

MYANMAR

1.

Sector	: Manufacturing Sector
Sub-Sector	: <ul style="list-style-type: none">- Distilling, blending, rectifying, bottling and marketing of all kinds of sprits, beverages and non beverages (ISIC 1551)- Manufacture of wines (ISIC 1552)- Manufacture of malt and malt liquors, beer and other brewery products (ISIC 1553)- Manufacture of soft beverages, aerated and non-aerated products (ISIC 1554)- Manufacture of cigarettes (ISIC 1600)- Manufacture of corrugated galvanised iron sheets (ISIC 2710)- Manufacture of bakery products (ISIC 1541)- Manufacture of pulp, paper and paper board (ISIC 2101)
Industry Classification	: ISIC 1551, 1552, 1553, 1554, 1600, 2710, 1541, 2101
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: No new permits are issued to foreign investors ¹ For Manufacture of pulp, paper and paper board (ISIC 2101), integrated project is compulsory. Integrated project means combining of all plants into a whole Mill which compose Pulp Plant, Paper Plant, Chemical Plant, Recovery Plant, Power Plant and Waste Water Treatment Plant etc.
Source of Measure	: <ul style="list-style-type: none">- The Union of Myanmar Foreign Investment Law (1988).- Administrative Guideline.

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¹ According to the Union of Myanmar Foreign Investment Law, "Foreign Investor" means a person or an economic organization making an investment under a permit.

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2.

Sector	:	Manufacturing and Services incidental to Manufacturing
Sub-Sector	:	- Manufacture of pharmaceutical drugs (ISIC 2423) - Services related to manufacture of pharmaceuticals (CPC 88570)
Industry Classification	:	ISIC 2423 CPC 88570
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	Only allowed to State-owned Enterprises under the Ministry. ² Require permission from Food and Drug Administration (FDA) under the Ministry of Health.
Source of Measure	:	- Directives. - National Drug Law (1992).

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² State-Owned Enterprises means enterprises owned or controlled by the respective ministries under the state budget.

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3.

Sector	: Manufacturing and Services incidental to Manufacturing
Sub-Sector	: - Manufacture of Refined Petroleum Products (ISIC 2320) - Services relating to manufacture of refined petroleum products (CPC 88450)
Industry Classification	: ISIC 2320 CPC 88450
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: State-owned Enterprises are allowed to operate oil refining and undertake refining activities. Myanmar Nationals/ Myanmar Companies ³ established under the existing Laws of Myanmar can be allowed subject to the approval of the Cabinet on a case-by-case basis.
Source of Measure	: - The Union of Myanmar Foreign Investment Law (1988). - State-owned Economic Enterprises Law (1989). - Directives. - Myanmar Citizens Investment Law (1994.)
Justification	: - For national interest. - According to the Section 4 of the State-owned Economic Enterprises Law (SEEs), the Government may, by notification, permit in the interest of the Union of Myanmar any economic enterprise which is prescribed under the Section 3, to be operated solely by the Government to be carried out by joint-venture between the Government and any other person or any other organization or under conditions by any person or any economic organization subject to conditions.

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³ Myanmar Companies are companies solely-owned or controlled by Myanmar Nationals.

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4.

Sector	: Manufacturing
Sub-Sector	: - Publishing of Newspaper Business (ISIC 2212) - Reproduction of Recorded Media (ISIC 2230)
Industry Classification	: ISIC 2212, 2230
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Newspaper business must be run by Government bodies only. Reproduction of recorded media business must be run by Government and Myanmar nationals only.
Source of Measure	: - Article (3) of State-owned Economic Enterprises Law (1989). - Decision made by Central Supervisory Board of Printers and Publishers Registration, Press Scrutiny, and Publication which was formed by the Government.
Justification	: Newspaper business is important sector for the Government and State. Reproductions of recorded media business are important sectors not only for the Government and State but also for the audiences.

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5.

Sector	: Forestry and Services Incidental to Forestry
Sub-Sector	: - Production and extraction of hard-wood⁴ from the natural forest⁵ (ISIC 0200) - Services incidental to Forestry (CPC 8814) <ul style="list-style-type: none">• Extraction of logs from the natural forests• Protected areas system⁶
Industry Classification	: ISIC 0200 CPC 8814
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Only allowed to State-owned Enterprise under the Ministry
Source of Measure	: - Forest Policy (1995). - State-owned Economic Enterprises Law (1989) - Forest Law (1992) - Protection of Wildlife and Wild Plants and Conservation of Natural Areas Law (1994)
Justification	: Conservation of forest resources and the environment. Biodiversity conservation

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⁴ Hard-wood is used to describe wood from non-monocot angiosperm trees and for those trees themselves. These are usually board-leaved; in temperate and boreal latitude they are mostly deciduous, but in tropics and subtropics mostly evergreen.

⁵ Natural forests are the forest which might be managed to some degree or unmanaged. After an adequate amount of time without intervention, such a forest might develop some of the basic structure of virgin forest.

⁶ Protected Areas System is an area of land/or sea especially dedicated to the production of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means (IUCN, 1994).

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6.

Sector	: Fishery
Sub-Sector	: Fishing of marine fish, prawns and other aquatic organisms
Industry Classification	: ISIC 0500
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	<p>: If any investor desires to engage in a fishery in the exclusive economic zone, he shall apply to the Department of Fisheries in the prescribed form. Such an investor shall form a joint venture with State organization (or) existing joint venture company or private Myanmar Company, subject to the approval of the Government. Provided that in exceptional circumstances, he may apply for permission to operate a fishery in other fisheries waters.(Chapter 3, para 6 at Law Relating to the Fishing Rights of Foreign Fishing Vessels)(1989).</p> <p>Such an investor shall initially discuss with the Department of Fisheries under the Ministry of Livestock and Fishery. The Ministry shall submit the proposal to Cabinet through Myanmar Investment Commission (MIC) and Trade Council. After getting approval from Cabinet, MIC will issue the investment permit. An investor who has been granted a fishery on application under section 6 shall obtain a licence and register at the Department of Fisheries.</p>
Source of Measure	: - Law relating to the Fishing Right of Foreign Fishing Vessels (1989). - Myanma Marine Fisheries Law (1990).
Justification	: For fishing of marine fish, prawn, and other aquatic organism, different treatment is given to Myanmar citizens according to the provisions of the Myanma Marine Fisheries Law (1990).

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7.

- Sector** : **Services Incidental to Fishery**
- Sub-Sector** : - **Services related to processing on board for fish, crustaceans and mollusks and other related services, exploitation of sea-products.**
- **Services related to exploitation of fresh water fisheries.**
- **Quarantine, quality control of aquaculture and processing products, services on supply of feed, medicines and chemical for aquaculture.**
- Industry Classification** : CPC 88200
- Level of Government** : Central
- Type of Obligation** : National Treatment
- Description of Measure** : If any investor desires to engage in a fishery in the exclusive economic zone, he shall apply to the Department of Fisheries in the prescribed form. Such an investor shall form a joint venture with State organization (or) existing joint venture company or private Myanmar Company, subject to the approval of the Government. Provided that in exceptional circumstances, he may apply for permission to operate a fishery in other fisheries waters.(Chapter 3, para 6 at Law Relating to the Fishing Rights of Foreign Fishing Vessels)(1989)
- Such an investor shall initially discuss with the Department of Fisheries under the Ministry of Livestock and Fishery. The Ministry shall submit the proposal to Cabinet through Myanmar Investment Commission (MIC) and Trade Council. After getting approval from Cabinet, MIC will issue the investment permit. An investor who has been granted a fishery on application under section 6 shall obtain a licence and register at the Department of Fisheries.
- Source of Measure** : - Law relating to the Fishing Rights of Foreign Fishing Vessels (1989).
- Myanma Marine Fisheries Law (1990)
- Justification** : For fishing of marine fish, prawn, and other aquatic organism, different treatment is given to Myanmar citizens according to the provisions of the Myanma Marine Fisheries Law (1990)

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8.

Sector	: Mining and Quarrying, and Services Incidental to Mining and Quarrying
Sub-Sector	: <ul style="list-style-type: none">- Exploration and Extraction of Natural Gas (ISIC 1110)- Exploration and Extraction of Petroleum (ISIC 1110)- Services relating to Exploration and Extraction of Natural Gas (CPC 88300)- Services relating to Exploration and Extraction of Petroleum (CPC 88300)
Industry Classification	: ISIC 1110 CPC 88300
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: According to the section-3 of State-owned Economic Enterprises (SEEs) Law (1989), Exploration and Extraction of Natural Gas and Petroleum are restricted activities to be carried out solely by the State. However, investor who wants to engage in these activities shall initially discuss with the Ministry of Energy under Production Sharing Contract. The Ministry shall submit the proposal to Cabinet through MIC and Trade Council. After getting approval from Cabinet, the Government will issue notification subject to the State-owned Economic Enterprises Law. The Management Committee shall consist of a total of 7 members, 4 from the Myanmar side, one of whom shall act as Chairman and 3 from the investor side according to Production Sharing Contract or according to the agreement between Ministry of Energy and the investor.
Source of Measure	: State-owned Economic Enterprises Law (1989).

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9.

Sector	: Services incidental to Mining and Quarrying
Sub-Sector	: Gemstone
Industry Classification	: CPC 88300
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: Foreigners and foreign companies are not allowed for prospecting, exploration and mining of gemstone. Services relating to prospecting, exploration and mining of gemstone are only allowed to the Companies formed solely with Myanmar Citizen under the Special Company Act 1950. The composition of Joint Management Committee may consist of a minimum of five members and to be mutually agreed by Product Sharing Contract (PSC) Partners. A minimum of three members from Myanmar side one of who shall act as chairman and two members from the partner company. The Joint Management Committee is responsible for assisting the General Manager in decision making in financial, technical and procurement issues.
Source of Measure	: - Ministerial Policy - State-owned Economic Enterprises Law(1989) - Myanmar Gemstone Law (1995)

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10.

Sector	:	All Sectors (Land Ownership)
Sub-Sector	:	-
Industry Classification	:	
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	National Treatment may not apply to any measures affecting land ⁷ , property and natural resources associated with land. Land is owned by the State. However, government-owned lands, lands owned by the government department, organization and private lands owned by the citizen can be leased for initial 30 years and extendable two consecutive terms of 15 years subject to the approval of the Myanmar Investment Commission.
Source of Measure	:	<ul style="list-style-type: none">- The Transfer of Immovable Property Restriction Law (1987).- Directive 3/90.- Directive 5/93.- The Central Committee for the Management of Cultivable Land, Fallow Land and Waste Land Notification No.1/91.- Notification No.39/2011 (30th September, 2011)

⁷ For the purposes of reservation, land includes residential land, Commercial land, Industrial land and Agricultural & Livestock land.

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11.

Sector	:	All Sectors
Sub-Sector	:	-
Industry Classification	:	
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	<u>Company incorporation</u>

A foreign company, whether a hundred percent owned or a joint venture and a branch/ representative office, is required to apply and obtain a permit for business operation.

A joint venture with the State equity formed under the Special Company Act 1950 is exempted from obtaining a permit.

Source of Measure	:	- Myanmar companies Act (1914) - Special Company Act (1950) - Directives
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