him. How do I as the toll manufacturer declare to the RMC the value on such raw materials?

A7: You or your agent must declare the goods imported in the prescribed declaration form (Customs No.1). You must obtain the information (value) from your overseas principal to make such declaration. However, the Customs assessment officer has the power to reassess the value of the goods for customs purposes.

Delivery of value-added goods to overseas principal

Q8: Are treated or processed goods subject to GST on export?

A8: Since the goods belong to the overseas principal there is no supply made by the toll manufacturer..

Q9: Can my overseas principal instruct his freight-forwarder in Malaysia to export goods on his (overseas principal) behalf?

A9: Yes, your overseas principal can appoint his freight forwarder to export goods on his behalf but the prescribed form (Customs No. 2) must indicate you as the exporter. You can also appoint a registered forwarding agent to declare on your behalf in the prescribed form but you remain liable and accountable as the principal.

Q10: As a toll manufacturer under the ATMS, what is the GST treatment on finished goods delivered to free ports such as Labuan and Langkawi?

A10: Under the GST Act, free ports are classified as Designated Area (DA). Goods supplied to DA from Malaysia will be zero-rated. Hence, a toll manufacturer under the ATMS can zero-rate the finished goods supplied to DA.

Supply of value-added goods to the local customer of overseas principal under the ATMS

Q11: I am a toll manufacturer under the ATMS. Do I have to account GST on the finished goods delivered to a local customer of my overseas principal?

A11. If the local customer is registered together with you under the ATMS, you need not impose GST on such deliveries. The local customer will account the GST payable as his output tax and at the same time claim that amount as his input tax credit if he is a registered person. However, if he is not a registered person, he has to pay GST on the deemed supply made by him.

Q12: Who would be held liable if the local customer of my overseas principal failed to account for output tax on goods delivered to him (the local customer)?

A12: Once the goods are received by the local customer, it is the responsibility of the local customer to account for any output tax due. If the local customer failed to account for any output tax due, the local customer would be liable for any such overdue GST.

Q13: I am a local customer with ATMS status. What is the GST implication on finished goods that I received from the toll manufacturer and subsequently supplied to both the local and export markets?

A13: If the goods are locally supplied, you have to account for output tax and issue tax invoice to your buyers on such local supplies. On the other hand, you can zero-rate the supplies if you export the goods.

Q14: What would happen to goods on hand if I ceased to be an approved toll manufacturer under ATMS?

A14: If you are no longer a registered person under GST, you have to account for output tax on all capital assets or goods on hands.

FEEDBACK AND COMMENTS

23. Any feedback or comments will be greatly appreciated. Please email your feedbacks or comments to either Mohd Hisham B. Mohd Nor (m_hisham.nor@customs.gov.my) or Aminul Izmeer B. Mohd Sohaimi (izmeer.msohaimi@customs.gov.my).

FURTHER ASSISTANCE AND INFORMATION

24. Further information can be obtained from:

- (a) GST Website : www.gst.customs.gov.my
- (b) GST Hotline : 03-88822111
- (b) Customs Call Centre :
 - Tel : 03- 7806 7200/ 1-300-888-500
 - Fax : 03- 7806 7599
 - E-mail : ccc@customs.gov.my