

**PART (1)****Laws and Orders**

1. The followings are the laws and orders, governing export and import transactions by the State owned enterprises or private enterprises,
  - (a) The Control of Imports and Exports (Temporary) Act 1947.
  - (b) The Essential Goods and Services (Temporary) Act.
  - (c) The (Importers and Exporters) Registration Order 1954.
  - (d) The Registration of Business Representative Order of Ministry of Trade.
  - (e) The Export and Import Order of Ministry of Commerce.
  - ( f ) The Import License Fee Order of Ministry of Commerce.
  - (g) The Import License Fee Exemption Order of Ministry of Commerce.
  - ( h ) The Order prescribing the commodities exportable without export permit of Ministry of Commerce.
  - ( l ) The Order prescribing the commodities importable without import permit of Ministry of Commerce .
  - ( j ) The Order prescribing the prohibited import items of Ministry of Commerce .
  - ( k ) The Order prescribing the prohibited export items of Ministry of Commerce.

**PART (2)****Registration of Exporter/Importer****Registration**

2. The Following enterprises desirous of carrying on export/import business shall apply to the Directorate of Trade, Ministry of Commerce for registration as exporter/importer:

(a) The following enterprises registered under Myanmar Companies Act and Special Company Act of 1950:

- (1) Limited Companies (inclusive of foreign companies);
- (2) Joint - Venture Corporation/Joint - Venture Company Limited;
- (3) Partnership firms.

(b) Co-operative societies registered under the Co-operative Societies Law.

**Term of registration, registration fee and extension fee**

3. Term of registration, registration fee and extension fee for exporter/importer are as follows:

No	Terms of registration	Registration fee and extension fee
1.	For one year	50,000 Kyats
2.	For two years	100,000 Kyats

4. The term of registration for exporters/importers is allowed consecutively 2 years from the permitted date. If the term for the companies, partnerships, co-operatives limited is lower than 2 years, the term is allowed according to the relevant ministries' permission.

**Exemption from the registration of exporter/importer**

5. According to the Ministry of Trade's order number (1/91), dated 1-1-1991, the following organizations are exempted from the registration of exporter/importer:

- (a) Governmental Departments
- (b) State Economic Organizations
- (c) State Owned Banks
- (d) Yangon City Development Committee

**PART (3)****Permission to do Export/Import Business**

6. Only the Companies, Joint - Ventures, Partnership firms, Co-operatives and Governmental Departments which already get the registered exporters/importers certificates, have the rights to do business of export and import for commercial purposes. Export and import businesses are allowed only after getting the permission of export/import license.

**Licensing Authorities**

7. The authority to issue export/import licenses and permits is delegated to the Directorate of Trade (DOT) and Department of Border Trade (DOBT) under the Ministry of Commerce (MOC). The DOT is authorized to issue export/ import licenses and permits for export/ import of overseas trade and on the other hand, the DOBT is authorized to issue export/ import licenses for cross border trade.

**Methods of Trade**

8. Export, import transactions can be made by the following (2) methods:

(a) **Conventional Trade:** In conventional trade, Export/Import transactions can be allowed to do in accordance with the international trading system and banking procedures with the foreign currencies prescribed by the Central Bank of Myanmar.

(b) **Border Trade:** In cross border trade, Export/Import business can be done with following four neighboring countries with local currency, respective neighboring county's currency and also others foreign currencies occasionally permitted by the Central Bank of Myanmar:

- (1) Myanmar - China Border
- (2) Myanmar - Thailand Border
- (3) Myanmar - India Border
- (4) Myanmar - Bangladesh Border

### **Types of foreign currencies to be allowed for export and Import**

9. In conventional trade, the following types of foreign currencies are allowed to do export/import transactions through the relevant banks.

- (a) US dollar
- (b) Euro Currency
- (c) Singapore Dollar
- (d) Japanese Yen
- (e) Foreign currencies occasionally permitted by the Central Bank of Myanmar

10. The following types of currencies are allowed to settle for the payment of importation and exportation in following respective cross border trade;

- |     |                             |  |
|-----|-----------------------------|--|
| (a) | Myanmar - China Border      | Kyat , Chinese RMB, US\$ and other foreign currencies permitted by the Central Bank, if any. |
| (b) | Myanmar - Thailand Border   | Kyat , Baht, US\$ and other foreign currencies permitted by the Central Bank, if any.        |
| (c) | Myanmar - India Border      | Kyat, Indian Rupee, US\$ and other foreign currencies permitted by the Central Bank, if any. |
| (d) | Myanmar - Bangladesh Border | US\$ and other foreign currencies permitted by the Central Bank, if any.                     |

### **Method of payment for the exportation of goods**

11. As regard the payment for export, buyers can remit Telegraphic Transfer (TT) in advance payment and established Letter of Credit (L/C) system.

### **Products allowed for export**

12. All products except some prohibited and banned commodities by the international organizations' agreements and a few products which are not allowed to export from time to time, are allowed to export.

**List of Commodities Prohibited to Export**

13. (a) **Agricultural Products**  
 Groundnut, Groundnut oil  
 Red Sesamum, Brown Sesamum and Sesamum oil  
 Niger Oil  
 Mustard, Mustard Oil  
 Sun-flower seeds, Sun-flower oil  
 All kinds of oil-extracted cakes  
 Cotton and cotton products
- (b) **Minerals and Metals**  
 Gold  
 Diamond  
 Petroleum
- (c) **Animal and Animal Products**  
 Ivory  
 Buffalo, cow, elephant, horse and rare animals
- (d) **Marine Products**  
 Shrimp bran
- (e) **Miscellaneous**  
 Arms and ammunitions  
 Antiques

**Commodities to be allowed to export with the recommendation of concerned departments**

14. (a) **Agricultural Products**  
 Rice and Rice Products
- (b) **Minerals and Metals**  
 Jewellery  
 Jade  
 Pearl

Lead

Tin

Wolfram

Tin-scheelite

Silver

Bronze

Zinc

Coal

Other Metals

**(c) Animal and Animal Products**

Leather

**(d) Forest Products**

Teak

**Commodities for which export licenses / permits are exempted**

15. Some commodities which are exempted from the application of export license/permits prescribed by the Ministry of Trade's order number (1/91), dated 1-1-1991 and Ministry of Commerce's order number (3/99), dated 19-2-1999.

**Validity period of export license**

16. The validity period of export license is three months from the date of issue.

**Export license fees**

17. Export license fees and customs duty are not payable on export of any commodity.

**Preferential Tariff Certificate of Origin**

18. Since Myanmar is a LDCs and a member of the multilateral trading organization, regional and sub-regional trade co-operation agreements such as WTO, ASEAN, ASEAN +1s, ASEAN + 3, BIMSTEC, GMS, ACMECS, etc., so some preferential tariff treatments provided by following countries can be enjoyed:

(a) Generalized System of Preference (GSP) Scheme from Developed Countries

- (b) Preferential Tariff for LDCs from the Republic of Korea
- (c) Duty Free Tariff Preference (DFTP) from the Republic of India
- (d) Common Effective Preferential Tariff (CEPT) Scheme among ASEAN members
- (e) ASEAN - China, ASEAN - Korea, ASEAN - Japan Preferential Tariff Schemes
- ( f ) Special and Preferential Tariff (SPT) Scheme from the People's Republic of China

### **Products allowed for import**

19. All products except some prohibited and banned commodities by the international organizations' agreements and a few products which are not allowed to import from time to time, are allowed to import.

### **List of commodities prohibited to import**

20. The commodities which are not allowed to import are as followed;

Prohibited import items by the governmental organizations.

- (a) Frozen chicken, beef, pork and mutton
- (b) Canned meat
- (c) Processed meat like sausages and ham
- (d) Mayonnaise
- (e) Chocolate
- ( f ) Fresh Cream
- (g) Ice Cream
- (h) Cakes
- ( i ) Cookies
- ( j ) Pies
- (k) Pizza
- ( l ) Pasta
- (m) Milk
- (n) Butter and cheese
- (o) Yogurt
- (p) Baby food and milk powder

- (q) Egg products

**Commodities permitted to import by specification**

21. Out of imported products, foodstuff that can harm for human consumption and trade council's prescribed products (for example, RBD palm olein oil, Dairy Products are prescribed to import by specification.
22. Import of foodstuff shall be imported according to the specifications, when the specifications are prescribed.

**Importation of drugs and medicine**

23. Only drugs and medicine registered with Myanmar Food and Drug Board of Authority of the Department of Health, will be allowed to and distribute the drugs and medicines will be required to produce the following certificate and license, issued by the Myanmar Food and Drug Board of Authority of the Department of Health, for the issuance of the import license;

- (a) Drug Importation Approval Certificate
- (b) Drug Wholesaler's License
- (c) Drug Registration Certificate

**Importation of narcotic drug and psychotropic substances and chemical precursor**

24. Ministry of Health had notified narcotic drugs, psychotropic substances and chemical precursors as follows;

- (a) (25) Chemical Precursors
- (b) (115) Psychotropic Substances
- (c) (125) Narcotic Drug

25. The registered exporter / importer who is allowed to import the narcotic drugs, psychotropic substance and chemical precursor shall import the quantity permitted by Ministry of Health.

26. The registered exporters / importers shall apply for importing of the narcotic drugs, psychotropic substances and chemical precursors only after receiving the certificate from the Central Committee of Drug Abuse Control (CCDAC).



27. The registered exporter / importer of psychotropic substance and chemical precursor shall strictly follow the instruction of CCDAC when the import and local distribution is made.

#### **Import of spare parts of motor vehicles**

28. Only brand new spare parts of motor vehicles are allowed to import.

#### **Import of reconditioned machineries**

29. Although importation of goods such as reconditioned air-conditioners, refrigerator, machineries, etc are allowed to import individual citizen who earn foreign exchange legally but importation of the reconditioned machineries by private entrepreneurs (including joint - venture corporations) for trading purpose shall not be granted and only brand new goods shall be allowed.

30. In order to operate the manufacturing industries and services industries (including rental services) of the machinery investment of private entrepreneurs, Ministry of Commerce shall permit the importation of reconditioned machineries to private entrepreneurs in accordance with the following terms and condition:

- (a) Machinery to be used in small and medium industries.
- (b) Machinery to be qualified as the fully reconditioned grade.
- (c) Machinery to be made availability of required spare parts during 10 years period after importation.
- (d) Availability of overseas supplier's warranty that the machinery will be running condition for 10 years period after importation.

31. The relevant supporting of above mentioned terms and conditions shall be submitted in full. If entrepreneur wishes to use the imported machinery for his business, relevant supporting (including registration of member of Myanmar Industries Association) shall be submitted.

#### **Types of foreign exchange to be allowed for import**

32. Import license shall be allowed against the following type of foreign exchange;

- (a) Export earning

- (b) Service earning (port service charges, CMP charges, software service charges)
- (c) Foreign Exchange Account Transfer within National Entrepreneurs
- (d) Import shall be allowed after making payment on revenue tax.

### **Pre-shipment**

33. Pre - shipment is not allowed without the permission of import license. It is not also allowed to apply import license after receiving the products.

### **Validity period of import license**

34. The validity period of import license is three months from the date of issue.

### **Import license fee**

35. Import license fee is payable as per rates mentioned below;

No	CIF Value	Import License Fee
1	Up to Kyat 10000	Kyat 250
2	Kyat 10001 to Kyat 25000	Kyat 625
3	Kyat 25001 to Kyat 50000	Kyat 2500
4	Kyat 50001 to Kyat 100000	Kyat 2500
5	Kyat 100001 to Kyat 200000	Kyat 5000
6	Kyat 200001 to Kyat 400000	Kyat 10000
7	Kyat 400001 to Kyat 1000000	Kyat 20000
8	Kyat 1000001 and above	Kyat 50000

### **A penalty for the goods more than allowed in the license**

36. If the quantity and value of commodity actually arrived at the ports of discharge in the Union of Myanmar is more than the original import license, license fee is payable on the excess quantity and value of the commodity arrived.

### Commodities for which import license fee is exempted

37. Import license fee is exempted on the following commodities;

(a) The commodities imported for business purpose by the organizations doing business under the foreign investment permit issued by the Union of Myanmar Foreign Investment Commission as follows;

- (1) Machinery, equipment, instrument machinery components, spare parts and materials used in the business which are actually required for use during the construction period and imported as foreign capital in kind prescribed by the Union of Myanmar Foreign Investment Commission:
- (2) Raw materials and packing materials imported for the first three years' commercial production following the completion of construction for the purpose of manufacture and export.

**Note:** Regarding the raw materials originally imported for the purpose of manufacture and export, if the finished products can not be exported for any reason, but sold in the domestic market, then import license fee shall be paid on such raw materials or packing materials.

(b) The following commodities directly imported by the state owned economic enterprise and departments with their own budget;

- (1) Commodities imported for business use and departmental use;
- (2) Capital goods imported under the annual investment programme.

**Note:** The above mentioned exemption does not apply to the commodities, imported by the state owned economic enterprise and department through exporters / importers.

(c) (36) kinds of medicines and (31) kinds of pharmaceutical raw materials used in the manufacture of drugs and medicines, imported by the state owned economic enterprise or registered private exporter / importer for the purpose of supporting the improvement of public health and the welfare of the people in receiving medical treatment.

- (d) The following commodities, imported by the state owned economic enterprises or registered private exporter / importer for the development of the agriculture sector.
- (1) Fertilizer
  - (2) Farm Implements
  - (3) Agriculture Machinery
  - (4) Insecticides
- (e) Commodities transported through the territory of the Union of Myanmar under the transit trade system.

**Pre - shipment inspection and inspection at Yangon, the port of discharge**

38. Shipment shall be effected only after pre - shipment inspection is made and upon receipt of the prescribed endorsement for the products allowed to import with the condition that the pre - shipment inspection shall be made as per terms and conditions of the import license whether the import is made either by the prescribed specifications or by the manufactures' specifications. Inspection at the port of Yangon shall also be made as per terms and conditions of the import license and distribution shall only be made upon receipt of the certificate that the product is fit for human consumption, issued by the National Health Laboratory.

39. The followings are the inspection organizations prescribed to undertake preshipment inspection and arrival at the port of Yangon.

(a) **RBD Palm Olein Oil**

- Shipment shall be effected only after the inspection is made as to whether the product is in accordance with the specifications as per Sales Contract and upon receipt of the endorsement by recognized international commodity / marine inspection organization and the National Health Laboratory.
- If the shipment is effected from Malaysia, certification and endorsement from the Ministry of Health shall be submitted.
- If the shipment is effected from Singapore, shipment shall be made only upon receipt of the certificates from the Ministry of Environment

(Food Control Department) or Singapore Institute of Standard and Industrial Research.

- Inspection shall be made by Myanmar Inspection and Testing Service Ltd. (MITS) upon arrival at the port of Yangon.

**(b) Dairy Products**

- The registered exporters / importers are allowed to import by the specifications of one's own choice.
- Pre-shipment inspection shall be made through Myanmar Inspection and Testing Service Ltd. (MITS), at the expense of the overseas seller.
- Shipment shall be effected only if the overseas agent of the Myanmar Inspection and Testing Services Ltd. (MITS), certify that the products are in conformity with the sales contract, fit for human consumption and the contents of radioactivity is less than the prescribed level and not harmful to human beings.
- Inspection at the port of Yangon shall also be made by Myanmar Inspection and Testing Service Ltd. (MITS), at the expense of the buyer.
- Inspection and testing by the National Health Laboratory and the Myanmar Scientific and Technological Research Department, (previously known as Central Research Organization) shall also be made.
- Distribution shall only be made upon receipt of the certification from the National Health Laboratory and from Myanmar Scientific and Technological Research Department that the product is fit for human consumption that the content of the radioactivity is less than the prescribed level.

**Method of Payment for the Importation of goods**

40. As for payment in import, opening of the L/C payment is allowed.

**Export, Import Transactions by Conventional Trade**

41. Export, import transactions by conventional trade are as follows;
- (a) By sea
  - (b) By air
  - (c) By Land

**Methods of exportation and importation**

42. Methods of export are as follows;
- (a) Normal L/C ,TT
  - (b) Export Permit
  - (c) Cutting, Making and Packaging(CMP)
  - (d) Payment in kind
  - (e) Draw Pack
  - (f) Transit Trade
  - (g) Account Trade
  - (h) Counter Trade
  - (i) Border Trade
  - (j) Re- export
  - (k) Others
43. Methods of import are as follow;
- (a) Normal L/C
  - (b) Free of Charge (FOC)
  - (c) Import permit
  - (d) Cutting, Making & Packaging (CMP)
  - (e) Payment in kind
  - (f) Capital in kind
  - (g) Loan in kind
  - (h) Draw Back
  - (i) Transit Trade

- (j) Account Trade
- (k) Counter Trade
- (l) Border Trade
- (m) Revolving Fund
- (n) Consignment Basic
- (o) Re- export
- (p) Others

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**PART (5)**

**Border Trade**

**Import license fees**

44. If the goods are imported through border areas with border trade method, import license fees must be paid as followed;

(a) If importing with Kyat, the import license fees are;

No	Cost Insurance Freight (CIF) (Kyat)			Import License Fee (Kyat)
1	Kyat	to	10000	250
2	Kyat	From 10001 to	25000	625
3	Kyat	From 25001 to	50000	1250
4	Kyat	From 50001 to	100000	2500
5	Kyat	From 100001 to	200000	5000
6	Kyat	From 200001 to	400000	10000
7	Kyat	From 400001 to	1000000	20000
8	Kyat	up to	1000001	50000

(b) If importing by Dollars at Myanmar – China border area, Myanmar – India border area, Myanmar – Bangladesh border area and Myanmar – Thailand border area, the import license fees are;

No	Cost Insurance Freight (CIF) (Kyat)			Import License Fee (Kyat)
1	From 1	to	1000	10
2	From 1001	to	2500	20
3	From 2501	to	5000	25
4	From 5001	to	10000	30
5	From 10001	to	25000	35
6	From 25001	to	50000	40
7	From 50001	to	100000	50
8	From 100001	to	200000	75
9	From 200001	to	400000	85
10	From 400001	to	1000000	90
11		Up to	1000001	100



- (c) If importing by Baht at Myanmar – Thailand border area, the import license fees are;

No	Cost Insurance Freight (CIF) (Kyat)	Import License Fee (Kyat)
1	From 1 to 1000	10
2	From 1001 to 2500	50
3	From 2501 to 5000	75
4	From 5001 to 10000	150
5	From 10001 to 20000	300
6	From 20001 to 40000	400
7	From 40001 to 100000	800
8	From 100001 to 200000	1000
9	From 200001 to 400000	1200
10	From 400001 to 900000	1900
11	From 900001 to 1900000	1900
12	From 1900001 to 4000000	2000
13	From 4000001 to 20000000	3000
14	From 20000001 to 30000000	3600
15	From 30000001 to 45000000	4000
16	Up to 45000001	4500

- (d) If importing by Chinese RMB at Myanmar – China border area, the import license fees are;

No	Cost Insurance Freight (CIF) (Kyat)	Import License Fee (Kyat)
1	From 1 to 1000	20
2	From 1001 to 2500	50
3	From 2501 to 5000	75
4	From 5001 to 8000	90
5	From 8001 to 20000	150
6	From 20001 to 40000	200
7	From 40001 to 80000	250
8	From 80001 to 160000	300

9	From 160001	to	400000	400
10	From 400001	to	900000	450
11	From 900001	to	4000000	600
12	From 4000001	to	6000000	700
13	From 6000001	to	9000000	800
14		Up to	9000001	850

(e) If importing by Indian Rupee at Myanmar – India border area, the import license fees are;

No	Cost Insurance Freight (CIF) (Kyat)			Import License Fee (Kyat)
1	From 1	to	1000	20
2	From 1001	to	2500	50
3	From 2501	to	5000	75
4	From 5001	to	10000	150
5	From 10001	to	20000	300
6	From 20001	to	40000	400
7	From 40001	to	50000	500
8	From 50001	to	100000	800
9	From 100001	to	200000	1000
10	From 200001	to	500000	1500
11	From 500001	to	1000000	2000
12	From 1000001	to	2500000	2500
13	From 2500001	to	6000000	3000
14	From 6000001	to	25000000	3500
15	From 25000001	to	35000000	4000
16	From 35000001	to	50000000	4500
17		Up to	50000001	5000

**Documents to be attached with the application of export, import license according to the nature of goods**

45. Some documents to be attached with the application of export/import license according to the nature of goods in accordance with the procedure of overseas trade.

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**PART (6)**  
**General**

**Export policy**

46. The basis principle of export policy is to penetrate into the global market by using our existing natural and human resources and to produce value added products more than normal export items.

**Import policy**

47. The basis principle of import policy is priority import the capital goods, construction materials, other essential goods, hygienic materials for people's health, supporting products for export promotion and support the import substitute production.

**Prohibited countries for trade**

48. Entrepreneurs shall not conduct any trade activities with countries that do not have diplomatic relation with the Union of Myanmar, like Taiwan and any country on which the United Nations has imposed embargo.

**Arbitration of trade disputes**

49. Entrepreneurs having trade dispute with foreign companies shall resolve the said dispute in accordance with the existing law of the Union of Myanmar's Arbitration Act 1994.

**Regulations to be abide by exporters and importers**

50. Export / import license issued for exportation or importation of goods shall not be transferred to another party without the approval.

51. Records of purchase or sale or accounts relating to the business must be entered in the prescribed register books and they shall be produced when asked for.

52. The register books are subject to inspection if the inspection is made by the authorized person of Ministry of Commerce.

**Legal action**

53. Legal action will be taken against any entrepreneur under the control of imports and exports (temporary) for committing any of the following acts;

- (a) Exporting / importing without being registered as exporter / importer
- (b) Exporting / importing goods other than that for which the license has been granted
- (c) Transferring or selling the export / import license granted to one entrepreneur to other person.