

**GUIDELINE ON APPLICATION FOR INCENTIVE
AND/OR EXPATRIATE POSTS FOR GREEN TECHNOLOGY (GT)**

I. INTRODUCTION

1. In Budget 2014, the Government had announced the provision of investment tax allowance (ITA) for the purchase of green technology assets and income tax exemption (ITE) on the use of green technology services and system to further strengthen the development of green technology (GT).
2. Among the objectives of the incentives are:
 - 2.1 Encouraging investments in green technology industries on a project basis either for business purpose or own consumption and the adoption of green technology by selected services/system providers;
 - 2.2 Encouraging companies to acquire / purchase assets that have been verified as green technology assets by the Malaysian Green Technology Corporation (MGTC) and these assets are listed under MyHijau Directory;
 - 2.3 Facilitating the transition of expiring existing tax incentives relating to renewable energy (RE) and energy efficiency (EE) projects; and
 - 2.4 Widening the coverage across various priority green technology industries such as energy, transportation, building, and waste management and supporting services activities.

II. QUALIFYING ACTIVITIES

For purposes of application for incentives, the qualifying activities include green technology project or services activities related to renewable energy, energy efficiency, green building / data centre, waste management, electric vehicle and other supporting services.

The details of qualifying activities for project and services are attached in **APPENDIX I** and **APPENDIX II**.

III. INCENTIVES

1. MALAYSIAN INVESTMENT DEVELOPMENT AUTHORITY (MIDA)

1. A company which undertakes a green technology **project** or **services** activity should submit the application to the Malaysian Investment Development Authority (MIDA).

1.1 Investment Tax Allowance (ITA) (Project)

1.1.1 New Company

ITA of 100% of qualifying capital expenditure incurred on a green technology project from the date on which the **first qualifying capital expenditure** incurred is not earlier than 25 October 2013 for a maximum period of 5 years, or until 31 December 2020. The allowance can be offset against **70%** of statutory income in the year of assessment. Unutilised allowances can be carried forward until they are fully absorbed.

Note:

- For a new company, an approval for ITA may be granted retrospectively from a date which is not earlier than three years from the date of application.
- Qualifying activities as per **APPENDIX I**.

1.1.2 Existing Company

A) **Investment For Own Consumption / Project based**

ITA of 100% of qualifying capital expenditure incurred on a green technology project from the **date of application received on or after 1 April 2017** until 31 December 2020. The allowance can be offset against **70%** of statutory income in the year of assessment. Unutilised allowances can be carried forward until they are fully absorbed.

Note:

- Qualifying activities as in **APPENDIX I**.

B) **New Business Activity**

ITA of 100% of qualifying capital expenditure incurred on a green technology project from the **date of application received on or after 1 April 2017** until 31 December 2020. The allowance can be offset against **70%** of statutory income in the

year of assessment. Unutilised allowances can be carried forward until they are fully absorbed.

Note:

- Eligible for existing company which ventures into a new business and generates new separate income from the existing operations.
- Qualifying activities as in **APPENDIX I**.

1.2 **Income Tax Exemption (ITE) (Services)**

ITE of 100% of statutory income from the year of assessment where the **date of application received by MIDA on or after 1 April 2017** until the **year of assessment 2020**.

Note:

Qualifying activities as per **APPENDIX II**.

1.3 **Additional note:**

Companies given exemption under paragraphs 1.1 and 1.2 must comply with all the conditions stipulated in the approval letter, **failure of which may be the cause for revocation of the incentive**.

2. **MALAYSIAN GREEN TECHNOLOGY CORPORATION (MGTC)**

A company which purchases green technology assets listed in ***MyHijau Directory*** (**www.greendirectory.my**) is also eligible for **ITA of 100%** under the Malaysian Green Technology Corporation (MGTC).

IV. **ELIGIBILITY CRITERIA**

1. The company must be incorporated under the Companies Act, 2016 and resident in Malaysia.
2. A new or existing company undertaking green activities as prescribed in **APPENDIX I** and **APPENDIX II** for business purposes or own consumption / use is eligible to be considered for Green Technology Incentive.
3. For a company which undertakes a green technology project or acquires green technology assets, it must achieve the following green results:-
 - a) Minimises the degradation of the environment or reduces greenhouse emission;
 - b) Promotes health and improvement of environment;
 - c) Conserves the use of energy and / or other forms of natural resources or promotes the use of renewable energy or is able to recycle waste material resources.

4. For a company which undertakes green technology services activities, the company must provide integrated services and meet the criteria of green services as follows:-

- a) **Employing at least five (5) full-time employees working in Malaysia including at least one (1) competent personnel in green technology;**
- b) Must have a green policy related to environmental / sustainability; and
- c) **The income that qualifies for exemption must be derived from green technology services. Income derived from activities other than green technology services is not eligible for income tax exemption.**

Note:

- “Competent personnel” is defined as holding a certificate of competency as a service provider in the related field of green technology.
- Green Policy is a statement about the commitment to sustainability and environment management by the company.

5. Green technology asset listed in *MyHijau* Directory means a green technology product, equipment or system used to conserve the natural environment and resources which minimizes and reduces the negative impact of human activities; and approved by the Minister of Finance (MOF).

6. **Company must incur adequate¹ amount of operating expenditure annually in Malaysia to undertake the proposed green services / projects for business purposes. This operating expenditure should include local services for insurance, legal, banking, ICT and transportation; if those services could be sourced from local/domestic service providers.** However, this amount shall not include the cost of goods sold, depreciation, interest on borrowings and expenses that are not directly involved in the company's proposed activities.

Note: Green technology projects for own consumption is exempted from this condition.

V. MALAYSIA’S PARTICIPATION IN THE ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) TAXATION INITIATIVES

1. Malaysia had joined the Inclusive Framework (IF) on Base Erosion and Profit Shifting (BEPS) in January 2017 and became a BEPS Associate under the IF. As a BEPS Associate and a member of the Forum on Harmful Tax Practices (FHTP), Malaysia has to comply with the ‘Base Erosion Profit Shifting (BEPS) Action 5: Countering Harmful Tax Practices More Effectively, Taking into Account Transparency and Substance’ Report.

¹ *Proposals submitted by companies will be evaluated in detail by MIDA and will be deliberated in the National Committee on Investments (NCI) for decision.*

2. **Green Technology incentive** is one of the incentives evaluated by the FHTP in 2017 and has been categorised under **Non-IP Regime** where companies must ensure **substantial activity requirements** are undertaken in the country to enjoy the incentive.
3. For Non-IP Regime, “**substantial activities**” are defined as having **adequate number of full-time employees working in Malaysia with necessary qualifications and incurring adequate amount of operating expenditure to undertake green technology services/ projects for business purposes in Malaysia.**
4. **Treatment of tax incentive approvals:**
 - Approvals **before** 16 October 2017:
Companies **approved before 16 October 2017 can continue to enjoy the existing incentive without the imposition of substantial activities requirements as mentioned in paragraph 4(a) and 6 of Section IV (Eligibility Criteria) until 30 June 2021.**
 - Approvals **starting from** 16 October 2017:
Companies **approved starting from 16 October 2017 without the substantial activities requirements as mentioned in paragraph 4(a) and 6 of Section IV (Eligibility Criteria) can only enjoy the existing incentive until the new guideline/legislation is published or latest by 31 December 2018 (whichever is earlier).**

In both scenarios, companies are required to comply with the new substantial activities requirements and submit their applications to MIDA if they wish to continue enjoying the incentive.

VI. EFFECTIVE DATE OF APPLICATION

1. Project / Services: Applications to be submitted to MIDA and received by **31 December 2020** are eligible to be considered for the incentive.
2. Asset: Applications to be submitted to the MGTC and received by **31 December 2020** are eligible to be considered for the incentive.

VII. PROCEDURE FOR APPLICATION OF ITA PROJECT AND ITE SERVICES UNDER MIDA

1. The application should be submitted in **three (3) sets** of **GT/JA forms** to:

Chief Executive Officer
Malaysian Investment Development Authority (MIDA),
MIDA Sentral, No. 5
Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50470 Kuala Lumpur
(Attn.: Director, Green Technology Division)

2. For further enquiries and clarification, please refer to:-

Director
Green Technology Division
Malaysian Investment Development Authority (MIDA)
Tel. No. : (603) 2267 3633
Fax No. : (603) 2274 8470
Website : www.mida.gov.my

Note:

Companies undertaking manufacturing activities with shareholders' funds of RM2.5 million and above or employing 75 or more full-time paid employees are required to apply for a Manufacturing Licence under the Industrial Coordination Act, 1975.

Application should be made using the ICA/JA form and submitted to MIDA.

VIII. PROCEDURE FOR APPLICATION OF ITA ASSETS UNDER MGTC

1. Please refer to MGTC website at www.greendirectory.my for the list of assets which have been certified as *MyHijau* by MGTC and approved by the MOF. For further enquiries, please contact MGTC at (603) 8921 0800.
2. Applications should be submitted to:

Chief Executive Officer
Malaysian Green Technology Corporation (MGTC)
No. 2 Jalan 9/10
Persiaran Usahawan Seksyen 9
43650 Bandar Baru Bangi
Selangor Darul Ehsan

IX. EFFECTIVE DATE OF THIS GUIDELINE

This Guideline is **effective starting from 1 July 2018**. This new guideline will supersede the earlier Green Technology guidelines issued by MIDA.

GREEN TECHNOLOGY PROJECT

Qualifying Activities

1. Renewable Energy

Commercial and industrial business entities which undertake generation of energy in the form of electricity, steam, heat and chilled water using renewable energy resources such as:

- a) Biomass
- b) Biogas
- c) Mini hydro
- d) Geothermal
- e) Solar power

Note: Projects which have been approved with Feed-in-Tariff (FiT) for solar by the Sustainable Energy Development Authority (SEDA) are not eligible for the Investment Tax Allowance. Please refer to www.seda.gov.my for information on renewable energy targets and generation by sources.

2. Energy Efficiency

Companies investing in energy efficient equipment or technologies and invest in energy saving equipment.

3. Green Building

Building owners of the commercial / industrial building that have been awarded green building certificates from locally developed rating tool/certification body approved by the Government.

4. Green Data Centre

Companies that purchased any energy efficient product or solution for data centre which have been awarded green building certificates from locally developed rating tool / certification body approved by the Government.

5. Integrated Waste Management

Companies which undertake / invest in waste recycling or waste recovery or waste treatment and additional activities such as composting or store or collection or disposal.

GREEN TECHNOLOGY SERVICES

Qualifying Activities

1. Renewable Energy

Services related to renewable energy project such as system design and feasibility study, advisory and consultancy, testing and commissioning.

2. Energy Efficiency

Services related to energy efficiency such as advisory and consultancy, energy audit and management, measurement and verification, testing and commissioning.

3. Electric Vehicle (EV)

- a) Services related to installation, maintenance and repair of EV charging equipment, infrastructure and EV charging station.
- b) Services related to operation of the EV charging station.
- c) Services related to maintenance, repair and overhaul of EV.

4. Green Building

Services related to testing and commissioning of green building equipment and system, and services related to green building design and consultancy services.

5. Green Data Centre

Services related to system design and feasibility study, advisory and consultancy, testing and commissioning of green data centre or ICT infrastructure.

6. Green Certification and Verification

Services related to green certifications of products, equipment and buildings.

7. Green Township

Services related to advisory and consultancy, design and feasibility study in Green township and low carbon cities planning.