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Burma – Union of

Food and Agricultural Import Regulations and Standards Report

FAIRS Annual Country Report

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Report Highlights:

Myanmar is in the process of updating many of its laws and regulations. Recent new laws affecting food and agricultural imports include a Seed Law, a Plant Variety Protection Law, a Pesticide Law, an Investment Law, and a Trademark Law. A new Consumer Protection Law and Food Law are expected soon.

Section I. Food Laws:

Summary:

Myanmar is in the process of updating many of its laws and regulations. For example, Myanmar approved a new Seed Law and a Plant Variety Protection Law in 2016, a new Pesticide Law and Investment Law 2017 and a Trademark Law in 2018. The government drafted a new Food Law, which is a general framework, under which all food regulations will fall. The draft is currently under review at the Vice President's Office. A notification in November 2018 requires Myanmar language information on food labels as of April 2019, and a new Consumer Protection Law is expected in 2019, and will affect food labelling. Myanmar increased the fees for Import Certificates for the import of plants and plant products, and the laboratory test fee for the food and drinks in 2018.

Section I. General Food Laws

Myanmar is in the process of adopting a new National Food Law, which was drafted with assistance from the United States Agency for International Development (USAID). The Department of Food and Drug Administration (FDA) under the Ministry of Health and Sports is the lead agency drafting this new Food Law, under the Food Law Committee, which includes the Ministry of Agriculture, Livestock and Irrigation; Ministry of Commerce; Myanmar Police Force; Yangon, Naypyitaw and Mandalay City Development Committees; Union Attorney General Office (UAGO); and the Ministry of Education.

At present, the draft National Food Law has been submitted to the Office of the Vice President review. After review, the law will be returned to the Ministry of Health and Sports for revising and will be resubmitted to the Union Attorney General Office (UAGO) for legal advice. The new Food Law will be the general framework for regulating the production, sale, and trade of food and food products. The Law was expanded to cover all food from farm to table, and will link to other existing laws such as the Plant Pest Quarantine Law, Animal Health and Development Law, Consumer Protection Law, FDA's notifications and the minimum requirements for food manufacturing, etc. The Food Law will likely be approved in 2019. Myanmar FDA is also preparing the food regulations under this law, which currently consist of the following 15 subtitles:

1. Food Inspection
2. Food Safety Management System and Auditing
3. Imported Food Control (all food chain)
4. Food Safety Emergency Management
5. Traceability and Mechanism
6. Street Food and Restaurants
7. Other kinds of Foods (GMO, GE, and so on)
8. Food Labelling Regulations
9. Food Advertisement
10. Packaging and Packaging Materials
11. Good Hygiene Practices
12. Local Food Control Authority
13. Food Transport
14. Food Distribution and Sale
15. Catering Services

Prohibited Imports

Myanmar prohibits the importation of certain articles that endanger public morals, threaten human, plant or animal life, involve the importation of gold and silver, arms and ammunition, and similar items. Prohibited goods cannot be imported, exported, transited, sold or circulated in Myanmar. In addition, the Myanmar Ministry of Commerce periodically has bans import of certain agricultural products by refusing to issue import permits, or limits the quantities of these goods it allows, as a protectionist non-tariff barrier. Currently, whole corn grains and beans, peas and pulses are not receiving import permits, creating a de-facto ban.

Section II. Labeling Requirements:

Myanmar currently follows Codex guidelines and the ASEAN Common Principles and Requirements, Appendix 2 for the Labeling of Prepackaged Foods. The Central Committee for Consumer Protection issued Notification 1/2018 on October 26, 2018 that required all consumer products sold in the country to be labelled with certain minimal information in the Myanmar language. The notification requires Myanmar language labelling for directions for use, storage instructions, allergy alerts and/or warnings and side effects (if any). The notification gives a 6-month grace period from the notification date, with April 26 as the date of compliance. The Department of Consumer Affairs (DOCA) is drafting a new Consumer Protection Law, which is expected to be released in April 2019. This law is expected to include additional items on the label in the Myanmar language, such as type of food, size, quantity, and net amount/net weight of products. Although final guidelines have not been issued, it is expected that DOCA will allow Myanmar language stickers to be applied to products after they enter the market, but before they move to the final point of sale. The importers and local companies should contact FDA and/or DOCA if they have questions about how to comply with the labelling requirements.

Section III. Packaging and Container Regulations:

There are no regulations on the size or weight of imported food containers. However, regarding packaging materials, Myanmar has adopted recommendations under the ASEAN Consultative Committee on Standard and Quality of Product, Prepared Foodstuff Product Working Group for harmonizing standards, including harmonized standards for the following products: lead, cadmium, chromium six bisphenol A, chloromethane, and formaldehyde for SML. FDA published guidelines for the minimum requirements of manufacturing for food and drinking water in 1998. (<http://www.fdamyanmar.gov.mm/index.php/en/2014-06-13-09-34-59/2014-06-13-09-37-28>).

Section IV. Food Additives Regulations:

Although the FDA is responsible for regulating food additives, it has not issued a specific list of those allowed to be used in food. As such, it defers to Codex standards for food additives.

Section V. Pesticides and Other Contaminants:

Myanmar defers to ASEAN and Codex Maximum Residue Levels (MRL) standards for pesticide residues in food, veterinary drugs, and contaminants. The government laboratories usually test for mycotoxins and aflatoxin. Myanmar banned 41 pesticides and restricted seven pesticides on August 9, 2018. Please visit the following link to see the list of banned and restricted pesticides in Myanmar. <http://ppdmyanmar.org/pesticide-registration-board/>.

Pesticide Registration:

An amended Pesticide Law was issued by Ministry of Agriculture (available in Burmese only) in

January 2016 (see: <http://ppdmyanmar.org/pesticide-registration-board/the-pesticide-law/>). The Pesticide Law calls for the formation of a Registration Board under the guidance of the Myanmar Department of Agriculture. The Board's role is to test pesticides labeling claims as well as their bio-efficacy on the crops. In order to apply for a pesticide registration, the applicant must submit an application form to the Pesticide Board specifying the type of permit sought, experimental registration, provisional registration, full registration, or special use permit. The amended Pesticide Law is not much different from the previous one, and primary changes include updates to the names of the related Ministries and updated monetary penalty amounts. Data requirements for the pesticide registration are provided on the following website; <http://ppdmyanmar.org/pesticide-registration-board/>.

Section VI. Other Regulations and Requirements:

Facility and Product Registration Requirements:

Facilities producing imported foods do not need to be registered, but they need to apply for an Import Recommendation (IR) from FDA, which has a 2-year validity

Other Certification and Testing requirements:

A Certificate of Country of Origin is required for all agricultural products. An original Phytosanitary Certificate and/or Health Certificate from the country of origin should also accompany the consignment. A Fumigation Certificate is required if the product was treated. The following sections provide further detailed information on these requirements.

Myanmar Investment Law:

Myanmar adopted a new Investment Law in October 2017 (Appendix) which will make it easier to do business in Myanmar. Under the new Myanmar Investment Law, regional governments can approve some proposals, and only large business investments will be screened by the Myanmar Investment Commission (MIC). Myanmar also adopted a new Companies Act in December 2017. Under the new Myanmar Companies Act, foreigners are permitted to take up to a 35 percent stake in all local companies. Under the previous Companies Law, foreigners could only invest in certain sectors such as new car distribution, fertilizers and construction materials.

Section VII. Other Specific Standards:

Myanmar enacted the Law on Standardization in July 2014. The National Standards Council released 50 standards in July 2018 including frozen fish, frozen prawns, beans and peas. Myanmar conducted 25 public stakeholder meetings during the drafting of the National Standards for drinking water, vegetables oil and seven traditional medicines. In addition to these 50 standards, the Myanmar Tea Producers Association proposed standards for tea (based on ASEAN). MOALI has also proposed to standardize the Myanmar GAP Protocol and Guidelines for 15 crops, to become Myanmar National Standards.

Section VIII. Copyright and/or Trademark Laws:

Myanmar's draft Trademark Law was approved by Parliament in early December 2018. According to the draft law, an Intellectual Property Office will be established under the Ministry of Education and will be responsible for registering trademarks, examination, publication, granting, renewal and cancellation of trademarks. Any individual or corporation that owns a trademark will be allowed to

register it with the Myanmar Intellectual Property Office, which will be set up under the Ministry of Education. Foreigners must appoint a local agent if their ordinary residence or principal place of business is outside of Myanmar. The term of registration will be ten years from the filing date of the application for registration, and the protection will be renewable every ten years.

Registration Procedures:

- a) Application
- b) Formality examination
- c) Substantive examination
- d) Publication for opposition
- e) Granted 10 years, renewable

According to the draft law, a trademark application shall contain the following information and documents:

- a) Request form for filing a trademark
- b) Name and address of the applicant
- c) If the application is filed by a representative, the name and address of the representative
- d) Particulars and description of the trademark
- e) Class and list of goods and/or services in accordance with international classification systems
- f) If the applicant applies for registration on behalf of an organization, the registration number, type, and country of such organization
- g) If a priority right is claimed by the applicant, a request letter for priority claim shall be submitted together with evidence of prior application/registration
- h) If a right of exhibition priority is claimed, a request for exhibition priority claim together with the supporting evidence and statement that there is an exhibition
- i) Priority right shall be submitted
- j) If a trademark for which registration is sought is already registered at the office of the sub-Registrar of Deeds and Assurance, the applicant shall submit a certificate (duly registered DOO) of such registered mark
- k) Other required facts or information which may be issued by Department from time to time

Section IX. Import Procedures:

Food (not including raw plant products):

The Department of Food and Drug Administration (FDA) is responsible for registering locally produced food; providing an Import Recommendation (IR) and Import Health Certificate (IHC) for imported food; licensing of food and drugs; and overall quality control of registered drugs, processed food, imported food and food for export. FDA has five divisions, including the Administrative Division, Drug Control Division, Food Control Division, Cosmetic and Medical Device Control Division, and the Laboratory Division.

FDA not only assesses the documents related to the Good Hygienic Practice of Manufacturing for factories from abroad (such as factory registration, product specification, certificate of analysis

etc.), but also analyzes imported food to ensure that it complies with related specifications or international standards. Myanmar is an active participant in the ASEAN Codex Committee. Food control activities in Myanmar are conducted in line with the National Food Law and Public Health Law, and also generally with Codex guidelines and standards.

Importers must apply for an Import Recommendations (IR) at the FDA with a product sample and supporting documents such as a food specification document, ingredients documents, GMP certificate, Product Registration or Free Sale Certificate. They must provide a sample of the food item with original packaging, or if the food item package is too big to provide, a photograph of the packaging. The sample amount is generally 1,500 grams per item for the food, 1.5 liters per item for the liquid, and 15 to 600 grams for food additives, depending on the type of additives. The IR is valid for 2 years. It acts like an import registration and with it the importer can make multiple separate shipments during the 2 years. In addition, importers must apply for an import license, after receiving an IR, at the Ministry of Commerce (MOC) in order to get permission to bring in each shipment. When the shipment arrives, a sample with the batch number is sent to FDA for laboratory testing in order to obtain an Import Health Certificate (IHC), which needs to be attached in the new online customs declaration system, called MACCS. FDA usually conducts microbiological and chemical tests, depending on the type of food being imported. FDA announced increased fees for the laboratory tests on October 2018, which were significantly higher than the previous fees (See: <http://www.fdamyanmar.gov.mm/?p=1296>).

The following flow chart demonstrates the IR process before shipping and IHC process after a shipment arrives.

Import Recommendation process before shipment (2 years validity)

Source: <http://www.fdamyanmar.gov.mm/?p=825>

Once they receive an IR, the importer must apply for an import permit before the shipment departs the port of origin.

Health certificate for food importation process after shipment arrives

Source: <http://www.fdamyanmar.gov.mm/?p=825>

Wine, Beer, Liquor:

Myanmar started allowing wine imports in March 2015, but liquor and beer imports remain illegal. Wine can enter Myanmar by airfreight and sea freight but may not be brought in through land border crossings. The shipment documentation must declare the country of origin and the alcohol percentage must be between 7 and 20%. Importers must present a company registration, a trading license and an official contract with the supplying company from which they are importing.

Importers must have an excise license, or FL 11, issued by General Administrative Department from the Ministry of Home Affairs. According to Myanmar Excise Rules, only Myanmar citizens are eligible to apply for an FL 11. Before applying for an Import License, the importer must apply for a Wine Import Registration Card after presenting the FL 11 excise license. The validity of a Wine Import Registration Card is 1 year and can be extended every year. The registration and extension

fee is 50,000 kyats (US\$ 40) per year. A tax is also levied on imports. In late September 2018, the Myanmar government issued a warning to retailers and distributors not to display foreign liquors, as there are many illegally imported or counterfeit distilled spirits for sale throughout the country. Then in November, the government notified importers that foreign liquors would be temporarily allowed at retail shops in the domestic market.

The Department of FDA is also responsible for issuing the Import Recommendation for wine and the procedures to apply for an Import Certificate and Health Certificate are the same as for food products.

Plants and Plant Products:

The Plant Protection Division (PPD) of the Department of Agriculture (DOA), which falls under the Ministry of Agriculture, Livestock and Irrigation (MOALI) is responsible for regulating the importation of plants and plant products. PPD is also responsible for the inspection and import authorizations of plant products, via issuance of Import Certificates for plants and plant products such as fruits, vegetables, and seeds.

Importers must apply for an Import Certificate (IC) from PPD with a product sample and supporting documents and must pay an inspection fee for testing of the sample. Applications for an IC submitted to PPD take 3 days to 2 weeks to be approved. After receiving an IC from PPD, the importer must apply for an import license or permit from the Ministry of Commerce. When the shipment arrives, the importer should inform PPD, which will then take a sample randomly from the consignment and conduct an inspection for pests and diseases. If the test is clear, PPD provides a recommendation letter to allow the commodities to enter the country. The importer collects the resulting certificate from PPD and can proceed for custom clearance. The importer must present the original phytosanitary certificate from the country of origin, which must accompany the shipments. According to the revised seed law approved in February 2016, all imported seeds for commercial planting must be accompanied by a non-GMO certificate.

On January 1, 2017, the Myanmar government imposed a new pest risk analysis (PRA) requirement for imported plant commodities. Under the new requirement, Myanmar authorities prevented the import of any plant or plant products without the required PRA information and approval. Then on November 11, 2018, the DOA announced it was lifting the PRA requirements for 40 fresh fruits, 12 cereals and legumes, and 25 vegetables for human consumption. Canola, corn/maize, sorghum, soybeans and wheat for animal feed consumption are also allowed to be imported from any country without a PRA. As for seeds and seedlings for planting, 82 types are allowed to be imported without PRA information. In addition, tuber seed potatoes for planting from Argentina, Australia, India, Korea and the USA do not need to provide PRA data information (source: <http://ppdmyanmar.org/plant-quarantine-pq/allowed-import-plants-and-plant-products-that-do-not-need-data-information-for-pest-risk-analysis-pra-11-11-2018/>).

Myanmar adopted a new Plant Variety Protection Law in January 2016 which aims to protect the rights of breeders of new plant varieties, to develop the activities of plant breeders, to encourage investment in and development of the breeding of new plant varieties in both the public and private sectors, and to support agricultural sector development through the production and cultivation of new improved varieties

The Plant Pest Quarantine Law was revised by the Plant Protection Division (PPD) of the Department of Agriculture (DOA), in an attempt to bring it more in line with international standards. The draft revision is under review by the UAGO. PPD updated the Standard Operation Procedures for Import, Export and Inspection for Plants and Plant Products in August 2018 on its official site (<http://ppdmyanmar.org/>). The application fee for an Import Certificate increased from 2,000 to 30,000 Myanmar Kyats in August 2018.

Standard Operation Procedures for Import, and Inspection for Plants and Plant Products

Importers should apply for an Import Certificate (IC) for plants and plant products and the list allowed to import is available both at Plant Protection Division notice board and the link, www.ppdmyanmar.org. If the plants or plant products are not included in PRA exemption lists, the importers must submit pest risk data for the PRA when they apply for an IC. The Import Certificate must be sent by the NPPO of the exporting country, which issues Phytosanitary Certificates. The validity of an IC is 3 months and can be amended one time if it is expired before the shipment arrives. Import Certificates can be applied for at the Plant Quarantine Office, Plant Protection Division, of the Department of Agriculture in Yangon and also at Plant Quarantine office at land border entry/exit inspection points.

Documents needed to apply for an Import Certificate:

- Completed application form of Department of Agriculture (DOA-PPD)
- Approved letter of company (if company assigns representative for application)
- Register maximum (2) representatives per company

If the import is for planting, recommendation letters are required from the concerned ministerial offices:

- Sugarcane: Recommendation letter from the Sugar Crops Division
- Perennial crops: Recommendation letter from the Perennial Crops Division
- Other agricultural crops: Recommendation letter from the Seed Division
- Forest plants: Recommendation letter from the Department of Forestry
- Copy of company Registration Certificate

The application will be registered and accepted if the above necessary documents are completed.

Working period and application fee for Import Certificate:

- About 3 working days (excluded official non-working public holidays)
- Fees for Import Certificate: Myanmar Kyats 30,000

Procedures for inspection of commodity upon arrival under Myanmar Automated Cargo Clearance System (MACCS)

- Importers must inform the Department of Agriculture, Plant Protection Division (DOA-PPD) and apply for testing using the “Other Government Agency (OGA) test application” available at the Myanmar Customs Department.
- Submission of an original Phytosanitary Certificate (attach scanned copy in to MACCS and submit the original to PPD)
- Inspection of whether Phytosanitary Certificate matches the Import Certificate, visual inspection of 0.005-0.01% of imported commodities, laboratory test (if needed, especially for seeds)
- If shipment is pest free and Phytosanitary Certificate matches the Import Certificate, then PPD approves in MACCS and the shipment is cleared.
- If any quarantine pest is found, the imported commodities must be disinfected or destroyed at the exporters’ cost. (Note: If non- quarantine pests are found in the representative sample, PPD can consider clearing the shipment without any treatment, but it depends on the percentage of pest infestation).

Animals, Animal Products, Animal feed and Veterinary Pharmaceuticals (including Meats and Poultry)

The Livestock Breeding and Veterinary Division (LBVD) of MOALI is responsible for the inspection of imported meats and poultry, meat products, eggs and, animal feed. In late 2013 the procedures for importing meat to Myanmar changed in order to incorporate private sector associations into the decision process. This can be a significant hurdle and major non-tariff barrier. Under the new procedures, the importer must be a member of the Myanmar Livestock Federation (MLF), which is an association of local livestock firms, before they can import meat and meat products. Importers must obtain a recommendation from the Myanmar Meat Inspection Board (MMIB). The MMIB was established in October 2014, to manage meat imports into the country. Importers also need to obtain an import recommendation from the LBVD, and then apply for an import permit (called import license) from the Ministry of Commerce. In addition to the import recommendation and permit, each shipment must be accompanied by a Health Certificate, and a declaration of the shipment’s contents. If the shipment passes the inspection for wholesomeness and quality, the office of LBVD will issue another certificate of recommendation, which will allow the shipment to be released. The process for receiving a recommendation from LBVD takes 7-10 days. The application fee for an import recommendation is 1,500 Myanmar Kyat (MMK) per metric ton and the inspection fee for the laboratory test is 15, 000 MMK. Recently, the Myanmar Ministry of Commerce (MOC) has occasionally denied some applications for import permits for beef and pork, without warning, to protect domestic producers from competition, even though this significantly harms local hotel, restaurant, and tourism industries.

Customs Declaration:

Myanmar is utilizing the Myanmar Automated Cargo Clearance System (MACCS) at international ports, the Yangon Airport International Cargo Terminal and Thilawa Special Economic Zone operations (<https://www.maccs.gov.mm/c-o>). This system includes user registration, clearance of goods, cargo management, fee payments, and a helpdesk. MACCS will eventually connect with shipping and airline companies, the Port Authority, warehouse operators, brokers and importer/exporters and with other government agencies. It was initially installed in Yangon and later will be deployed at other customs offices throughout Myanmar.

In order to clear Customs, imports must be accompanied by a customs declaration and required accompanying documents. All imports must be cleared through Customs using the [CUSDEC-1 Import Declaration Form](#) along with the [CUSDEC-4 Customs Valuation Form](#).

1. Required accompanying documents include:
 - a. An Import Permit/License (when required)
 - b. Invoice
 - c. Bill of lading, air consignment note, or truck note
 - d. Packing list
 - e. Other certificates, permits or import recommendations, as required (for example, a country of origin or SPS or FDA certificate)

2. The customs declaration and supporting documents must be submitted to Customs at the time that the goods arrive. Customs has not yet adopted pre-arrival processing.

The customs duty assessed on imported goods is a percentage of their declared value, and ranges from 0-15 percent for agricultural products, except wine, which is 30 percent.

Section X. Copyright and/or Trademark Laws

Myanmar's draft Trademark Law was approved by Parliament in early December 2018. According to the draft law, an Intellectual Property Office will be established under the Ministry of Education and will be responsible for registering trademarks, examination, publication, granting, renewal and cancellation of trademarks. Any individual or corporation that owns a trademark will be allowed to register it with the Myanmar Intellectual Property Office, which will be set up under the Ministry of Education. Foreigners must appoint a local agent if their ordinary residence or principal place of business is outside of Myanmar. The term of registration will be ten years from the filing date of the application for registration, and the protection will be renewable every ten years.

Registration Procedures:

Application
Formality examination
Substantive examination
Publication for opposition
Granted 10 years, renewable

According to the draft law, a trademark application shall contain the following information and documents:

Request form for filing a trademark
Name and address of the applicant
If the application is filed by a representative, the name and address of the representative
Particulars and description of the trademark
Class and list of goods and/or services in accordance with international classification systems

If the applicant applies for registration on behalf of an organization, the registration number, type, and country of such organization

If a priority right is claimed by the applicant, a request letter for priority claim shall be submitted together with evidence of prior application/registration

If a right of exhibition priority is claimed, a request for exhibition priority claim together with the supporting evidence and statement that there is an exhibition

Priority right shall be submitted

If a trademark for which registration is sought is already registered at the office of the sub-Registrar of Deeds and Assurance, the applicant shall submit a certificate (duly registered DOO) of such registered mark

Other required facts or information which may be issued by Department from time to time

Import Licenses:

The Department of Trade of the Ministry of Commerce issues import licenses for all commodities.

Importers can apply for an import license via the TradeNet website (<http://www.myanmartradenet.com/>) or via paper. Applications are accepted at the Ministry headquarters in Nay Pyi Taw, and in Yangon, Mandalay and at certain border offices. The validity of an Import License is 3 months and can be extended two times for another 3 months; 2 months and 1 month, respectively. For food products, there are other steps needed in order to obtain an import license, such as obtaining an import recommendation and a safety review.

Appendix I. Government Regulatory Agency Contacts:

Department of Agriculture

Ministry of Agriculture, Livestock and Irrigation

Office No. (15 (43)

Nay Pyi Taw, Myanmar

Tel: (+95) 67-410007

Fax: (+95) 67-410138

Website: <https://www.moali.gov.mm/>

Plant Protection Division

Department of Agriculture

Ministry of Agriculture, Livestock and Irrigation

Bayintnaung Road, west Gyogone, Insein P.O 11011

Yangon, Myanmar

Tel: (+95) 1 644214/ 640344

Fax: (+95) 1 667991

Website: <http://www.ppdmyanmar.org/>

Livestock Breeding and Veterinary Department

Ministry of Agriculture, Livestock and Irrigation

Office No. (36)

Nay Pyi Taw, Myanmar

Tel: (+95) 67-408466

Fax: (+95) 67-408044

WTO-SPS Contact Point

Directorate of Investment and Company Administration (DICA)

Ministry of National Planning and Economic Development

Office No. (1) (32)

Nay Pyi Taw , Myanmar

Tel: (+95) 67- 407342, 407147

Fax: (+95) 67- 407027, 407434

Website: www.dica.gov.mm

Food and Drug Administration

Department of Food and Drug Administration

Ministry of Health and Sports

Nay Pyi Taw

Tel: +(95)-67-403350

Fax: +(95)-67-403165

Trade Portal (Website with information about tariffs, regulations, and import and export procedures)

<http://www.myanmartradeportal.gov.mm/en>

Appendix II. Other Import Specialist Contacts:

U.S. Department of Agriculture, Foreign Agricultural Service

The Foreign Agricultural Service in Rangoon, Burma maintains current information about food and agricultural import opportunities in Myanmar. Questions or comments regarding this report should be directed to the following:

Office of Agricultural Affairs

U.S. Embassy

110 University Avenue

Kamayut Township 11041

Yangon, Myanmar

Tel: +95-1-536509

Fax: +95-1-511069

E-mail: agrangoon@fas.usda.gov

Key Contact: Rachel Nelson, Agricultural Affairs Officer