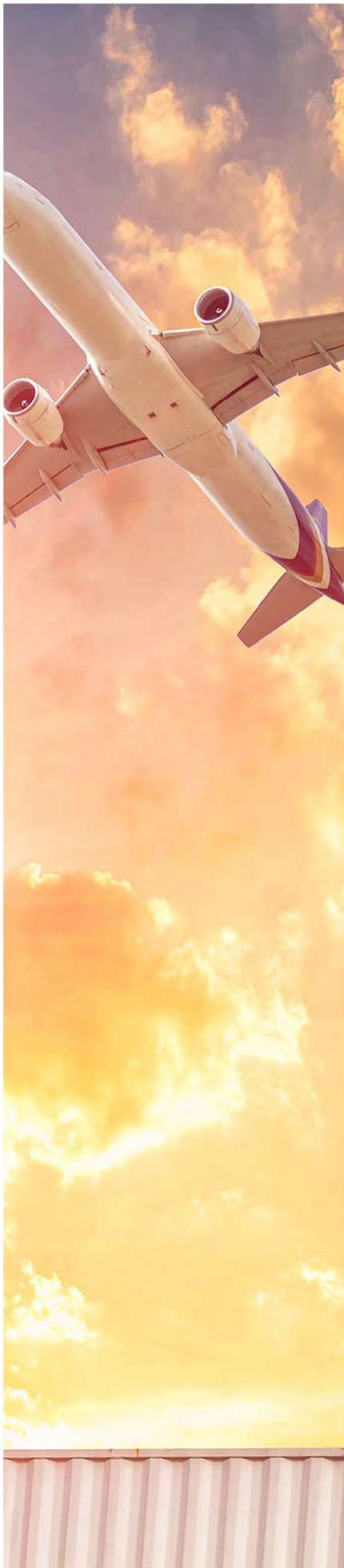


## **eBook on East Asia Customs Procedures**

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The Republic of the Union of Myanmar





## **eBook on East Asia Customs Procedures**

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## MESSAGE FROM CHAIRMAN

Blessed with geographical proximity, cultural affinity, close business ties and natural advantages for trade and economic cooperation, East Asia is one of the regions in the world with the most potential and development prospects. Since its establishment in 2004, East Asia Business Council (EABC) has always held the belief that cross-border trade, investment liberalization and facilitation are the prerequisites and foundations for East Asian countries to



promote industrial advancement, reduce unemployment and improve the quality of economic development. EABC has long been devoting to reducing trade and investment barriers and facilitating enterprises to carry out cross-border trade and investment.

In 2018, EABC agreed to compile eBook on East Asia Customs Procedures and listed it as a top priority in the Council's annual work in 2019. Today, the eBook is officially launched, with the expectation to strengthen regional economic and trade information sharing and further improve trade facilitation and connectivity among East Asian countries.

The eBook on East Asia Customs Procedures covers the guides of Customs procedures in 13 countries in East Asia, with 24 major items related to the Customs clearance of goods such as legal system, clearance procedures,

prohibitions and restrictions, duty collection (including classification, valuation, rules of origin), trade statistics, violations and sanctions, FTAs, AEOs and etc. The eBook is published electronically in English, providing companies with practical reference for international trade.

I believe that the eBook will help enterprises in the region, especially small and medium-sized enterprises, improve their capabilities in business management, investment and financing, and international market development. We hope that enterprises will take full advantage of the eBook to actively explore the regional market and achieve development goals.

Lu Pengqi  
EABC Chairman 2019

## ACKNOWLEDGEMENTS

Heartfelt gratitude and sincere respects should be addressed to China Committee, East Asia Business Council (in short EABC China, also China Council for the Promotion of International Trade - CCPIT), to organize, support and sponsor the edition and publication of the eBook on East Asia Customs Procedures to provide manufactures, trader and related service-providers with comprehensive information and elaborate references on Customs procedures in 10 ASEAN member countries and China, Japan and the Republic of Korea, which is a unique, innovative and significant contribution to regional and even international trade community.

Cordial appreciations should be extended to the Trilateral Cooperation Secretariat (TCS) for supporting and partially sponsoring the eBook of China, Japan and the Republic of Korea and CCPIT Guangxi Sub-council for supporting the project.

Dedicated gratitude should also be expressed to all members of the editing team, proofreading team, project team for their arduous and continuous efforts during the process.

## EDITOR'S STATEMENT

Customs procedures in almost every country are usually very professional, diverse, technical, abstruse, ambiguous, and even trapped for cross-border manufactures, traders and related service-providers, sometimes even cause significant invisible “barriers” to trade. Thus all the stakeholders imminently need information, materials and references as comprehensive, elaborate and concrete as possible in different countries to enhance the effectiveness and efficiency of cross-border trade.

This eBook on East Asia Customs Procedures aiming to provide a general picture involves in almost all aspects of Customs procedures in 10 ASEAN member countries and China, Japan and the Republic of Korea. For each eBook, a framework of 24 parts of contents is basically followed with certain flexibility of adjustments according to specific situation of each individual country.

It is not an easy task to edit this panorama-type of eBook and during the process the editors are facing significant challenges including English language proficiency, professional competence and most importantly very limited information and materials in English for references.

The contents of each eBook are based on current publicly available information and materials in English, mainly contained in the publications and on the websites of related Customs administrations, government departments and agencies, international organizations and private professional institutions. The editors believe the selection and use of publicly available information will not affect the interests of the above-mentioned organizations and sincerely appreciate those organizations having their information and publications publicly available.

During the editing process, the biggest and greatest challenge is the lack of information and materials in English, which are very limited in almost all countries and even very deficient, very scarce in some countries. Therefore some citations from the official websites and excerpts from legal documents do exist in the eBook.

As a first remarkable pilot project in the fields, this eBook on East Asia Customs Procedures are not perfect and flawless and we are satisfied with the qualities of the majority and will keep on improving the rest.

## ABBREVIATIONS

AEO	Authorized Economic Operator
APEC	Asia and Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
ASW	ASEAN Single Window
ATIGA	ASEAN Trade in Goods Agreement
FTA	Free Trade Agreement
GATT	General Agreement on Tariff and Trade
HS	Harmonized Commodity Description and Coding System
MACCS	Myanmar Automated Cargo Clearance System
MFN	Most Favored Nation
NSW	National Single Window
PSI	Post-clearance Audit
WCO	World Customs Organization
WTO	World Trade Organization

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# eBook on East Asia Customs Procedures

## The Republic of the Union of Myanmar

### 1. INTRODUCTION OF MYANMAR CUSTOMS

After Myanmar's independence on January 4, 1948, the Imperial Customs was placed under the control of Ministry of Finance and Revenue. And now it has become one of the responsible bodies for revenue collection and law enforcement under the Ministry of Planning and Finance.

Led by Director General and headquartered in Yangon, the economic center and former capital city of the Union of Myanmar, Myanmar Customs Department has the vision to create a Customs Service which generates the security and facilitation of international trade, production of social well-being and trade partnership with stakeholders.

#### 1.1 Mission

The mission of Myanmar Customs Department is to achieve trade facilitation through simplification of Customs procedures, while ensuring Customs control objectives to maintain proper collection of revenue.

#### 1.2 Objectives

The objectives of Myanmar Customs Department mainly include:

- to enhance revenue through trade promotion,
- to prevent evasion and loss of revenue by implementing effective control measures,
- to collect data for compilation of statistics on foreign trade,

- to modernize and standardize Customs procedures to be in line with international standards and practices,
- to cooperate and coordinate with other allied law enforcement agencies,
- to promote public image by enhancing integrity of Customs personnel.

### 1.3 Functions

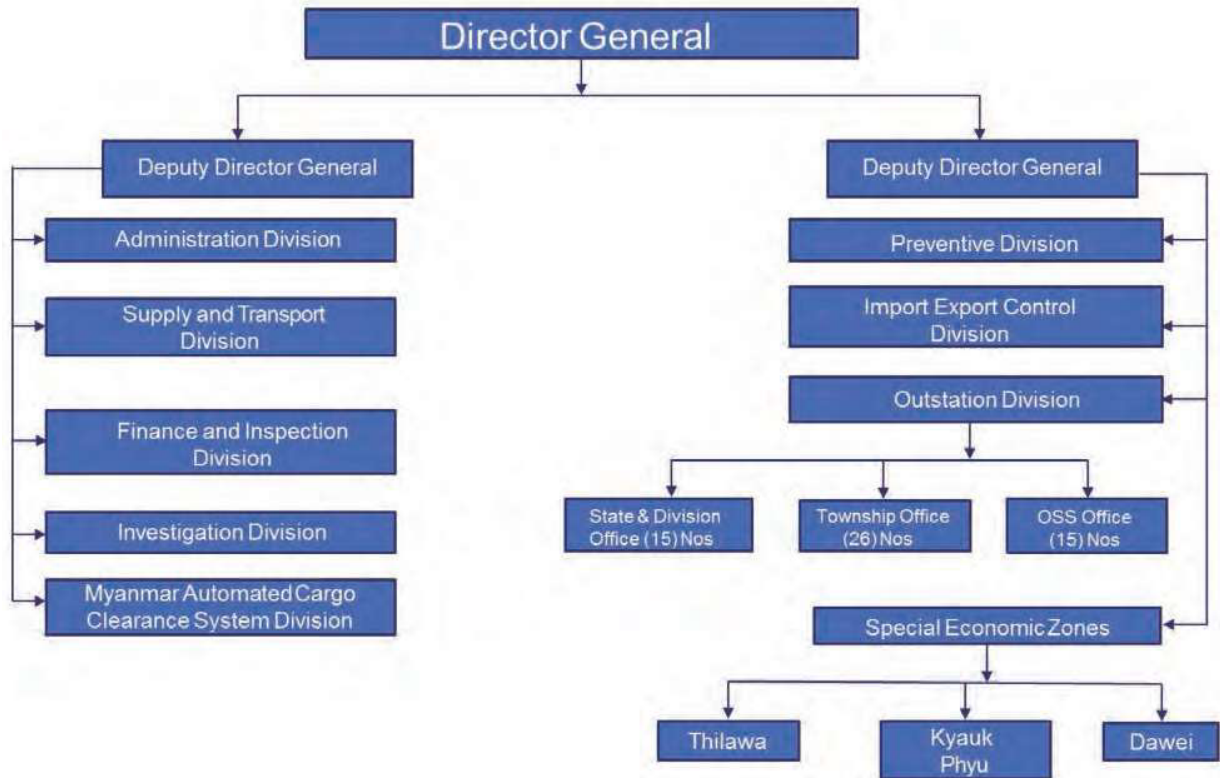
Major functions of Myanmar Customs Department include:

- to examine and monitor importation and exportation of goods,
- to control passengers entering or leaving Myanmar,
- to assess and levy duties and taxes,
- to enforce the provisions of the Sea Customs Act, Land Customs Act, Tariff Act and other relating laws,
- to combat commercial fraud,
- to ensure that the goods entering or leaving the territory of Myanmar are correctly abided by the existing laws.

### 1.4 Organizations

After significant extensions in new organization structure in recent years including the establishment of new Division for MACCS, new Customs offices for 3 Special Economic Zones, new regional offices for 14 regional states and Naypyitaw Council, Now nation-widely Myanmar Customs Department, with a staff force of more than 3200, has 8 internal divisions, 59 offices shown in the following Figure 1.

Figure 1 Organizational Chart of Myanmar Customs Department



Source: [www.customs.gov.mm](http://www.customs.gov.mm)

## 1.5 International Memberships

After joining the General Agreement on Tariff and Trade (GATT) on January 1, 1948, the Republic of the Union of Myanmar has become a founding member of World Trade Organization (WTO) on January 1, 1995 and has been formally admitted to the ASEAN as the 9th country on the July 23, 1997. Myanmar Customs Department becomes 109th member administration of the World Customs Organization on March 25, 1991.

## 1.6 Sources for Importers and Exporters

The official website of Myanmar Trade Portal ([www.myanmartradeportal.gov.mm](http://www.myanmartradeportal.gov.mm)) hosted by the Ministry of Commerce has been discovered to be the most comprehensive and informative source for

clearance procedures in English while the official websites of Myanmar Customs Department ([www.myanmarcustoms.gov.mm](http://www.myanmarcustoms.gov.mm)), and Myanmar Automated Customs Clearance System ([www.maccs.gov.mm](http://www.maccs.gov.mm)) can only provide limited information in English instead of Burmese language.

---

## 2. CUSTOMS LEGAL SYSTEM

### 2.1 Customs Laws

In Myanmar, Customs Laws mainly include Sea Customs Act (1878) amended by the Pyidaungsu Hluttaw Law No.13/2015, Land Customs Act (1924) amended by the Pyidaungsu Hluttaw Law No.14/2015 and Tariffs Law (1992) updated in 2017. The above-mentioned Sea Customs Act (2015), Land Customs Act (2015) and Tariffs Law (1992) have established the most important and most fundamental legal foundation for Myanmar Customs with a view to assisting the development of market economic system through facilitation of international trade.

### 2.2 Other Related Laws Enforced by Myanmar Customs

Myanmar Customs Department also enforces other related laws administered by other government departments and agencies including:

- Arms Act, 1878,
- Explosives Act, 1884,
- Myanmar Merchandise Marks Act 1889,
- Myanmar Post Office Act, 1898,
- Yangon Port Act, 1905,
- Myanmar Excise Act, 1917,
- Poisons Act, 1919,
- Myanmar Merchant Shipping Act, 1923,

- Myanmar Aircraft Act, 1934,
- Petroleum Act, 1934,
- Myanmar Lighthouse Act, 1937,
- Imports and Exports Act, 2012,
- Foreign Exchange Management Act, 1947,
- Antique Object Act, 1957,
- Foreign Investment Law, 1988,
- Fishing Right of Foreign Fishing Vessels Law, 1989,
- Aquaculture Law, 1989,
- Commercial Tax Law, 1990,
- Pesticide Law, 1990,
- Forest Law, 1992,
- National Drugs Law, 1992,
- Salt Enterprise Law, 1992,
- Narcotic Drugs and Psychotropic Substances Law, 1993,
- Plant Pests Quarantine Law, 1993,
- Animal Health and Development Law, 1993,
- Citizens Investment Law, 1994,
- Protection of Wild Life, Wild Plants and Conservation of Natural Areas Law, 1994,
- Myanmar Gemstones Law, 1995,
- Myanmar Television and Video Law, 1996,
- Motion Picture Law, 1996,
- Computer Science Development Law, 1996,
- National Food Law, 1997,
- Atomic Energy Law, 1998,
- Fertilizer Law, 2002,
- Control of Money Laundering Law, 2002,

- Control of Money Laundering Rules, 2003,
- Rules Relating to the Supervision of Controlled Precursor Chemicals, 2004,
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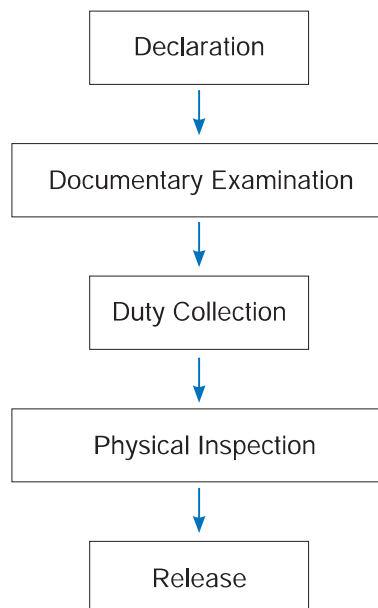
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### 3. ROUTINE CUSTOMS CLEARANCE PROCEDURES

Routine Customs clearance procedures for imports and exports usually include the following five steps:

- Declaration,
- Documentary Examination,
- Duty Collection,
- Physical Inspection,
- Release.

*Figure 2 Customs Clearance Procedures by Myanmar Customs*



## 3.1 Declaration

Importers, exporters or their Customs Clearance Agents are required to file declaration to Customs upon arrival or departure of consignments. Besides Declaration Form, other supporting documents are also required to be submitted.

### 3.1.1 Declaration for Import

Under the existing rules and regulations all incoming consignments must be cleared through the Customs Department under an Import Declaration Form (CUSDEC-1) accompanied by the following documents:

- Import License / Import Permit / Non License, Form VI, XXVI,
- Invoice,
- Bill of Lading or Air Consignment Note,
- Packing List,
- Sale Contract,
- Import Company Registration Certificate,
- Other certificates and permits issued by the relevant Government Departments as a condition for import include:
  - Food: Food and Drug Admission
  - Drugs and Medicines: Drug Registration Certificate
  - Pesticides: Pesticide Registration Department's Recommendation
  - Agricultural Equipment: Minister of Department of Agriculture and Irrigation's Recommendation
  - Animals & Products (meat, eggs, etc.): Health Certificate
  - Plants: Phytosanitary Certificate
  - Essential Oil: Chemical & Beer Industry's Recommendation
  - Dangerous Cargo: Storage Control Department's Recommendation

### 3.1.2 Declaration for Export

On the shipment of export commodities an Export Declaration Form (CUSDEC-2) must be submitted to

the Customs Department together with the following supporting documents if needed:

- Export license / Export Permit / Non License, Form VI, XXVI,
- Invoice,
- Packing List,
- Sales Contract,
- Shipping Instruction / Booking Note,
- Letter of Credit or General Remittance Exemption Certificate,
- Payment Advice referring Inward Telegraphic Transfer Private No. / Inward Telegraphic Transfer Government No.,
- Sample of goods,
- Forest Pass for the shipment of forestry produce,
- Health Certificate for the export of live animals,
- Forest Permit for the export of wild live animals,
- Other certificates and permits as required by the government agencies concerned.

### 3.1.3 Declaration for Transit Trade

All commodities, not for domestic consumption and imported for transit trade, are required to produce the Customs Declaration Form for Transit Trade (CUSDEC-3), attached with the following documents:

- Bill of Lading or Air Consignment Note or Truck Note,
- Transit Trade License or Permit issued by the Ministry of Trade,
- Commercial Invoice,
- Sales Contract between seller and buyer or contract between seller and authorized agent,
- Guarantee Bond, undertaken in strict compliance with regulations: failure to export will be dealt with according to the existing law.

## 3.2 Documentary Examination

After accepting declarations, Customs officials conduct documentary examination to check the accuracy, authenticity and completeness of both Declaration Forms and attached supporting documents, by both

manual and more importantly by advanced automated clearance system.

### 3.3 Physical Inspection

Myanmar Customs examines goods imported or exported physically to assure that they have been properly declared. After examining all declaration documents, physical inspections can be conducted by Customs competent officers based on assessment of risk. Imported goods are divided into three categories: green, yellow and red. Green denotes the least risk, yellow denotes intermediate risk, and red denotes high risk.

In Myanmar, private inspection companies may also conduct pre-shipment inspections (PSIs) of certain commodities, such as rice, fishery products, plant and plant products.

At present, joint inspections are also carried out by Myanmar Customs and other competent authorities at border check points like Mayanchaung checkpoint and Yay Pu checkpoint.

### 3.4 Duty Collection

Once a declaration has been submitted and accepted by the Customs, the importers will be required to pay the duties.

**A.** Customs duties assessed on imports are usually determined based upon three main factors:

- The origin of goods. Country of origin is determined mainly for the application preferential duty rates, such as rates established by the ASEAN Trade in Goods Agreement (ATIGA). Under ATIGA, over 8800 tariff lines are duty free. ASEAN has specific rules for determining ASEAN origin. Myanmar, through ASEAN, also has preferential tariff agreements with China, Korea, India, Japan, Australia and New Zealand and etc.
- The Customs valuation of goods. Myanmar Customs has implemented the WTO Agreement on Customs Valuation in 2016. The WTO Agreement requires the use of the “price paid or payable” (contract price) as the primary valuation methodology. Myanmar’s current and main valuation approach is to use 5 methods: the CIF invoice price of the goods, sales contracts, insurance information, internet prices and other recorded prices.
- The Customs classification of the imported goods.
- The classification, or legal description, is based upon the goods classification under an international

tariff nomenclature, the Harmonized Commodity Description and Coding System (2017), or “HS”, an international agreement administered by the World Customs Organization (WCO) that categorizes all goods into about 5000 commodity groups, each identified by a six-digit code.

- Myanmar applies the ASEAN 8 Customs code, which is based on the HS (2017), which is comprised of 10816 tariff items at the 8-digit level and an additional 351 items at the 10-digit level.
- Based upon tariff classification and country of origin, either a Most Favored Nation (MFN) tariff rate or preferential tariff rate is applied.
- MFN tariff rates in Myanmar are arranged in 15 tariff bands ranging from zero to 40%. Most ASEAN FTA rates (93% or about 8800 lines) are duty free.

**B.** After Customs has assessed the duty payable, the importer may pay the duty either in cash, or by a payment order (a bank money order) or online payment. Cash payments are only permitted for payments less than K5000. The weekly exchange rate as determined by the Central Bank of Myanmar is used for duty assessment.

**C.** A commercial tax and/or an excise tax may be applied to imports, depending on the import’s “classification”. Importers may check applicable commercial and excise tax schedule and in Myanmar the Union Tax Law is revised on an annual basis with new provisions taking effect on October 1.

**D.** Special Goods Tax law was enacted on July 26, 2017.

**E.** Customs also collects a 2% advance income tax on imports for the Internal Revenue Department. The importation of garment raw materials (CMP), by government agencies, re-export products are exempted from advance income tax.

### 3.5 Release

After declaration, documentary examination, physical inspection and duty collection, release usually is the final step for Customs field operations allowing the consignments to be used for domestic consumption, or to be transported for exportation, or for other allowed purposes.

---

## 4. SPECIAL CUSTOMS CLEARANCE PROCEDURES

### 4.1 Transit and Transshipment

Customs transit is the procedure where goods are transported under Customs control from one Customs office to another without the payment of duties and taxes.

In Myanmar, the ASEAN Transit Agreement has not yet been implemented and Customs applies limited trade transit procedures, permitting the movement of cargo from one vessel to another in port or the movement of goods to the port and then to another vessel (also known as “retention procedures”). In addition, transit is permitted between Customs offices and through Myanmar to another country. For all transit procedures Customs assesses a fee of 2.5% of the value of the cargo.

Traders that wish to transship should submit a transshipment declaration to Customs by using Customs Transshipment Form (CUSDEC-3).

### 4.2 Temporary Admission

Temporary Admission is the procedure where goods are brought into the Customs territory conditionally relieved from the payment of duties and taxes if they are intended for a specific purpose and are re-exported within a specified time frame without change in condition. Temporary Admission is useful for trade shows, visiting musicians traveling with their instruments, etc.

Internationally, ATA carnets, serving as both a Customs declaration and financial guarantee, are used to effect temporary admission in most countries. Myanmar has not adopted ATA carnets but does have a temporary admission procedure.

In Myanmar, commodities, imported temporarily for inward processing, such as industrial raw materials and packing materials are exempted from Customs duty for a period of two years under bond to re-export within a time limit.

### 4.3 Special Order Procedure for Duty Free Imports

A Special Order is the power of the Director General, Customs and the Minister of Planning and Finance

to permit imports including highly perishable goods, the goods of diplomats, dangerous cargo, and certain other products to enter without the payment of duties and taxes at the time of entry. Importers must post a financial guarantee (deposit) to be permitted to use this procedure.

#### 4.4 Customs Bonded Warehouses (Duty Free Store)

Please see 16.1 of this report for detailed information.

#### 4.5 Inward Processing & Outward Processing

Please see 16.2 and 16.3 of this report for detailed information.

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## 5. MACCS - MYANMAR AUTOMATED CARGO CLEARANCE SYSTEM

### 5.1 Introduction of MACCS

On November 12, 2016, Myanmar Customs Department introduced and launched the automated cargo clearance system known as MACCS - Myanmar Automated Cargo Clearance System (MACCS) which have been designed to automate a number of areas of Customs operations including user registration, clearance of goods, cargo management, payment, information technology and a helpdesk.

MACCS system was firstly launched on November 12, 2016 in Yangon Area (including Thilawa SEZ). Since MACCS system has been successfully operated in Yangon Area, it was extended to Myawaddy Border Trade Zone and materialized on June 5, 2018. Myanmar Customs is considering extending widely the outreach of MACCS System to other border areas to make MACCS a nationwide system.

MACCS has replaced a host of headache-inducing manual processes and time and costs for Customs clearance procedure has been reduced and thus trade efficiency and competitiveness are enhanced significantly. Since exporters, importers and Customs and other government agency representatives all can be able to access MACCS online, this means the system can run 24 hours a day – rather than

leaving traders at the mercy of the Customs department's opening hours.

Generally speaking, the core benefits by the introduction and development of MACCS include:

- Reduced transaction time during declaration process,
- Increased clarity about duties, taxes and requirements of clearance procedures,
- Increased reliability of trade data.

MACCS is connected with the Ministry of Commerce's licensing system (TradeNet) and the Myanmar Port Authority's system. To provide a recommendation or an endorsement as part of the import declaration process, the MACCS has access: a) to the Food and Drug Administration under the Ministry of Health and Sports; b) to the Department of Agriculture, the Livestock Breeding and Veterinary Department, and the Fishery Department under the Ministry of Agriculture, Livestock and Irrigation; and c) Myanmar Economic Bank under the Ministry of Planning and Finance. In the future, MACCS will connect with shipping, airlines, warehouse operators, brokers and importer/exporters and also with other government agencies.

## 5.2 Development of MACCS

Myanmar is now reforming and modernizing Customs administration by introducing e-Customs and National Single Window and establishing new Automated Cargo Clearance System (MACCS/MCIS) which are based on the technology of Japan's Nippon Automated Cargo and Port Consolidated System (NACCS) and Customs Intelligence Database System (CIS).

As a result of the introduction of MACCS/MCIS, it is expected that time and costs for Customs clearance procedure will be further reduced and thus trade efficiency and competitiveness will be continuously enhanced. Especially, National Single Window will be designed to contribute to ASEAN Single Window implementation.

## 5.3 Import Procedures by using MACCS

The importer submits electronically an Import Declaration (IDC) along with supporting documents via the MACCS. For the complete and correct application, the Customs inspector will examine the cargo as categorized by the authorized officer (CKO). Once done, the next authorized officer (CEA) will register the completion of examination. Myanmar Customs has created three channels to inspect the clearance of the imported cargos or consignments. Some cargo going through the green channel will not require

an inspection. If the tax amount is “0”, Myanmar Customs will release the consignment. If a tax is applied to the imported consignment, the importer will be required to proceed for the registration of tax payment and wait for the registration of tax payment receipt confirmation (RCC). Once the RCC is submitted, the authorized officer will release the consignment. Imported consignments, involving banned, high-risk, sensitive items along with those where valuation rulings are not applied would be processed through yellow and red channels. The Customs inspectors will conduct the physical examination of the imported consignments. Once done, the authorized officer (CEA) will register the completion of examination. If the tax is applied to an imported consignment, the importer will be required to proceed for the registration of tax payment and wait for the registration of tax payment receipt confirmation (RCC). Once the RCC is submitted, the authorized officer will release the consignment. If information must be corrected after the declaration, or if the consignment is cancelled, or if the manual application of the declaration process is changed, the Customs inspector (CKO) will modify the examination classification and specification of physical examination classification. The authorized officer (CEA) will record the physical examination. If the physical examination is incomplete, the authorized officer (CEA) will inform the Customs inspector (CKO) to conduct the physical examination again.

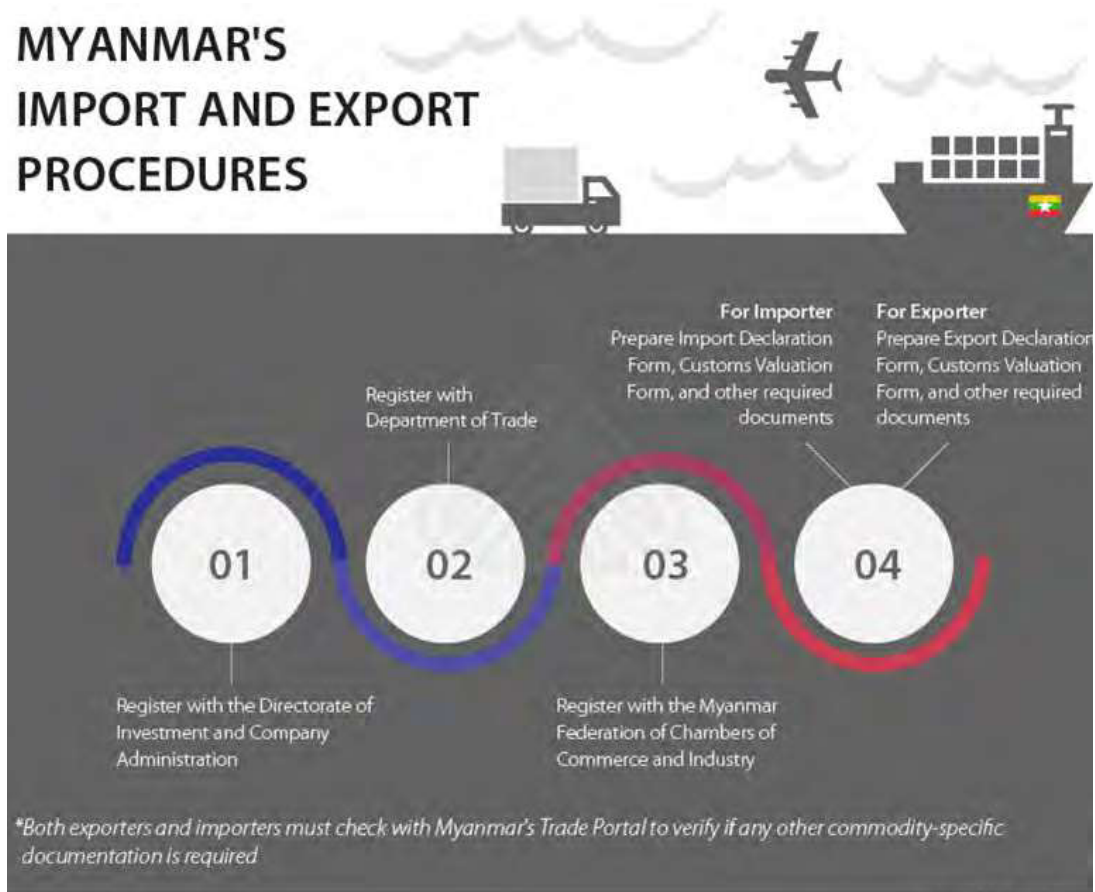
#### 5.4 Export Procedures by using MACCS

The user submits electronically the export declaration (EDC) along with supporting documents via the MACCS. For the complete and correct application, the authorized officer will examine the cargo as categorized by the Customs inspector (CKO). Once done, the Customs officer (CEE) will register the completion of examination. According to Customs’ procedures, Myanmar Customs has three channels to inspect the clearance of exported cargos or consignments. Some cargo that goes through the green channel will not require a physical inspection. If the tax amount is “0”, Myanmar Customs will allow the shipment. If a tax is applied to the exported consignment, the user will be required to proceed for the registration of tax payment and wait for the registration of tax payment receipt confirmation (RCC). Once the user submits the RCC, the authorized officer will allow the shipment.

For export consignments, banned, high-risk or otherwise sensitive items along with those where valuation rulings are not applied can be processed through yellow and red channels. The Customs Inspectors will conduct the physical examination to the export consignments. Once done, the authorized officer (CEE) will register the completion of examination. If a tax is applied to the exported consignment, the user will be required to proceed for the registration of tax payment and wait for the registration of tax payment receipt confirmation (RCC). Once the user submits the RCC, the authorized officer will allow the shipment.

In the case where information must be corrected after the declaration, or in the case of the cancellation of the consignment, or in the case of changing to the manual application of the declaration process, the Customs inspector (CKO) will modify the examination classification and specification of physical examination classification. The authorized officer (CEE) will record the physical examination. If the physical examination is incomplete, the authorized officer (CEE) will inform the Customs Inspectors (CKO) to conduct the physical examination again.

Figure 3 Myanmar's Import and Export Procedures for FDI



Source: [www.customs.gov.mm](http://www.customs.gov.mm)

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## 6. NATIONAL TRADE SINGLE WINDOW

International Trade Single Window is a one-stop automated IT facility to exchange information between traders and government agencies, thereby reducing the complexity, time and costs involved in international trade

Myanmar has introduced a National Single Window (NSW) since 2016 in line with the country's integration into the ASEAN Economic Community (AEC) to meet the requirements of the Association of Southeast Asian Nations (ASEAN) initiative – ASEAN Single Window (ASW).

The ASW aims to integrate the NSWs from member states throughout Southeast Asia to expedite cargo and foster economic integration in the region. By allowing Myanmar to join the regional network, the NSW will help local traders secure papers, permits and clearances required to ship cargo across national borders in one platform, while the current trade procedures require traders to deal with the different systems of Ministry of Commerce, Customs Department, banks and etc.

The National Single Window works in parallel with the country's newly proposed automated cargo clearance system – Myanmar Automatic Cargo Clearance System (MACCS).

As MACCS is supportive to the National Single Window implementation, it has been linked up with other governmental associations (OGAs) including the Ministry of Commerce, Myanmar Port Authority, Food and Drug Administration, Plant Quarantine, Livestock and Veterinary Department, Fisheries Department and the Myanmar Economic Bank and etc.

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## 7. CUSTOMS AGENTS

Section 4 of Sea Customs Act (2015) has laid down the legal representation status of Customs Broker as “When any person is expressly or impliedly authorized by the owner of any goods to be his agent in

respect of such goods for all or any of the purposes of this Act, and such authorization is approved by the Competent Customs Official, such person shall, for such purposes, be deemed to be the owner of such goods”.

In Myanmar, the Customs agent’s aim is assisting importers and exporters in meeting several requirements governing imports and exports and their duty is to submit necessary information and appropriate payments to Government Offices on behalf of their clients and charge them a fee for this service.

Since its inauguration in 1997 and 1998, CCAAM (Customs Clearing Agents Association of Myanmar) has been registered and recognized by Ministry of Commerce, Ministry of Finance & Revenue c/o Myanmar Customs Department & Organization Chamber of Commerce & Industry. CCAAM is a leading non-profit organization in Myanmar to work with relevant government agencies and other international organizations to re-ignite overall performance of authorized Customs Clearing Agencies and timely informing the changes regarding Customs regulations, process and procedures in domestic and international arenas.

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## 8. CUSTOMS BOND

Customs bond usually refers to an agreement, which ensures that importers will pay all relevant duties, taxes and fees and operate in accordance with all laws and regulations. Customs bonds will significantly save the clearance time for importers and exporters and act as a contract to ensure that importers oblige with duties, taxes and fees collected by the Customs and owed to the government. Additionally Customs bond it will help to lead to an increase in trade volumes, government revenues, and overall economic growth.

In Myanmar, Sea Customs Act (2015) has mainly stipulated various kinds of applications of bonds and in its annex three kinds of forms of bond or warranty have been included.

## 8.1 Form of Bond for Import-Duty

Section 92, Chapter XI of Sea Customs Act (2015) stipulates the application of bond to warehousing and the form of bond as follow:

92. When any such application has been made in respect of any goods, the owner of the goods to which it relates shall execute a bond, binding himself, in a penalty of twice the amount of duty assessed under section 87 on such goods, (a) to observe all rules prescribed by this Act in respect of such goods; (b) to pay, on demand, all duties, rent and charges claimable on account of such goods under this Act, together with interest on the same from the date of demand at such rate not exceeding six percent per annum as is for the time, being fixed by the Director-General of Customs and (c) to discharge all penalties incurred for violation of the provisions of this Act in respect of such goods.

Every such bond shall be in the form marked A hereto annexed or, when such form is inapplicable or insufficient, in such other form as is from time to time prescribed by the Director-General of Customs and shall relate to the cargo or portion of the cargo of one conveyance only.

## 8.2 Form of Bonded Warehouse Warrant

Section 96, Chapter XI of Sea Customs Act (2015) stipulates the application of Form of Bonded Warehouse Warrant and the form of warrant as follow:

96. Whenever any goods are lodged in a public warehouse or a licensed private warehouse, the warehouse-keeper shall deliver a warrant signed by him as such to the person lodging the goods. Such warrant shall be in the form B hereto annexed, and shall be transferable by endorsement; and the endorse shall be entitled to receive the goods specified in such warrant on the same terms as those on which the person who originally lodged the goods would have been entitled to receive the same.

## 8.3 Form of Bond for the Removal of Spirit from a Licensed Distillery

Sections 144 and 152, Chapter XIV of Sea Customs Act (2015) stipulate the application of Form of Bond for the Removal of Spirit from a Licensed Distillery without payment of duty for exportation as follows:

144. The Union Minister of Finance may from time to time make rules prescribing the conditions on which spirit manufactured in the Republic of the Union of Myanmar may be removed from any licensed distillery

for exportation without payment of excise-duty. The person so removing any such spirit shall execute a bond with one or more sureties, in the form marked C hereto annexed, or (when such form is inapplicable or insufficient) in such other form as the said authority from time to time prescribes, conditioned that such duty shall be paid on all such spirit as is (a) not exported within four months from the date of the bond, or (b) exported to a Customs-port, unless either the payment of excise-duty as provided by this Chapter in respect thereof at the port of destination or the delivery of the spirit into a warehouse appointed in this behalf by the Union Minister of Finance is within six months from the date of the bond proved to the satisfaction of the proper officer. The Competent Customs Official of the port of exportation may, on sufficient cause shown, extend for a further term not exceeding four months the period allowed for the exportation of any such spirit, or for the production of such proof that duty has been so paid or the spirit so delivered.

152. Rum-shrub, cordial and other such liquor prepared in a licensed distillery under the supervision of the surveyor or officer in charge of the distillery shall be charged with excise-duty under this Act according to the quantity of spirit used in its preparation as ascertained by such surveyor or officer. The provisions of this Act respecting spirit, except such as relate to gauge and proof, shall apply to such liquor.

## 8.4 Other Possible Applications of Customs Bond

There are some other Sections of various Chapters of Sea Customs Act (2015) also stipulating the possible application of Customs bond, for example:

1. Section 20, Chapter V of Sea Customs Act (2015) stipulates “Except as hereinafter provided, Customs-duties shall be levied at such rates as may be prescribed by or under any law for the time being in force, on (a) goods imported or exported by sea into or from any Customs-port from or to any foreign port; (b) [x x x x]1; (c) goods brought from any foreign port to any Customs-port, and, without payment of duty, there transhipped for, or thence carried; to, and imported at, any other Customs-port; and (d) goods brought in bond from one Customs-port to another”.

2. Section 138, Chapter XIII of Sea Customs Act (2015) stipulates the application of bond required in certain cases before exportation as “Before any warehoused goods or goods subject to excise-duties, or goods entitled to drawback of Customs-duties on exportation, or goods exportable only under particular rules or restrictions, are permitted to be exported, the owner shall, if required so to do, give security by bond in such sum, not exceeding twice the duty leviable on such goods, as the [Competent Customs Official]1 directs, with one sufficient surety, that such goods shall be duly shipped, exported and landed

at the place for which they are entered outwards, or shall be otherwise accounted for to the satisfaction of such officer”.

Importers and exporters are encouraged to get familiar with related sections of related chapters of Sea Customs Act (2015) or consult to the competent officers.

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## 9. PROHIBITIONS AND RESTRICTIONS

### 9.1 Prohibitions

The Government of Myanmar prohibits the importation and exportation of certain goods and prohibited goods cannot be imported, exported, transited, sold or circulated in Myanmar. Article XX and XXI of WTO's GATT, permit WTO members to prohibit the exportation and exportation of certain articles that endanger public morals, threaten human, plant or animal life, involve the importation and exportation of arms and ammunition, and similar items. The Department of Trade of the Ministry of Commerce has exercised its rights to prohibit the following importations and exportations:

**Importations prohibited include:**

- Counterfeit currency and coins,
- Pornographic material,
- All kinds of narcotic drugs and psychotropic substances,
- Playing cards,
- Goods bearing the emblem of Buddha and pagodas of Myanmar,
- Arms and ammunition,
- Antiques and archeologically valuable items,
- Wildlife endangered species,
- Other prohibited commodities in accord with existing law.

**Exportations prohibited include:**

- Counterfeit currency and coins
- Pornographic material
- All kinds of narcotic drugs and psychotropic substances
- Antique objects
- Arms and ammunition
- Wild animals and rare species
- Ivory
- Minerals and metals that are prohibited in accord with existing laws and regulations
- Crude oil
- Forestry products that are prohibited in accord with existing laws and regulations

Section 18, Chapter IV of the Sea Customs Act also stipulates no goods specified in the following clauses shall be brought, whether by land or sea, into the Republic of the Union of Myanmar:

- Counterfeit coin; or coin which purports to be current coin but which is not of the established standard in weight or fineness;
- Any obscene book, pamphlet, paper, drawing, painting, representation, figure or article;
- Goods applied to counterfeit trade-mark or any other existing laws, goods which import a false trade description;
- Goods made or produced beyond the limits of the Republic of the Union of Myanmar and having applied thereto any name or trade-mark being, or purporting to be, the name or trade-mark of any person who is a manufacturer, dealer or trader in the Republic of the Union of Myanmar unless (1) the name or trade-mark is, as to every application thereof, accompanied by a definite indication of the goods having been made or produced in a place beyond the limits of the Republic of the Union of Myanmar and (2) the country in which that place is situated is in that indication indicated in letters as large and conspicuous as any letter in the name or trademark, and in the same language and character as the name or trade-mark.

Any Union Ministry or Ministry of Finance assigned by the Union Government may from time to time, by notification in the Gazette, prohibit or restrict the bringing or taking by any means of transport for those goods of any specified description into or out of the Republic of the Union of Myanmar, or any specified

region thereof, either generally or from or to any specified country, region, port or place beyond the limits of the Republic of the Union of Myanmar. Any person who imports or exports any illegal goods which have prohibited or restricted shall be taken action by existing Laws.

## 9.2 Import License

All goods which are not prohibited by the respective government departments can be imported under the import licenses issued by the Ministry of Trade. The validity period of import license is normally 6 months. However, if requested, this period may be extended by the Ministry of Trade.

The Government of Myanmar is currently liberalizing requirements for the products that require an import license as a precondition to importing goods. As of October, 2018, 4818 tariff (HS code) items require an import license (out of 10816 tariff items at the 8-digit level and an additional 351 items at the 10-digit level).

Applications for import licenses have been automated for 81 tariff (HS code) items at the 10-digit level according to the Bulletin 4/2018 issued by the Ministry of Commerce through the TRADENET online website (<https://eservice.myanmartradenet.com/Login/>) and however, manual (hard copy) applications are also accepted.

Some are automatically issued but, in many cases, import licenses are issued based upon a recommendation by the relevant ministry or agency. There are 27 main ministries and agencies providing recommendations for import licenses listed in Table 1 of Appendix attached.

Import license fees are payable on all imports from abroad, it includes those imports for which import permits are not required, those imported by means of a permit, an import license or open general license; imports through the border and those imported for general trading purposes by the State Economic Enterprises (SEEs), government departments, co-operatives and private enterprises. License fees must be paid according to the specified rate for import of goods on consignment basis either by SEEs or private enterprises and entrepreneurs. With a view to reducing the cost of living and to being competitive under the market economy, the Ministry of Trade has issued an Import License Fees Order on June 28, 1991, revising the license fees payable on commodities imported from abroad effective from July 1, 1991. The import license fees payable on the C.I.F. (Yangon) value of goods imported from abroad ranges from a minimum fee of K 250 to a maximum of K 50,000. License fees must be paid before the date prescribed in the import license/permit. Import license/permit for which license fees have been paid may be extended by another three months, if such extension is necessary.

Exemption from license fee has been granted to organizations, companies and joint venture corporations permitted by the Union of Myanmar Foreign Investment Law on the import of such goods as machinery, equipment, instruments, machinery components, spare parts and materials used in the enterprise and imported as they are actually required for use during the period of construction, with foreign capital prescribed by the Union of Myanmar Foreign Investment Commission. Such exemption also includes raw materials and packing materials imported for the first 3 years commercial production in order to export finished goods following the completion of construction.

Exemption of import license fee on imported raw materials for the production of finished goods for general trading within the Union of Myanmar, which is not covered by the permit of the Union of Myanmar Foreign Investment Commission, will not be granted. With effect from February 1993, fertilizers, agricultural machinery and implements and pesticides have been exempted from license fees.

In July 2015 the Ministry of Commerce announced the creation of a negative list for import licenses. With this announcement, around 5,600 products (HS Codes) out of a total of over 9,600 were automatically exempted from licenses. This resulted in annual cost compliance savings to business of USD 3.8 million for the period of July 1, 2015 to June 30, 2016.

### 9.3 Export License

Myanmar products can be exported with the exception of some selected items like teak, rice and etc. under the export license issued by the Ministry of Trade and generally there is no export license fee with the exception of hardwoods being exported in log form. The validity period of export license is normally 3 months. After three months, the exporter can apply for an extension of the license for 2 additional months. On further application, a second extension for another 1 month is also provided for. After six months the applicant must apply for a new license. The charge to extend the license is 5000 Kyat.

The Government of Myanmar is currently liberalizing requirements for obtaining an export license as a precondition to exporting goods. However, 3345 tariff items still require an export license (out of 10816 tariff items at the 8-digit level and an additional 351 items at the 10-digit level).

Applications for export licenses have been automated through the TRADENET online website ([eservice.myanmartradenet.com](http://eservice.myanmartradenet.com)) and manual applications (hard copy) are also accepted.

The Department of Trade of the Ministry of Commerce issues export licenses. No license fee is charged

for exports. Export licenses are issued based upon the recommendations of relevant ministries, agencies and business associations listed in Table 2 of Appendix attached.

#### 9.4 Sanitary and Phytosanitary (SPS) Requirements

If the goods imported are subject to sanitary and phytosanitary (SPS) measures, the importers will have to comply with the regulations relating to those products.

The Ministry of Agriculture, Livestock and Irrigation and the Ministry of Health and Sports are responsible for SPS measures in Myanmar. SPS measures adopted by Myanmar follow those of CODEX, ASEAN, and the OIE. Myanmar has established a SPS Enquiry Point as required by the WTO SPS Agreement for questions regarding SPS measures and processes.

Commodities subject to SPS requirements can be found by using the search facilities on the Commodity Search page and detailed description of the procedures and documentation requirement can also be found on the Procedures page of the following website: <https://www.myanmartradeportal.gov.mm/en/commodity-search>.

#### 9.5 Technical Barriers to Trade (TBT) Requirements

For certain types of products, it may be necessary to obtain a permit that certifies that these products conform to certain technical regulations/standards.

In Myanmar, with the Department of Research and Innovation (DRI), Ministry of Education responsible for the uniform and consistent process for developing and implementing TBT measures.

Myanmar has established a TBT Enquiry Point as required by the WTO TBT Agreement for questions regarding technical regulations and standards.

Commodities subject to TBT requirements can be found by using the search facilities on the Commodity Search page and detailed description of the procedures and documentation required can also be found on the Procedures page of the following website: <https://www.myanmartradeportal.gov.mm/en/commodity-search>.

## 9.6 Labeling Requirements

In Myanmar, labeling regulations apply to imported goods. Under the National Food Law (1997) and the National Drug Law (1992), food and pharmaceutical products must be labeled. Food labels must clearly state the name of the product, content including names and net weight, the manufacturer's name and address, batch number, manufacturing date, expiry date, and required storage conditions. Pharmaceutical labels must clearly state the brand name, generic name, active pharmaceutical ingredients (API), and contents, including name and amount, batch number, date of manufacture, expiry date, and manufacturer's name and address, in English.

Commodities subject to these labeling requirements can be found by using the search facilities on the Commodity Search page and detailed description of the procedures and documentation required can also be found on the Procedures page of the following website: <https://www.myanmartradeportal.gov.mm/en/commodity-search>.

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## 10. CUSTOMS DUTY AND TAXES

Myanmar Customs Department mainly collects (1) Import Duty, (2) Commercial Tax, (3) Special Goods Tax, and (4) Advance Income Tax for the Internal Revenue Department. Additionally Myanmar Customs Department may also collect other following duty, tax, fines and fees:

- Transit Duty,
- Advanced Income Tax,
- MACCS Service Fees,
- Security Free (for X-ray) Redemption Deposit or Post Value Revenue Deposit (RD or PVRD),
- Redemption Fine (RF),
- Direct Penalty (DP),
- License Fee.

## 10.1 Major Duty and Taxes Collected by Myanmar Customs

### 10.1.1 Import Duty

Import Duty means the duties to be paid in respect of goods imported into Myanmar and is levied under the Customs Tariff of Myanmar (2007) at rates ranging from 0% to 40%.

Most imported goods are subject to Import Duty. Import Duty will be levied according to the type of the goods unless the imported goods are exempted. Import Duty is levied on the base of assessable value, which usually is the CIF value (sum of cost, insurance and freight) and landing charges of 0.5% of CIF value.

### 10.1.2 Commercial Tax

There is no VAT system in Myanmar and Commercial Tax is imposed on a wide range of goods, imported into or produced in Myanmar, trading sales, and services. The rates of Commercial Tax are set out in various schedules to the Commercial Tax Law introduced on 31 March 1990. Myanmar Government has indicated that it intends to replace the current Commercial Tax regime with a VAT or GST based model by 2018 and 2019.

Commercial Tax on imports is also collected by the Myanmar Customs Department at the point of importation in the same manner that Customs duties are collected. Together with Customs Duty, Commercial Tax is levied on the imported goods basing on the landed cost which is the sum of assessable value and import duty. These taxes are collected at the point of entry and the time of clearance.

There is no Commercial Tax on the export of goods with very few exceptions such as raw gems (15%), finished gems (5%), electricity (8%), gas (8%); crude oil (5%); teak and processed wood (50%); and timber and processed wood (50%).

### 10.1.3 Special Goods Tax

Special Goods Tax for Exceptional Commodities has to be paid accordingly if goods such as alcohol, beer, wine, oil, tobacco and etc. are imported into Myanmar.

#### 10.1.4 Advance Income Tax

Customs also collects a 2% Advance Income Tax on imports and exports for the Internal Revenue Department. The importations of garment raw materials (CMP), government agencies, re-export products are exempted from Advance Income Tax.

### 10.2 Duty Exemption

In the interest of the state the Minister of Revenue and Finance may by notification exempt partially or wholly from levy of Customs duties in respect of any of the following cases:

- Nature and type of goods exported from Myanmar or imported into Myanmar,
- Nature and type of goods exported from Myanmar or imported into Myanmar by any government department or any organization.

### 10.3 Duty Refund / Drawback

Seventh-eighth of the Customs duty paid on goods that could be easily identified will be refunded when such goods are withdrawn from the country again under the drawback facility in accordance with the following conditions:

- The re-export goods must be identical with those imported on payment of duty,
- Two years must not have elapsed since their importation in cases where the port of re-export is the same as that of import. The time may be extended up to three years on application,
- The re-export goods must not be included among the articles declared to be incapable of being identified,
- The goods must not be re-exported to a port to which shipment under claim for drawback is prohibited,
- The goods exported must not be of less value than the amount of drawback claimed,
- The claim for drawback should not ordinarily be less than 5 kyats in respect of any single shipment,
- The goods must not be included among the articles declared to be prohibited or restricted.

## 11. TARIFF CLASSIFICATION

### 11.1 Tariff

In accordance with the Tariff Law (1992), a notification was issued to regulate the classification of imported goods. Based on and fully in line with the World Customs Organization (WCO) Harmonized Commodity Description and Coding System (HS) 2012 version, 2017 Customs Tariff of Myanmar (the sixth-edition) has been released in October 2017. WCO version is at 6 digit level, the ASEAN AHTN 2012 version is at 8 digits level while Myanmar's 2017 national version at 10 digits level.

The 2017 Myanmar Customs Tariff (MCT) is organized in 21 Sections, which are divide into 98 chapters of as usual but bearing 10 tariff rate bands which is reduced from previous 15 tariff rate bands as follows.

Table 1 Classification of HS CODE in Myanmar

Table 1: Classification of HS CODE in Myanmar					
HS Group 1 (Chapter 1-49)		HS Group 2 (Chapter 50-83)		HS Group 3 (Chapter 84-98)	
1	Live animal	1	Textile	1	Heavy machines
2	Foodstuff	2	Footwear, headwear	2	Electrical goods
3	Chemical	3	Ceramic products	3	Medical appliance
4	Medicines	4	Glassware	4	Vehicles
5	Plastic	5	Hardware (Base metal & articles)	5	Furniture
6	Paper			6	Special Classification Provisions
7	Rubber				

Source: [www.customs.gov.mm](http://www.customs.gov.mm)

Table 2 2017 MCT by MFN Rate, No. of Headings and Goods

Table 2: 2017 MCT by MFN Rate, No. of Headings and Goods			
No.	MFN Rate	MCT 2017	Goods
1	0	530	Live animals, fertilizers, pesticides, agricultural and livestock breeding machinery, etc.
2	1.5	376	Medicines, medical equipment, kerosene, printing ink, paper, paperboard, etc.
3	3	5126	Condensed milk, butter, sugar, cement, asbestos, wads of textiles, calculator, computer, recording tape, video tape, medical equipment, sports equipment, laminated sheets, newsprint, laundry soap, chemical preparations, typewriter, ballpoint pens, pencils, etc.
4	5	1100	Motor car spare parts, toothbrushes, Yarns of different colors,
5	7.5	741	Paints, linoleum, Electrical appliances for household uses-fans, vacuum flasks, passenger car (truck), etc.
6	10	963	Refrigerators, washing machines, video players, watches, musical instruments, soft drinks, passenger car (bus, pick-up), etc.
7	15	1175	Vegetables, television sets, radio, camera, canned foods, etc.
8	20	486	Sound recording and reproducing apparatus, furniture, citrus fruits, etc.
9	30	208	Vans and saloons under engine power 2000 CC, cigarettes, etc.
10	40	108	Vans and saloons above engine power 2000 CC, all kind of alcoholic drinks, etc.

Source: [www.customs.gov.mm](http://www.customs.gov.mm)

## 11.2 General Rules for the Interpretation of the HS

WCO's General Rules for the Interpretation of the Harmonized System are also applied by Myanmar Customs and these are the rules that govern the classification of goods under the HS and there are 6 General Rules in all, which must be applied in consecutive order including:

1. The titles of Sections, Chapters and sub-Chapters are provided for ease of reference only; for legal

purposes, classification shall be determined according to the terms of the headings and any relative Section or Chapter Notes and, provided such headings or Notes do not otherwise require, according to the following provisions.

2. Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this Rule), presented unassembled or disassembled. (b) Any reference in a heading to a material or substance shall be taken to include a reference to mixtures or combinations of that material or substance with other materials or substances. Any reference to goods of a given material or substance shall be taken to include a reference to goods consisting wholly or partly of such material or substance. The classification of goods consisting of more than one material or substance shall be according to the principles of Rule 3.

3. When by application of Rule 2 (b) or for any other reason, goods are, prima facie, classifiable under two or more headings, classification shall be effected as follows: (a) The heading which provides the most specific description shall be preferred to headings providing a more general description. However, when two or more headings each refer to part only of the materials or substances contained in mixed or composite goods or to part only of the items in a set put up for retail sale, those headings are to be regarded as equally specific in relation to those goods, even if one of them gives a more complete or precise description of the goods. (b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to Rule 3 (a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable. (c) When goods cannot be classified by reference to Rule 3 (a) or 3 (b), they shall be classified under the heading which occurs last in numerical order among those which equally merit consideration.

4. Goods which cannot be classified in accordance with the above Rules shall be classified under the heading appropriate to the goods to which they are most akin.

5. In addition to the foregoing provisions, the following Rules shall apply in respect of the goods referred to therein: (a) Camera cases, musical instrument cases, gun cases, drawing instrument cases, necklace cases and similar containers, specially shaped or fitted to contain a specific article or set of articles, suitable for long-term use and presented with the articles for which they are intended, shall be classified with such articles when of a kind normally sold therewith. This Rule does not, however, apply to containers

which give the whole its essential character. (b) Subject to the provisions of Rule 5 (a) above, packing materials and packing containers presented with the goods therein shall be classified with the goods if they are of a kind normally used for packing such goods. However, this provision is not binding when such packing materials or packing containers are clearly suitable for repetitive use.

6. For legal purposes, the classification of goods in the subheadings of a heading shall be determined according to the terms of those subheadings and any related Subheading Notes and, mutatis mutandis, to the above Rules, on the understanding that only subheadings at the same level are comparable. For the purpose of this Rule the relative Section and Chapter Notes also apply, unless the context otherwise requires.



## 12. CUSTOMS VALUTION

Customs Duties are usually calculated on an ad valorem basis, which means Customs Duty will be applied as a percentage of a declared value, which usually is the actual transaction value of the goods (as evidenced by the commercial invoice or other contract of sale documents).

The WTO Valuation Agreement forms the basis for establishing the Customs value of all goods imported into Myanmar. As a member of the WTO, and the fact that Myanmar is a signatory to the Valuation Agreement in 1995, make the provisions of that Agreement binding. Myanmar shall inevitably have to apply the Customs Valuation methods prescribed in GATT article VII in due course and has taken measures to do so - even if national legislation, regulations, and procedures do not yet fully reflect the Agreement.

At the heart of the Agreement is the principle that the WTO standard customs valuation method shall be based on the transaction value - that is, the price actually paid or payable as a result of the sale which causes the importation of goods into a Customs territory.

#### - Valuation Method 1: Transaction Value

The WTO Valuation Agreement defines the transaction value as “the price actually paid or payable for the goods when sold for export to the country of importation adjusted in accordance with the provisions of Article 8”.

In effect, this means that the commercial arrangement between the buyer and seller of imported goods determines their Customs value. Article 8 provisions further refine this value by outlining value elements which must be added to the transaction value; or elements which can be subtracted from it; thus arriving at a fair and transparent Customs valuation.

Under the terms of the Agreement, some value elements can be subtracted from the transaction value including: (1) delivery costs after importation. If the seller's or carrier's charge covers delivery beyond the Myanmar border, the importer may deduct the additional charges for such delivery, providing they are shown separately from the price paid or payable for the goods, (2) Myanmar duties or taxes - an importer can deduct from the price paid any included Customs duty or other taxes which are payable in Myanmar because of the importation or sale of the goods, (3) dividends - an importer can leave out dividend payments made to the seller, (4) marketing activities related to the imported goods. An importer is not required to include in the Customs value the cost of the following activities which it carries out at its own expense including advertising and guarantee or warranty services, (5) buying commission. An importer may leave out fees or brokerage paid to an agent for representing a buyer outside Myanmar in buying imported goods, providing the commission is shown separately from the price paid or payable for the goods, (6) interest charges. These may be left out if they are payable under a financing arrangement for buying the imported goods, providing the charges are shown separately from the price paid or payable for the goods.

Elements that must be added to the transaction value unless they are already included in the invoice including: (1) Delivery costs. The costs of transport, insurance, loading or handling connected with delivering the goods to the Myanmar border must be included, (2) Commissions. Certain payments of commission and brokerage, including selling commission, must be included. Buying commission, where an importer pays someone to act for them in the supplier country in connection with a purchase is not dutiable, (3) Royalties and license fees. An importer must include these payments when they relate to the imported goods and are paid by the importer as a condition of the sale of those goods, (4) Goods and services provided free of charge or at reduced cost by the buyer. If the importer provides, directly or indirectly, any of the following, there must be included in the Customs value any part of the cost or value not included in the price charged to the importer

by the seller - sometimes known as “assists” including:

(a) Materials, components, parts and similar items incorporated in the imported goods including price tags, labels etc.;

(b) Tools, dies, moulds and similar items used in producing the imported goods, for example, tooling charges. There are various ways of apportioning these Charges;

(c) Materials consumed in producing the imported goods, for example, abrasives, lubricants, catalysts, reagents etc. which are used up in the manufacture of the goods but are not incorporated in them; or

(d) Engineering, development, artwork, design work and plans and sketches carried out outside the country and necessary for producing the imported goods. The cost of research and preliminary design sketches is not to be included.

(5) Containers and packing including the cost of containers which are treated for Customs purposes as being one with the goods being valued (that is not freight containers the hire-cost of which forms part of the transport costs) and the cost of packing whether for labor or materials. Where containers are for repeated use, for example reusable bottles, an importer can spread their cost over the expected number of imports. If a number of the containers may not be re-exported, this must be allowed for. (6) Proceeds of resale. If an importer is to share with the seller (whether directly or indirectly) the profit on resale, use or disposal of the imported goods it must add the seller's share to the price paid. For example, if the seller is to have a share of the profit which you receive, this is to be added to the price paid or payable, (7) Export duty & taxes paid in the country of origin or export. When these taxes are incurred by the buyer they are dutiable. However, if you benefit from tax relief or repayment of these taxes they may be left out of the Customs value.

It is expected that, under the Agreement, the transaction value will form the basis for the Customs value in most of the imports. In some circumstances, however, the transaction value cannot be used - therefore Method 1 is inappropriate and importers must seek an alternative method. The following 5 additional methods must be attempted in number order (i.e. Method 1, then Method 2, etc.) until an appropriate method is found.

#### - Valuation Method 2: Identical Goods

This is the second method an importer must try, and it involves using the value of identical goods, imported into Myanmar at or about the same time, on which to base the Customs value of an import where the transaction value cannot be used. Identical goods are goods produced in the same

country as those being valued.

If no identical goods can be found, the importer must proceed to Method 3.

- **Valuation Method 3: Similar Goods**

This is based on the Customs value of similar goods imported into Myanmar at or about the same time as the goods to be valued. Similar goods are goods which differ in some respects from the goods being valued, but they (1) are produced in the same country, (2) can carry out the same tasks, and (3) are commercially interchangeable.

If no similar goods can be found, the importer must proceed to Method 4.

- **Valuation Method 4: Deductive Value**

This method takes the evidenced normal selling price of goods with the same characteristics to unrelated persons in Myanmar and subtracts the following elements: (1) either the commissions usually paid or agreed to be paid, or (2) the addition usually made for profit and general expenses in connection with sales in Myanmar of imported goods of the same class or kind, (3) the usual costs of transport, insurance and associated costs incurred within Myanmar, and (4) Customs duties and internal taxes payable in the country of importation.

Customs will reasonably expect evidence to support the figures submitted, particularly with reference to the importer's profit.

If the goods are not sold on in Myanmar as they were imported for example they have undergone significant processing or other elements are unknown or cannot be evidenced, the importer must proceed to Method 5.

- **Valuation Method 5: Computed Value**

This is based on the costs involved in producing the imported goods. Because this method relies on suppliers revealing sensitive information, it is most often used where seller and buyer are related, and the price is influenced by the relationship.

The Customs value is a built-up value. It is based on the sum of the following: (1) the cost or value of materials and fabrication or other processing used in producing the imported goods including any

assists provided by the buyer, and containers and packing, (2) an amount for the producer's profit and general expense, plus (3) the cost of transport, insurance and loading or handling connected with delivering the goods to the Myanmar border.

Same as Valuation Method 4, Valuation Method 5 will reasonably expect evidence to support the figures submitted, particularly with reference to the supplier's profit.

If an importer cannot use Valuation Method 5, then he/ she must move on to Valuation Method 6.

#### - **Valuation Method 6: the Fall-back Method**

In the rare event that an importer cannot find an alternative valuation method by applying the principles involved in Valuation Methods 1 to Valuation Method 5, Method 6 must be used.

Using this method, an importer must arrive at the Customs value by using reasonable means consistent with the WTO Valuation principles.

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## 13. RULES OF ORIGIN

### 13.1 Rules of Origin

Rules of Origin are the criteria applied to determine the national source of a specific product.

There are two types of rules of origin used in Myanmar - non-preferential Rules of Origin and preferential Rules of Origin.

- **Non-preferential Rules of Origin** are used for all kinds of commercial policy measures, for example trade embargoes, safeguard and retaliation measures, anti-dumping duties and countervailing duties, quantitative restrictions, but also for some tariff quotas, for trade statistics, for public tenders, for origin marking, and so.

There are no recognized international standards regarding non-preferential Rules of Origin. Criteria such as “wholly obtained”, “substantially transformed” and “tariff shifts at the four-digit level” have been variously used to determine origin.

- **Preferential Rules of Origin** are necessary in order to determine whether imports qualify for preferential treatment (no or reduced tariffs) under ATIGA and other trade agreements entered into by Myanmar. ATIGA sets forth specific rules of origin in Chapter 3, Articles 25 – 39 and the annexes to ATIGA. As an ASEAN member, Myanmar participates in preferential trade agreements with Australia and New Zealand, China, India, Japan, and Korea. Myanmar is also a signatory of the Global System of Trade Preferences (GSTP) among developing countries and the Bay of Bengal Initiative for Multi-Sectorial Technical and Economic Cooperation (BIMSTEC).

## 13.2 Certificate of Origin

Certificates of Origin are used to document the origin of goods for the purposes of preferential tariff treatment. ATIGA, Article 38, requires that for ASEAN preference to be claimed goods must be accompanied by an ASEAN Certificate of Origin (Form D) issued by a government authority designated by the exporting member state and notified to the other ASEAN member states as required in Annex 8 to ATIGA.

**Other preferential Certificates of Origin issued by Myanmar government authority are listed as follow:**

- Form E (For ACFTA),
- Form AK (For AKFTA),
- Form AJ (Japan) (For AJFTA),
- Form AJ (ASEAN) (For AJCEP),
- Form AI (For AIFTA),
- Form AANZFTA (For AANZFTA),
- Form A (For Developed Countries under GSP Scheme),
- Form Korea (For Korea),
- Form DFTP (For India),
- Form China (For China).

Non-Preferential Certificates of Origin are issued by the Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI) and other relevant organizations. Myanmar has introduced an application system since April 1, 2019, which allows full electronic processing of Certificates of Origin.

The receiving authority for both preferential and non-preferential Certificate of Origin is Myanmar Customs Department which has legislative rights to accept or deny preferential tariff concessions.

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## 14. ADVANCE RULINGS

Advance Rulings enhance certainty and predictability of cross-border trade transactions and are binding decisions by Customs at the request of the person concerned on specific particulars in relation to the intended importation or exportation of goods. Advance Rulings can be requested with regard to HS classification, origin or Customs value of the goods in preparation for importation or exportation.

Advance Rulings facilitate the declaration and consequently the release and clearance process, as critical assessments in relation with the goods have already been made in the Advance Rulings. Advance Rulings are binding throughout the Customs territory at all Customs offices and valid for a specific period of time, e.g. 3 months or 1 year.

In Myanmar, Advance Rulings, which are important tools for importers and exporters to help to increase certainty during the clearance process, have been provided and recommended on HS classification and valuation by Myanmar Customs Department since 2016.

- Advance Ruling on HS Classification which enables the goods to be classified prior to the cargo arrival is also implemented as the concerning Notification Order had been enacted on October 14, 2016
- Notification Order of Advance Ruling on Valuation had also been completed and issued on October 15, 2016 which the traders can have benefits of greater certainty regarding the duty liabilities.

## 14.1 Procedure for Advance Ruling on Customs Valuation

Applicant may file an application for Advance Ruling on Customs Valuation to either the Customs Department (Head Office) or the relevant Local Customs Office 30 days in advance before the arrival of goods with all requested selling documents. Then the officer in charge, who may request further information, scrutinizes the completeness, sufficiency and correctness of the documents. The Advance Ruling on Customs Valuation shall be made only if information relating to the imported goods which are stated in the application is fully received in order to evaluate the value correctly by the Customs Department (Head Office) and shall be made within 14 days after sufficient documents have been received. The Advance Ruling on Customs Valuation shall be referred and applied within six months from the issuing date.

The applicant also has the right to have the advance valuation reviewed by the Customs Department if it is different from actual purchase value with sufficient evidence within 14 days commencing from the date of reply for Advance Ruling on Customs Valuation. The Director General may, after scrutinizing the application for reviewing the Advance Ruling on Customs Valuation, amend or confirm the Advance Ruling on Customs Valuation. The decision of the Director General shall be final and binding. The Director General shall revoke the Advance Ruling on Customs Valuation and shall re-specify it if it is found that the Customs Valuation is made based on the incorrect information as to Customs value made by the Customs Officer or the insufficient or incorrect information submitted by the applicant.

It is also stated the application for advance valuation for the goods prohibited or restricted by the Sections 18 and 19 of the Sea Customs Act and other goods restricted by any other existing law shall be refused.

## 14.2 Procedure for Advance Ruling on Classification

The theory, legal basis, practice, procedure, time arrangement, range of utilization and etc. for the Advance Ruling on Classification are basically similar as those for Advance Ruling on Customs Valuation.

## 15. FREE TRADE AGREEMENTS

As a member of ASEAN, Myanmar participates in all intra-ASEAN agreements as well as multilateral free trade agreements with Australia, New Zealand, China, India, Japan, and South Korea. ASEAN Free Trade Area (AFTA) was established in Myanmar in 1998 with an objective to eliminate tariffs for all tariff lines by 2018.

- ASEAN Free Trade Agreement (AFTA), which has been established on 1-1-1998 and agreed to eliminate (0%) the tariffs as the commitment time schedule,
- ASEAN-China Free Trade Agreement (ACFTA), which has established on 1-1-2004 and under this agreement, Myanmar will reduce tariff rates in the year of 2010,2015,2018,2020,
- ASEAN-Korea Free Trade Agreement (AKFTA), which has been established on 24-8-2006 and under this agreement, Myanmar will reduce tariff rates in the year of 2008, 2009, 2012, 2015, 2018,
- ASEAN-Japan Free Trade Agreement (AJFTA), which has been put into effect on 1-12-2008 and under this agreement, Myanmar will need to reduce tariff rates in the year of 2014, 2017, 2019, 2021, 2023, 2026,
- ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA), which has been put into effect on 1-1-2010 and under this agreement, Myanmar will need to reduce tariff rates in the year of 2011, 2013, 2015, 2017, 2019, 2021,
- ASEAN-India Tariff Reduction Schedule.

Myanmar also has bilateral trade agreements with Bangladesh, Sri Lanka, China, South Korea, Laos, Malaysia, the Philippines, Thailand, and Vietnam in the Asian region, as well as with a number of Eastern European countries.

Myanmar has border trade agreements with China, India, Bangladesh, Thailand, and Laos. The Government of Myanmar has signed a number of Memoranda of Understanding to expand bilateral trade with those countries.

Myanmar is a member of WTO and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). The United States and Myanmar also signed a Trade and Investment Framework Agreement in May 2013.

Most Favored Nations Tariffs and Preferential Tariff Schedule of FTA have been utilized within the framework of various FTAs to reduce tariffs, increase trade and promote investment.

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## 16. BONDED SYSTEMS

Myanmar has making continuous efforts to introduce bonded system to encourage export trade and processing industry for years.

### 16.1 Customs Bonded Warehouses

Customs warehousing procedure is the procedure where goods are stored under Customs control without the payment of duties and taxes. Myanmar has currently implemented this only for Duty Free Stores but is in the process of adopting this procedure generally.

Myanmar currently has only an airport warehouse. Duty Free Stores at airports and land borders are a special form of Customs warehouse where international travelers can purchase goods without the imposition of duties and taxes. Warehouse operators must provide a financial guarantee to Customs.

### 16.2 Inward Processing

Inward Processing is the procedure where goods can be brought into the customs territory conditionally relieved from the payment of duty and taxes, on the basis that they are intended for manufacturing, processing or repair and they will then be exported.

Myanmar currently has an inward processing procedure known as importation by “cutting, making and packaging” (CMP) in the garment industry and “contract, manufacturing, practices” in certain other industries (industrial and fishery enterprises).

Manufacturers using this procedure must provide a financial guarantee to Customs and normally export the finished product within one year.

### 16.3 Outward Processing

Outward Processing is the procedure where goods that are in free circulation in the Customs territory may be temporarily exported for manufacture, processing or repair and then returned with a total or partial exemption from duties and taxes.

Myanmar has a Customs procedure called “repair and return” (RR) that is equivalent to outward processing.

A repair and return license is required from the Ministry of Commerce.

### 16.4 Special Economic Zones (SEZs)

Myanmar has established Special Economic Zones (SEZs) to encourage foreign direct investments and the export of manufactured goods. SEZs are areas that are geographically within a nation but are outside a nation’s Customs territory for the purpose of the collection of Customs duties and other indirect taxes (such as excise and sales taxes). Businesses operating in SEZs frequently conduct export processing operations, taking advantage of duty and indirect tax exemptions.

In 2014, Myanmar revised its legislation to encourage foreign direct investments through Special Economic Zones (SEZs).

Under the Special Economic Zone Law (2014), businesses operating in SEZs can take advantage of a five year tax exemption on Custom duties on approved exported goods. Special Economic Zone Law (2014) also exempts businesses operating in SEZs from Customs duties and taxes when importing material and equipment which services their own production. This includes:

- -raw material,
- -machinery and spare parts,
- -construction materials and motor vehicles for building a factory, warehouse, or office and,
- -trading goods and materials necessary in wholesale trading.

Myanmar currently has three SEZs in Dawei, Kyaukphyu and Thilawa in operation or in preparation to operate.

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## 17. CUSTOMS SUPERVISION AND CONTROL ON TRADE IN SERVICE

Services are very important to Myanmar and currently represent around 40% of the total economy. Myanmar is currently a net importer of tradable services and generally encourages trade in services.

As trade in services mainly involves foreign investment and the movement of people to undertake trade in services, Myanmar Customs has been making continuous efforts to facilitate and promote FDI and trade in services.

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## 18. POST-CLEARANCE AUDIT (PCA)

Post-clearance Audit (PCA) is defined by the Revised Kyoto Convention as measures by which the Customs satisfy themselves as to the accuracy and authenticity of declarations through the examination of the relevant books, records, business systems and commercial data held by persons concerned. It is conducted after the release of the goods from Customs control. It can take place at the traders' premises or at Customs' premises, and may take into account specific transactions, or cover imports and/or exports undertaken over a certain period of time.

Myanmar Customs conducts Post-clearance Audit based on a Notification issued by the Ministry of Planning and Finance issued on January 17, 2017.

According to the Notification, Director General of Customs Department can organize audit team to verify the accuracy and authenticity of declarations and other returns made to Customs. Auditees can be importers, exporters, Customs brokers, transportation operators and other concerned parties.

### Priorities of PCA

The priorities of PCA included the trade transactions which have connections with (1) duty or tax

collections, (2) application of duty or tax rates, (3) duty or tax amount and etc.

### **Methods of PCA**

Customs auditor may combine the following methods including: (1) physical examination, (2) confirmation, (3) vouching, (4) re-computing, (5) tracing, (6) scanning, (7) Enquiring, (8) observing, (9) analyzing, (10) reconciling and (11) flow charting to conduct audits.

### **Consequences of PCA**

The amount of duties and taxes underpaid within three years after release discovered during the PCA will be request to be paid. Overpayment discovered during the PCA may be refunded within one year since the date the payment was made.

### **Duration of PCA**

The duration of PCA varies on a case-by-case basis depending on the scope covered and the auditee's level of cooperation.

### **Obligations of Auditees**

Auditees are required to retain all the business documents for 7 years and provide PCA officers with necessary assistance and cooperation to conduct the audit, especially the submission of all required trade documents in a timely fashion and the duty to ensure that all information provided is true and accurate.

### **Right of Auditees**

Auditees have the right to see the Customs officers' identification and authorization at any time. They also have the right to enquiry once having questions during the audit process and the right to expect Customs to maintain the confidentiality of the company's information.

Auditees also have the right to appeal to the Director General of the Customs Department within one month upon the issuance of the PCA notice or PCA decision if they believe the interests have been negatively affected.

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## 19. CUSTOMS ENFORCEMENT AND APPEALS

### 19.1 Offences and Penalties

In Myanmar, any violation of the Customs Law or regulations constitutes an offence which may attract a fine or legal proceedings according to the degree of severity.

Section 167 of Sea Customs Act (2015), which has become the most fundamental basis for Customs enforcement, has listed 79 different kinds of offence, Section of Act to which offence has reference and its penalty respectively and in very detailed manners.

For example, the violation of “If any person, without the approval of the Competent Customs Official under section 202, acts as an agent for the transaction of business as therein mentioned” has reference to Section 202 of Act, and the penalty could be “Such person shall be liable to a penalty not exceeding ten hundred thousand kyats”.

Please check Section 167 of Sea Customs Act (2015) for detailed offences and penalties information.

### 19.2 Appeals

According to Section 10 of Tariff Law (1992) and Section 188, Section 191 of Sea Customs Act (2015), imports and exporters have the right of appeals and usually there are three categories of appeals relating to Customs affairs in Myanmar:

#### 19.2.1 Appeals under section 188 of the Sea Customs Act

Any person deeming aggrieved by any decision or order passed by an officer of Customs, may appeal to the Revenue Appellant Tribunal, within one month from the date of such decision or order. The Tribunal may thereupon make such further inquiry, giving the appellant, on his request, permission to make an oral statement and pass such order as he thinks fit, confirming, altering or annulling the decision or order appealed against within one month from the date of the decision or order made by the officer of Customs. The Tribunal may extend such period to three months on sufficient cause being shown by the appellant. It is required that the appealing letter, on which the 15 kyat revenue stamp is stuck, along with four copies

of the official documents on the decision or order taken by the officer of Customs should be submitted to the following address:

Revenue Appellant Tribunal

253, Mahabandoola Road

Yangon

Union of Myanmar

### **19.2.2 Review and revision under section 191 of the Sea Customs Act**

Those persons who do not wish to appeal to the Revenue Appellant Tribunal may also apply to the Direction General of Customs for review and revision of the order made by any officer of Customs. On the application of any party interested, made within two years from the making of the order, the Direction making of the order, the Director General of Customs may review and on so revenue notify, revise or confirms such order. Application for revision should be addressed to:

Director General

Customs Department

132, Strand Road

Yangon

Fax: 055-01-291897/296744

### **19.2.3 Appeals relating to the tariff classification, Customs valuation and origin of the goods under the Tariff law**

Any order or decision, made by the Director General of Customs, may be appealed by the aggrieved person to the Minister for Finance and Revenue, within 60 days from the date of receiving such order or decision. The decision of the Minister is final and conclusive. Appealing letter should be submitted to the following address:

Minister

Ministry of Finance and Revenue

26/A, Sethmu Road, Yankin Township

Yangon

Union of Myanmar.

Fax: 095-01-543677/543632

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## 20. CUSTOMS IPR BORDER PROTECTION

Myanmar's long awaited Trade Mark Act (TM Act) has finally received the President's assent at the end of January 2019. This has made the Myanmar market more attractive for foreign brands to enter. The TM Act is intended to harmonize Myanmar's trade mark laws and trade mark registration process with the rest of the world. The current first-to-use system will be replaced with a first-to-file system. Aside from the TM Act, Myanmar's Industrial Designs Act was also passed in February 2019. As with the TM Act, it has yet to come into effect and no implementing regulations are currently available. However, with these latest developments and the expected introduction of the Patents Act and the new Copyright Act, Myanmar's intellectual property regime looks to be on the cusp of a major overhaul and is expected to see significant changes to the legal landscape in the coming years.

Customs administrations are in the frontline to enforce intellectual property rights at the borders. In order to strengthen the IPR border enforcement, the Myanmar Customs has strived for reviewing its current practices and establishing administrative regulations to implement WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. Myanmar Customs has newly established IPR Section and reaffirmed the importance of robust IPR border enforcement while keeping in mind that the procedures themselves should not become barriers to trade.

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## 21. AUTHORIZED ECONOMIC OPERATORS (AEO)

Myanmar Customs Department has making efforts in developing its Authorized Economic Operator (AEO) scheme, a new system that will simplify and expedite the release of imported and exported goods and help the country catch up with its ASEAN and global counterparts.

The AEO scheme developed by Myanmar Customs Department will allow compliant and voluntary accredited traders with a good record of Customs compliance and a solid commercial-records management system to receive a range of trade-facilitation benefits, including quicker customs processing.

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## 22. TRADE STATISTICS

Since 1974, CSO (Central Statistical Organization) becomes the responsible agency for the compilation and dissemination of trade statistics while Myanmar Customs Department has been playing an important supporting role by collecting data based on Export and Import Declaration Forms, which constitute the major source of information in compiling foreign trade statistics.

The Statistical Compilation Section of Customs Department compiles the data of each and every inward and outward consignment and sends the data weekly and monthly to CSO for further data processing electronically.

Now CSO has been presenting weekly, monthly and yearly reports of foreign trade statistics.

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## 23. OFFICIAL BUSINESS HOURS

The service time of Myanmar Customs Department is as follows:

09:30 am to 16:30 pm (Mon-Fri)

Close Sat & Sun and official holidays

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## 24. CONTACT INFORMATION

For further and detailed information relating to Customs clearance procedures, enquiries should be addressed to the following contact:

Customs Department

132, Strand Road, Yangon

Union of Myanmar

Telephone: 095-01-284955

Fax: 095-01-281847 / 296744

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## 25. OFFICIAL WEBSITES

- Myanmar Customs Department: <http://www.myanmarcustoms.gov.mm>
- Myanmar Trade Net: <http://www.myanmartradenet.com>

- Myanmar Trade Portal: [www.myanmartradeportal.gov.mm](http://www.myanmartradeportal.gov.mm)
- Myanmar's Ministry of Commerce: <https://www.commerce.gov.mm>
- Federation of Chambers of Commerce and Industry: <http://www.umfcci.com.mm>
- Directorate of Investment and Company Administration: <https://www.dica.gov.mm>
- Central Statistic Organization: <http://www.csostat.gov.mm>
- Myanmar Customs Brokers Association: <http://www.myanmarcba.org>
- Myanmar International Freight Forwarders' Association: <http://www.miffa.org>

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5. [https://asean.org/?static\\_post=myanmar-3](https://asean.org/?static_post=myanmar-3).
6. <http://tfig.unece.org/contents/post-clearance-audit.htm>.
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8. <http://www.charltonsmyanmar.com/myanmar-law/tax-in-myanmar/>.

## APPENDIX:

Table 3 Recommendations for Import Licenses

Table 3: Recommendations for Import Licenses		
No	Agencies Name	Recommendation
1.	Food and Drug Administration, Ministry of Health and Sports	Various types of food products, soft drink, drugs, medical devices, and cosmetic products
2.	Livestock Breeding and Veterinary Department, Ministry of Agriculture Livestock and Irrigation	Various types of animal meat, livestock and animal products, animal feeds and veterinary medicine/pharmaceuticals
3.	Department of Fisheries, Ministry of Agriculture, Livestock and Irrigation	Prawns / Fry (baby fish), shrimp brans, Fish
4.	Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation	Various types of fertilizers, seeds, plants and plant products
5.	Pesticide Registration Board, Ministry of Agriculture, Livestock and Irrigation	Pesticide for agriculture use, mosquito coil (mosquito-repelling incense) and other pesticide products
6.	Department of Technology Promotion and Coordination, Ministry of Education	X-Ray machine, ultrasound machine
7.	Information and Public Relations Department, Ministry of Information	Film, foreign movies
8.	Printing and Publishing Department, Ministry of Information	Offset printing machine
9.	Myanmar Radio and Television, Ministry of Information	Satellite products, set top box, satellite dish antenna & receiver
10.	Myanmar Petrochemical Enterprise, Ministry of Electricity and Energy	Various type of fuel, motor oil and gas
11.	Minister Office, Ministry of Natural Resources and Environmental Conservation	Alabaster, petrified wood, mining products
12.	Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation	Ozone depleting substances, various gas (including refrigerator gas - Tetrafluoroethane)

**Table 3: Recommendations for Import Licenses**

No	Agencies Name	Recommendation
13.	Mining Department, Ministry of Natural Resources and Environmental Conservation	Salt, sodium nitrate
14.	Myanmar Pearl Enterprise, Ministry of Natural Resources and Environmental Conservation	Products made with Mother of Pearl
15.	Forestry Department, Ministry of Natural Resources and Environmental Conservation	Wood and forest products, wood cutting saw, circular saws
16.	Myanmar Jewelry Enterprise, Ministry of Natural Resources and Environmental Conservation	Gold and jewelry
17.	Myanmar Timber Enterprise, Ministry of Natural Resources and Environmental Conservation	Wood and forest products, wood cutting saw, circular saws
18.	Union Registration Board, Ministry of Home Affairs	Permit for associations- Local Association Board Registration
19.	Central Committee for Drug Abuse Control, Ministry of Home Affairs	Importation of Controlled Substances and 26 kinds of Precursors, exportation of sulfur rich tree barks
20.	Department Posts and Telegraph, Ministry of Transport and Telecommunications	Importing phones, communication equipment and devices
21.	Department of Marine Administration, Ministry of Transport and Communications	Importing vessels/ships and marine spare parts, safety & navigation equipment
22.	Department of Civil Aviation, Ministry of Transport and Communications	Importing Aircrafts
23.	Myanmar Investment Commission,	Imports/exports that conducted by the foreign investment companies
24.	Department of Religious Affairs, Ministry of Religion and Culture	Buddha statues, other religious idols, religious statues and products; and vehicles for religious purposes
25.	Department of Historical Research and National Library, Ministry of Religion and Culture	Buddha statues, other religious idols, religious statues and products
26.	Department of Industrial Collaboration, Ministry of Industry	Chemical raw materials

**Table 3: Recommendations for Import Licenses**

No	Agencies Name	Recommendation
27.	Myanmar Garment Manufacturers Association	Export of Cut-Make-Packing (CMP) garments

*Table 4 Recommendations for Export Licenses*
**Table 4: Recommendations for Export Licenses**

No	Agencies Name	Recommendation
1.	Food and Drug Administration, Ministry of Health and Sports	Various types of food products, soft drink, drugs, medical devices, and cosmetic products
2.	Livestock Breeding and Veterinary Department, Ministry of Agriculture Livestock and Irrigation	Various types of animal meat, livestock and animal products, animal feeds and veterinary medicine/pharmaceuticals
3.	Department of Fisheries, Ministry of Agriculture, Livestock and Irrigation	Prawns / Fry (baby fish), shrimp brans, Fish
4.	Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation	Various types of fertilizers, seeds, plants and plant products
5.	Pesticide Registration Board, Ministry of Agriculture, Livestock and Irrigation	Pesticide for agriculture use, mosquito coil (mosquito-repelling incense) and other pesticide products
6.	Department of Technology Promotion and Coordination, Ministry of Education	X-Ray machine, ultrasound machine
7.	Information and Public Relations Department, Ministry of Information	Film, foreign movies
8.	Printing and Publishing Department, Ministry of Information	Offset printing machine
9.	Myanmar Radio and Television, Ministry of Information	Satellite products, set top box, satellite dish antenna & receiver
10.	Myanmar Petrochemical Enterprise, Ministry of Electricity and Energy	Various type of fuel, motor oil and gas

**Table 4: Recommendations for Export Licenses**

No	Agencies Name	Recommendation
11.	Minister Office, Ministry of Natural Resources and Environmental Conservation	Alabaster, petrified wood, mining products
12.	Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation	Ozone depleting substances, various gas (including refrigerator gas - Tetrafluoroethane)
13.	Mining Department, Ministry of Natural Resources and Environmental Conservation	Salt, sodium nitrate
14.	Myanmar Pearl Enterprise, Ministry of Natural Resources and Environmental Conservation	Products made with Mother of Pearl
15.	Forestry Department, Ministry of Natural Resources and Environmental Conservation	Wood and forest products, wood cutting saw, circular saws
16.	Myanmar Jewelry Enterprise, Ministry of Natural Resources and Environmental Conservation	Gold and jewelry
17.	Myanmar Timber Enterprise, Ministry of Natural Resources and Environmental Conservation	Wood and forest products, wood cutting saw, circular saws
18.	Union Registration Board, Ministry of Home Affairs	Permit for associations- Local Association Board Registration
19.	Central Committee for Drug Abuse Control, Ministry of Home Affairs	Importation of Controlled Substances and 26 kinds of Precursors, exportation of sulfur rich tree barks
20.	Department Posts and Telegraph, Ministry of Transport and Telecommunications	Importing phones, communication equipment and devices
21.	Department of Marine Administration, Ministry of Transport and Communications	Importing vessels/ships and marine spare parts, safety & navigation equipment
22.	Department of Civil Aviation, Ministry of Transport and Communications	Importing Aircrafts
23.	Myanmar Investment Commission,	Imports/exports that conducted by the foreign investment companies

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