

Required Report: Required - Public Distribution

Date: June 09, 2021

Report Number: BM2021-0020

Report Name: FAIRS Annual Country Report Annual

Country: Burma - Union of

Post: Rangoon

Report Category: FAIRS Annual Country Report

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Report Highlights:

Prior to the February 1, 2021 military coup, Burma was in the process of updating many of its laws and regulations. In the current uncertain environment, the military regime's approach to policy development remains unclear. This report does not reflect any significant changes from the December 2020 report, but includes updates on the Pesticide Registration in Section 5.1; Import License in Section 9.1; Prohibited Imports in Section 9.2; Food Import and the Application of Import Recommendations in Section 9.3; Trade Facilitation in Section X; and point of content for Codex matters in Appendix I.

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Executive Summary

On February 1, 2021, Burmese State Counsellor Aung San Suu Kyi, leader of Burma's ruling party, and Burmese President Win Myint, the duly elected head of government, were [deposed in a military coup d'état](#). Prior to the coup, the country was in the process of updating and drafting its laws and regulations. For example, Burma approved a new Animal and Livestock Breeding Development Law in August 2020 and revised the previous draft of new National Food Law which is a general framework under which all food regulations will fall. Burma also drafted the Order of General Standard for the Labeling of Prepackaged Food and submitted it to the Cabinet. However, it remains unclear how the military regime will approach policy development.

Burma's prohibition on the utilization of Chlorpyrifos pesticide will come into effect on July 1, 2021, but imported plant and plant products that are produced with Chlorpyrifos are not affected by this policy as long as they do not exceed the Codex MRL for Chlorpyrifos. In addition, Burma introduced online registration of agricultural inputs in January. Burma temporarily banned the import of five food items (see section 9. 2) through all border trade points starting on May 1, 2021, but the import of those items may continue through sea freight. Burma implemented a uniform import license fee for all CIF values until December 31, 2021 to provide economic relief due to COVID-19. Due to insufficient food inspectors, some imported products are allowed to be distributed before receiving an Import Health Certificate. FDA tested the online application system for Import Recommendation (IR) in February 2021. Burma's work towards a National Single Window is currently on hold in the current situation.

Disclaimer:

The Office of Agriculture Affairs of the USDA/Foreign Agriculture Service in Rangoon, Burma prepared this report for U.S. exporters of food and agricultural products. The report was prepared four months after the February 1 coup by the Burmese armed forces. FAS' connections with the Burmese government are currently limited due to a variety of factors, including the unstable security situation and the dismissal of Burmese officials due to their participation in the Civil Disobedience Movement. Additional information about the military coup and its impact is available in FAS Rangoon's [recent reports](#). Amid these conditions, FAS Rangoon may not have all of the up-to-date information. It is essential that U.S. companies that are planning shipments to Burma in the near term remain informed of the evolving situation by staying in very close communication with their respective Burmese importers and distributors to confirm import requirements and local conditions that may disrupt trade. FAS Rangoon remains available to answer specific questions at agrangoon@usda.gov. Some of the hyperlinks to official Burmese government websites in this report are temporarily broken. FAS Rangoon kept the hyperlinks in the report, so they are available when the government websites are operational again.

Section I. General Food Laws

The National Food Law was enacted in 1997 and minor amendments were published in 2013. The Department of Food and Drug Administration (FDA) then developed a new Food Law in 2015 with a new drafting committee and held stakeholder workshops in 2016. In 2017, the draft Food Law was submitted to the Ministry of Health and Sports (MOHS) and Attorney General for review. In 2018, Myanmar FDA began drafting a new, expanded National Food Law with assistance from the United States Agency for International Development (USAID). The Food Law Drafting Committee was reformed in 2019, led by FDA under MOHS. The Food Law Drafting Committee includes the Ministry of Agriculture, Livestock, and Irrigation (MOALI); the Ministry of Health and Sports; the Ministry of Commerce (MOC); the Myanmar Police Force; the Rangoon, Naypyitaw and Mandalay City Development Committees; Union Attorney General Office (UAGO); and the Ministry of Education. The goal of the new National Food Law is expanding it to cover activities from farm to table and link it to other existing laws such as the Plant Pest Quarantine Law, Animal Health and Livestock Breeding Development Law, Consumer Protection Law, FDA notifications, and the minimum requirements for food manufacturing. Work on the National Food Law is currently suspended in the current situation, especially since the previous committee members have retired, a new committee needs to be reformed, and policy development is not a current priority.

FDA is also drafting the National Food Safety Policy, which will act as implementing regulations for the new National Food Law. The National Food Safety Policy contributes to the protection of consumer health by ensuring that food produced domestically or imported is safe for human consumption. This policy covers a farm to fork approach for all stages along the food chain, although it does not set labeling requirements. It also includes a Food Safety Framework, which outlines the key principles and identifies the role of each relevant government agency to ensure that businesses follow the requirements. There are seven operational goals for the National Food Safety Policy to ensure that domestically produced and imported food and beverages are safe for human consumption:

- 1) To strengthen the National Food Control System
- 2) To enhance commitment of food businesses to only place safe food on the market
- 3) To implement a national integrated risk-based Food Safety Framework
- 4) To improve resources and competencies
- 5) To clarify legal powers and provisions
- 6) To facilitate -equivalence, mutual recognition and harmonization.

The detailed requirements for the management of food safety inspection for the domestic and imported food will be included in the regulations. The government actively participates in the harmonization of food safety control measures to facilitate trade within regional ASEAN member states.

Section II. Labeling Requirements

Burma follows Codex guidelines and the ASEAN Common Principles and Requirements. FDA is in the process of approving the Order of General Standard for the Labeling of Prepackaged Food with Codex Standards (Cxs1-1985); it passed Union Attorney General office and is now being reviewed by other Ministries. In addition, on October 26, 2018, the Central Committee for Consumer Protection issued Notification 1/2018, which requires all consumer products sold in the country to be labeled with minimal information in the Burmese language. In March 2019, the Consumer Protection Law, administered by the MOC, established the following labeling requirements in the Burmese language:

- 1) Product logo, name of the product, size, quantity, net weight, storage instructions, and direction for use;
- 2) Date of manufacturing, expiration, and product serial number;
- 3) Name of manufacturer and address; if the product is imported, the name and address of the importer as well;
- 4) The address of repacking (if applicable);
- 5) List of raw materials, quantity, and ratio;
- 6) Allergy alerts, warning, and side effects; and
- 7) Information required by other Ministries (product-specific).

In addition, in September 2019, FDA released a notification requiring that the label of ready-to-eat food include the name of the company, address, ingredients list, the date of manufacturing, and the date of expiry. In addition, the date marking must not be easily removable, easily erased, or reusable. If the packaging is more than one layer, the date of manufacturing and expiry must be described in all packaging layers.

<https://www.doca.gov.mm/sites/default/files/Standard.pdf> (in Burmese language only)

Section III. Packaging and Container Regulations

There are no specific regulations on the size or weight of imported food containers. Burma follows ASEAN and Codex guidelines.

Section IV. Food Additives Regulations

Although the Myanmar 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, Codex STAN 192-1995. The following food additives are banned:

| Unpermitted Food Color | Food Preservatives |
|-------------------------------|---------------------------|
| Sudan II | Formalin |
| Rhodamin B | Borax |
| Auramine O | Sodium Hydrosulphite |
| Orange II | Salicylic Acid |
| Orange III | |

Section V. Pesticides and Other Contaminants

Burma defers to ASEAN and Codex Maximum Residue Levels (MRL) standards for pesticide residues in food and contaminants. Importers will often request that the government test imported products so that they can be labeled as being safe for human consumption, especially for mycotoxins and aflatoxin. Imported products generally do not undergo pesticide residue testing.

On August 9, 2018, Burma banned the use of 41 pesticides and restricted seven pesticides. The list of banned and restricted pesticides in Burma is available at <http://ppdmyanmar.org/pesticide-registration-board>.¹

In July 2020, the Department of Agriculture (DOA) announced that the utilization of Chlorpyrifos pesticide in Burma will be prohibited on July 1, 2021. DOA stopped issuing Import Certificates (IC) for this pesticide on December 31, 2020. Any registration, importation, formulation, repacking, selling, or application of Chlorpyrifos will not be permitted after July 1, 2021. However, imported plant and plant products that are produced with Chlorpyrifos are not affected by this policy as long as they do not exceed the Codex MRL for Chlorpyrifos.

5.1. Pesticide Registration

All pesticides used in Burma must be registered according to the Pesticide Law, which MOALI amended and issued (available in Burmese only) in January 2016: <http://ppdmyanmar.org/pesticide-registration-board/the-pesticide-law>. The Pesticide Law calls for the formation of a Registration Board under the guidance of DOA. The Board's role is to test pesticide labeling claims as well as their efficacy on crops. In order to apply for a pesticide registration, the applicant must submit an application form to the Pesticide Board specifying which of the following permits is sought: experimental registration, provisional registration, full registration, or special use permit. The experimental registration fee is Myanmar Kyats 1,000,000 (USD \$641) with a validity of two years. The provisional registration fee is Myanmar Kyats 2,000,000 (USD \$1,282) for five years, and the full registration fee is Myanmar Kyats 5,000,000 (USD \$3,205) for 10 years. The amended Pesticide Law is not much different from the previous one, with the primary changes including updated names of the related Ministries and updated financial penalties. Data requirements for the pesticide registration are provided at <http://ppdmyanmar.org/pesticide-registration-board>.¹ The Department of Agriculture introduced the Myanmar Agricultural Inputs Registration System on January 27, 2021. Pesticide, fertilizer, and seed registration applications can be submitted via <https://mairs.doa.gov.mm/>. Burma does not set its own MRLs. Imported products must meet the MRLs established by Codex and/or ASEAN.

Section VI. Other Requirements, Regulations and Registration Measures

6.1. Sanitary and Phytosanitary Measures

Phytosanitary Certificates must accompany the shipment of plant and plants products, including seeds for planting. The Plant Protection Division (PPD) from MOALI's Department of Agriculture is responsible for the importation of plant, plant products, and seeds. Plants and plant products are tested upon arrival by PPD. Seeds also require pre-shipment testing and submission of non-GMO certificates. Except for planting seeds, no pre-shipment samples are required for plant and plant products.

¹ Some of the hyperlinks to official Burmese government websites in this report are temporary down. FAS Rangoon kept the hyperlinks in the report, so they are available when the government websites are operational again.

The Livestock, Breeding, and Veterinary Department (LBVD) within MOALI is responsible for the importation of feed ingredients, animals, and animal products. GMP certificates plus HACCP, or ISO 22000, are also required for the importation of feed ingredients, animals, and animal products. A Certificate of Analysis (COA) is required for feed ingredients and a Health Certificate is required for animals and animal products. Animals and animal product samples are tested on arrival. However, feed ingredients require pre-shipment samples. Upon arrival, LBVD tests for nutrition value and aflatoxin and confirms the test results are the same as the COA submitted by the importer. LBVD is currently preparing a new SOP for animals, animal products, and animal feed, which will impact import requirements and procedures.

The Department of Fisheries (DOF) within MOALI is responsible for the importation of raw fish, fish products, and fish meal. DOF officials test the sample of imported products upon arrival to confirm the product is free from pathogens or harmful diseases.

Myanmar FDA within the MOHS is responsible for the importation of packaged food and beverage products and requires a COA for imported products. In addition to the COA, a GMP Certificate plus HACCP, or ISO 22000, is also required. No pre-shipment sample is required and FDA tests on arrival only. For additional information on product testing requirements, please see Section 9.3.

For certification requirements for each product category, please see FAS Burma's 2020 FAIRS Certification Report.

6.2. Facility Registration

For domestic products, Myanmar FDA is responsible for registering production facilities. For imported products, Burma does not have facility registration requirements. However, the importer must apply for an Import Recommendation (IR), which acts as a product registration and is valid for three years once granted. Please see the process and timeline for the IR application in the flow chart in Section 9.3.

New seed or plant varieties must be registered at the DOA. Application, validity, and lab test fees are described in Section IX, Import procedures and flow chart.

Section VII. Other Specific Standards

In July 2014, Burma enacted the [Law on Standardization](#) with the goal of establishing standards to help facilitate exports. In 2014, Myanmar FDA released standards for breast milk substitutes. In July 2018, the National Standards Council released 50 standards, including rice, pesticides, frozen fish, frozen prawns, beans, and peas. In February 2019, Burma released another 43 standards including drinking water, vegetables, watermelon, avocados, bananas, coffee beans, and pomelo.

Section VIII. Trademarks, Brand Names and Intellectual Property Rights

Burma enacted the [Trademark Law](#) on January 30, 2019, which established the Intellectual Property Rights Central Committee and the Intellectual Property Rights Agency under the MOC. The effective date of the Trademark Law has not been announced. According to the new

Trademark Law, any applicant may apply for the registration of a mark in accordance with the prescribed regulations.

The applicant for the registration of a mark should include the following in the application:

- 1) Application for registration;
- 2) Name and address of the person or legally formed organization applying for registration;
- 3) Name, national ID number, and address of the agent or representative if the applicant entrusts an agent or representative with this matter;
- 4) Clear and complete description of the mark; and
- 5) Name and type of goods and/or services for which a request for registration is made and the category of international mark classification to which it belongs.

In addition to the above requirements, the following must be attached to the application if necessary:

- 1) If the application is made for a legally formed organization, the registration number, type and country of said organization;
- 2) If the applicant requests the right of priority, an application for the right of priority together with sufficient evidence proving that he has the right of priority, and description;
- 3) If the applicant requests the right of priority for trade exhibitions, an application for the right of priority for trade exhibitions together with sufficient evidence proving he has the right of priority for trade exhibitions, and description;
- 4) If the mark is registered at the document's registration office, documentary evidence proving such registration; and
- 5) Other requirements which may be announced.

Foreigners must appoint a local agent if their ordinary residence or principal place of business is outside of Burma. The term of registration will be ten years from the filing date of the application for registration, and the protection is renewable every ten years. Burma also passed a new Industrial Design Law on January 30, 2019, a new Patent Law in March 2019, and the Copyright Law on May 24, 2019. With the new Industrial Design and Patent law, commercial production and trading in goods is not possible without permission of the people/companies who hold the patent or design rights outside of Burma. According to the Patent Law, special exemption the protection of pharmaceutical patents is in place until January 1, 2033, and the protection of chemical products used in agricultural, food, and microbiological products is in place until July 1, 2021.

Section IX. Import Procedures

Import procedures for food and agricultural products are managed by several government agencies and private association, such as, but not limited to, the Department of Trade (DOT), MOC; FDA, MOHS; Plant Protection Division (PPD), MOALI; Seed Division, MOALI; LBVD, MOALI; Department of Fisheries, MOALI; the Myanmar Livestock Federation (MLF); and the Myanmar Fishery Federation (MFF).

9.1. Import License

The DOT is responsible for issuing import licenses for both agricultural and non-agricultural products that require them. On October 22, 2020, MOC published a revised list of goods that requires import licenses based on the most recent version of Burma's harmonized tariff code (2017). With this notification, which was effective on December 1, 2020, MOC reduced the number of tariff lines that are required to obtain import licenses to 3,931 tariff lines. For additional information, please visit <https://www.fas.usda.gov/data/burma-burma-reduces-list-products-require-import-licenses>.

As of December 1, 2020, importers must apply for an import license via the TradeNet website at **Error! Hyperlink reference not valid.** The required recommendations must be attached to the system by relevant government agency before DOT will issue the import license:

| Products | Ministry and Agency | Recommendation Name |
|--|---|----------------------------|
| Meat and poultry (frozen or raw), livestock and animal products, animal feeds, and veterinary medicine/pharmaceuticals | Livestock Breeding and Veterinary Department (LBVD), Ministry of Agriculture Livestock and Irrigation (MOALI) | Import Recommendation (IR) |
| Seeds, plants and plant products, | Department of Agriculture (DOA), (MOALI) | Import Certificate (IC) |
| Prawns / fry (baby fish), shrimp brans, fish, fish meal, and all aquaculture products | Department of Fisheries (DOF), MOALI | Import Recommendation (IR) |
| All packaged food products, soft drinks and other beverages, distilled spirits, and wine | Food and Drug Administration (FDA), Ministry of Health and Sports (MOHS) | Import Recommendation (IR) |

Starting in October 2019, the import license fee ranged from 30,000-90,000 Myanmar Kyats (USD 19-58) depending on the CIF values. However, in April 2020, due to the COVID-19, MOC implemented a uniform import license fee of 30,000 Kyats (USD19) for all CIF values. This is currently valid through December 2020; unless extended, the import license fees will revert to the October 2019 levels on January 1, 2021.

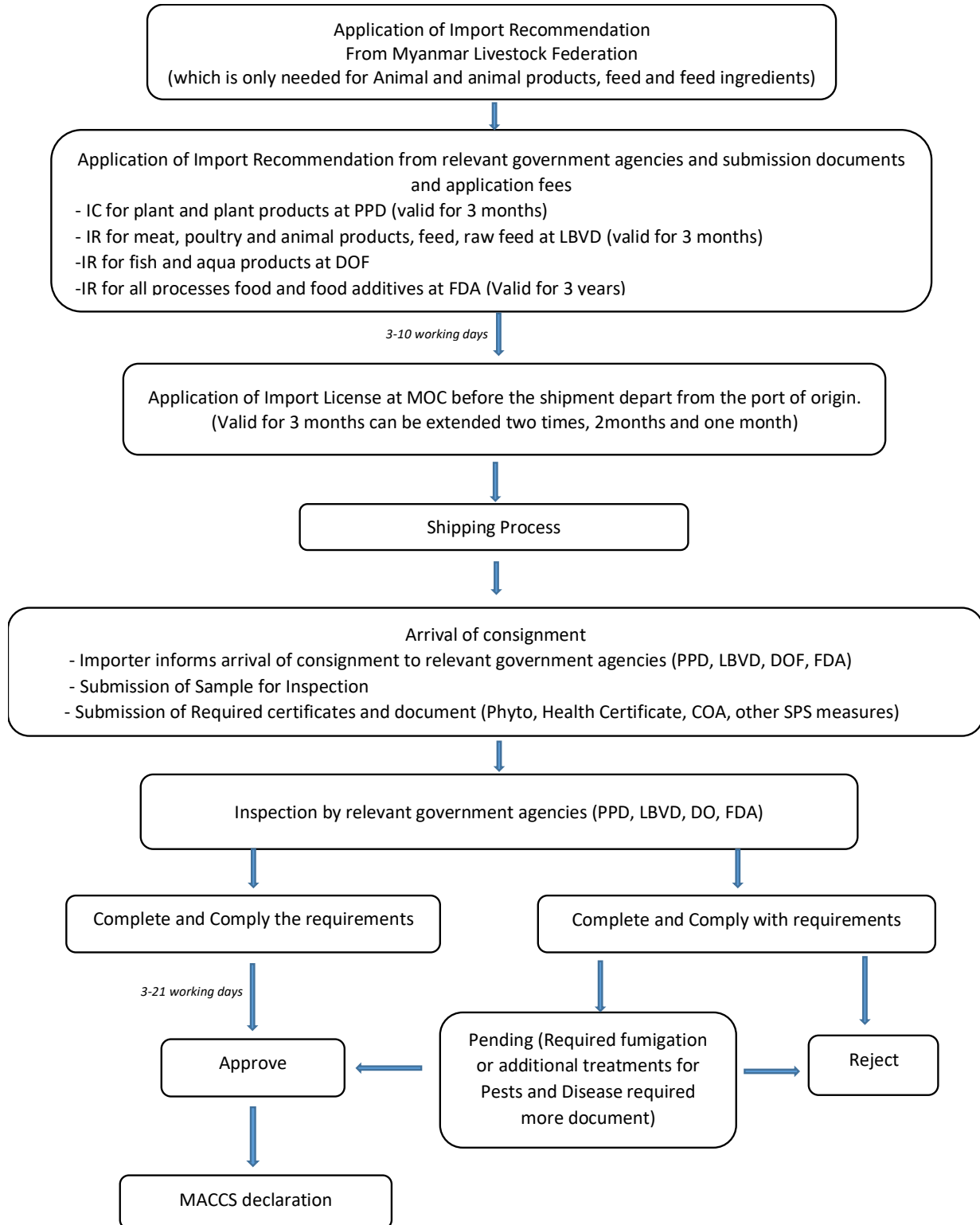
Agencies weigh several criteria when determining whether an import license should be granted, such as State security, food security, protection of domestic producers, and environmental criteria. Once issued, the validity of an import license is three months and can be extended twice. The first extension is for two months, while the second extension is for one month. The import procedures and documents required are different depending on the type of commodity and purpose of importation.

Due to the delay export /import procedures after Burma's coup, the military [temporary eased](#) the application of export license for 37 items and import license for 72 items from March 8, 2021 to April 9, 2021.

The import procedures and documents required are different depending on the type of commodities and purpose of importation. For example, processed products also require an Import Recommendation which acts as product registration (see Section 9.3). General import procedures for food and agricultural products are described in the flow chart below. For more information: please visit to <https://myanmartradeportal.gov.mm/en>

If the product is being imported for diplomatic uses, duty-free shops, high-end hotels and restaurants, or non-commercial purposes (e.g., research, donations, or exhibition), importers should apply for an import permit instead of an import license.

General Import Procedures for Food and Agriculture Products



9.2. Prohibited Imports

Burma prohibits the importation of certain articles that endanger public morals (e.g., beer); threaten human, plant, or animal life; or involves the importation of gold, silver, arms, ammunition, and similar items. Prohibited goods cannot be imported, exported, transited, sold, or circulated in Burma. In addition, the MOC periodically bans imports of sensitive agricultural products by refusing to issue import licenses or limiting the quantities of these goods it allows to protect local producers. Currently, whole corn grains, beans, and pulses are not receiving import permits, creating a de-facto ban. Import licenses have been withheld on a temporary basis for fresh potatoes and poultry for the same reason. Burma has temporarily banned the import of beverages, coffee mix and tea mix, instant coffee, condensed milk and evaporated filled milk through all border trade points starting from May 1, 2021 with the stated reason of lacking food safety inspection facilities. However, imports of those items can continue through sea freight.

9.3. Food (not including plant and plant products)

Burma is an active participant in the ASEAN Codex Committee. Food control activities in Burma are conducted in line with the National Food Law, the Public Health Law, and with Codex guidelines and standards. FDA is responsible for issuing the Import Recommendation (IR) and Import Health Certificate (IHC) for imported packaged food and beverage products, as well as overall quality control of processed food, imported food, and food for export.

As described above, the IR acts as product registration and is valid for three years once issued. FDA released a new SOP for Food Importation and Exportation in December 2019. The new SOP is based on a data-based assessment, and Importers can apply for an IR via [e-submission](#) on February, 2021.

Under the new SOP:

- 1) Importers do not need to submit pre-shipment samples for testing, but must submit a Certificate of Analysis (COA) with required testing which varies by product category;
- 2) The same product and brand with different packing sizes from one producer is considered one item, with one application fee (Myanmar Kyats 50,000, about USD \$32);
- 3) The IR is valid for three years (previously two); and
- 4) A laboratory test fee will be paid for each different packaging size at a flat rate (Myanmar Kyats 200,000, about USD \$128).

Documents required for IR application:

- 1) Receipt for application fee;
- 2) Specifications or Certificate of Analysis from Accredited Laboratory;
- 3) List of Ingredients if it is not specified on label;
- 4) Certificate of GMP plus HACCP, or ISO 22000;
- 5) Original label;
- 6) List of type and size of packaging;
- 7) Letter of acknowledgement of procedures on importer's letterhead;

After receiving an IR, importers must apply for an import license at MoC in order to import most products. For an updated list of products requiring import licenses, visit <https://www.fas.usda.gov/data/burma-burma-reduces-list-products-require-import-licenses>.

After obtaining the import license, importers must apply for an IHC for each shipment. In December 2019, FDA published a Standard Operating Procedures for Food Importation and Exportation, which established product testing requirements on a per shipment basis which must occur in the country of origin. In April 2020, FDA's Minimum Requirements of Laboratory Parameters for Food Safety established microbiological, chemical, and/or heavy metal testing, depending on the product category. This testing must be completed in the country of origin on a per shipment basis and be documented by a Certificate of Analysis (COA), and is a key requirement of receiving the IHC. Based on concerns from importers and international trade partners, FDA has informally stated that the policy is on hold while it works to adopt a more risk-based approach to product testing. In the meantime, FDA has informally relaxed testing requirements for products deemed to be low-risk: <http://www.fda.gov.mm/?p=585>.

Upon arrival, FDA repeats the testing done in the country of origin using a sample of each batch received. Importers must provide a sample of the food item with original packaging or a photograph of the packaging if the food item package is too big to provide. The sample amount is generally 1,500 grams per item for food, 1.5 liters per item for liquids, and 15 to 600 grams for food additives, depending on the type of additive. In October 2018, FDA increased laboratory testing fees, detailed at <http://www.fdamyanmar.gov.mm/?p=1296> (Burmese only). Once granted, FDA uploads the IHC to the new online customs declaration system, called MACCS.

Documents required for IHC application:

- 1) Receipt for application fee and lab test fee;
- 2) Valid IR;
- 3) Bill of lading, Invoice, Packing list, Import Declaration, Release Order Notification;
- 4) Certificate of Analysis;
- 5) Health Certificate if applicable; and
- 6) Sample of label used for domestic distribution;

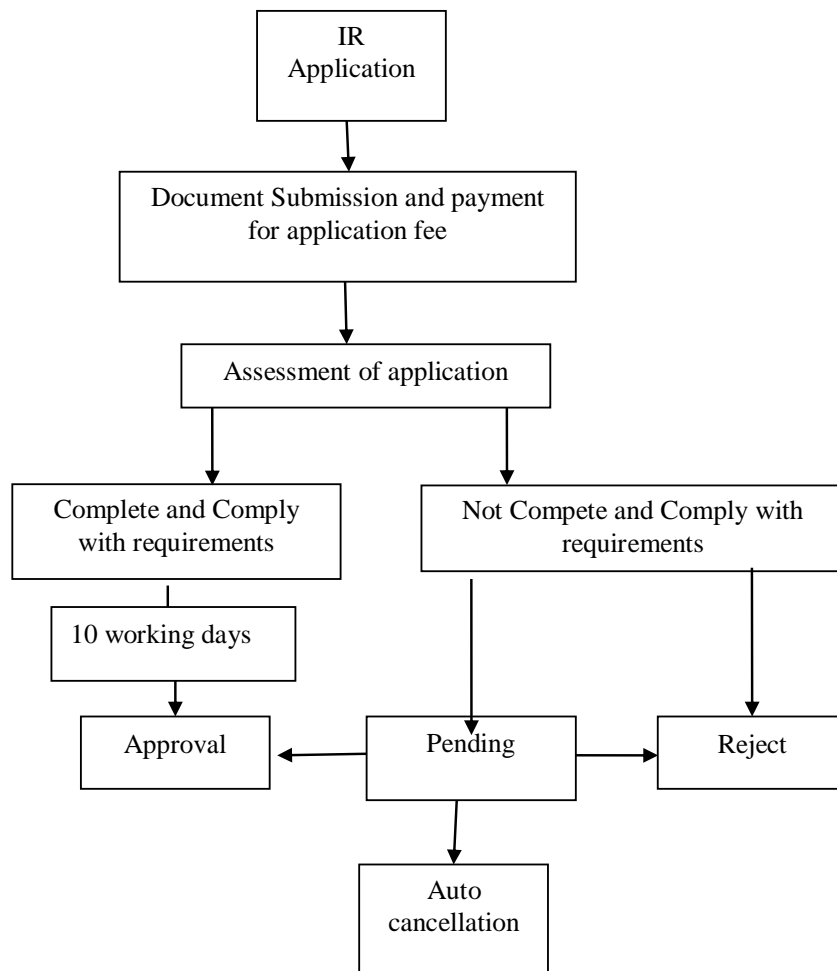
Due to trade disruption and insufficient number of inspectors after the military coup, trade sources confirmed that importers send samples to the FDA office and FDA allows distribution of the products while importers are waiting the test results.

9.4. Wine, Beer, and Liquor

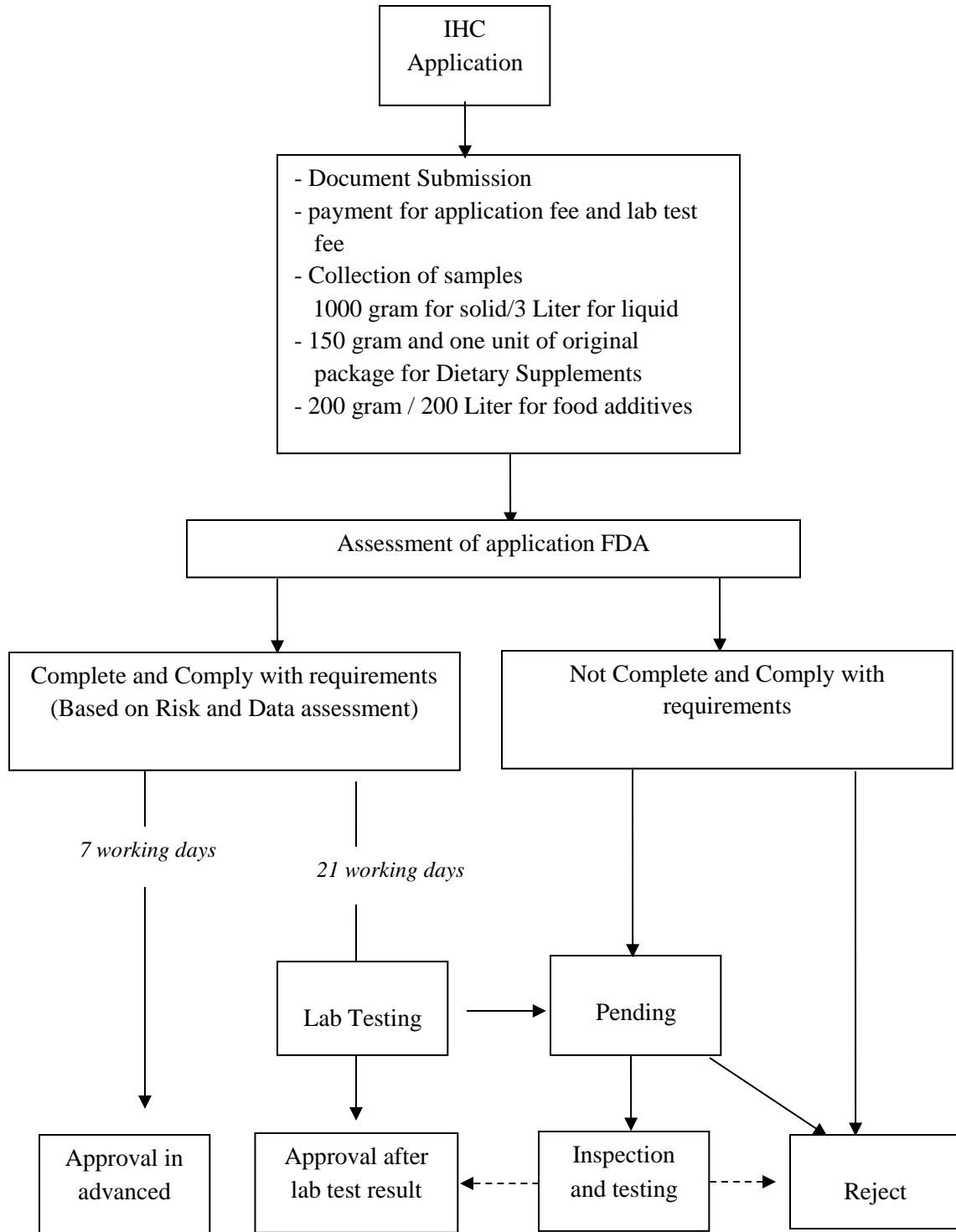
Burma allows the importation of wine and distilled spirits meeting certain criteria, but beer imports remain illegal. Since March 2015, wine can enter Burma by airfreight and sea freight, but may not be imported through land border crossings. The shipment documentation must declare the country of origin, and the alcohol percentage must be between 7 and 20 percent. In May 2020, Myanmar issued [specific procedures for importing liquor](#). Liquor may only be imported through the Yangon Port and Yangon Airport, and the minimum CIF Value is USD \$8 per liter.

In addition to the general requirements for packaged food and beverages, 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 Burmese Excise Rules, only Burma citizens are eligible to apply for an FL 11. Before applying for an import license, the importer must apply for a wine and liquor Import Registration Card after receiving the FL 11 excise license. The validity of a Wine and Liquor Import Registration Certificate is 1 year and can be extended every year. The registration and extension fees are Myanmar Kyats 50,000 (USD \$32) per year. A tax is also levied on imports. The import of liquor and wine from duty-free shops and luxury hotels shall be permitted in separate procedures issued by MOC. Currently, importers, can apply for IR for wine and distilled spirits in the Naypyitaw and Rangoon FDA offices. However, importers must apply for the IHC in Naypyitaw, where a laboratory is available to test the samples. The following flow charts demonstrate the IR process before shipping and IHC process after a shipment arrives.

Procedure for IR Application



Procedures for IHC Application



9.5. 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 supporting documents and must pay an application fee of Myanmar Kyats 30,000 (USD \$19). It takes 3 days to 2 weeks to issue the IC. After receiving an IC from PPD, the importer must apply for an import license or permit from MOC. When the shipment arrives, the importer should inform PPD, which will then take a random sample 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.

At present, DOA is issuing IC for 40 fresh fruits, 12 cereals and legumes, and 25 vegetables to be imported for human consumption without a Pest Risk Analysis (PRA). Canola, sorghum, soybeans, and wheat for animal feed consumption are also allowed to be imported from any country without a PRA. In addition, tuber seed potatoes for planting from Argentina, Australia, India, Korea and the United States do not need to provide PRA data information. Additional information is available at <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>.

The Plant Pest Quarantine Law was drafted by PPD, in an attempt to bring it more in line with international standards. In August 2018, PPD updated the Standard Operation Procedures for Import, Export and Inspection for Plants and Plant Products.

MOALI is reviewing the final draft of the Burmese National Biosafety Framework, which is expected to be published in early 2021. Although Burma does not allow the importation of GM crops for human consumption, GM soy products and corn byproducts are freely imported to fuel the growing Burmese livestock sector.

Seeds: Burma passed a new Plant Variety Protection Law in September 2019, 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.

For seeds and seedlings for planting, 82 types are allowed to be imported without PRA information. According to the revised seed law approved in February 2016, all imported seeds for commercial planting must be accompanied by a Non-GMO certificate. All imported seeds must be registered at the National Seed-related Committee (NSC), and a value for cultivation and use (VCU) test needs to be performed on about 17 crops in three different locations that are

recommended by the Seed Division (within DOA) in April 2018. In November 17, 2020, the seed division announced that watermelon, muskmelon, chili, and tomato can be applied recognition certificates without doing VCU test, with only documentation. There are only 13 crops which require a VCU test for recognition certificates. However, to describe that the new varieties are resistant to pest and diseases, VCU test must be conducted.

After the VCU test, the Technical Seed Committee (TSC) reviews the data and submits it to the NSC. If the results are significant, NCS issue the recognition certificate (RC) and the importer can apply for an import license and seed business license for commercialization and distribution. After receiving the RC, importing procedures for the seed is the same as other plant and plant products. The fee for the RC ranges from Myanmar Kyats 300,000-500,000 (USD \$192-\$320). The RC is valid for five years and can be extended. Importing procedures and application of RC seed business license can be seen in national seed portal at <http://www.myanmarseedportal.gov.mm/en/final-variety-list>.

Attachments with adaptability test application

- NRC/ FRC Card (with copy)
- Company Registration and Form 6/26 (with copies)
- Photo records that related with new plant varieties according to the growth stages
- Qualitative and quantitative Characteristics
- Non-GMO/ GMO certificates
- Recommendation letters that characters related with varieties are verified

Attachments with Form 3

- Seed sample (no need for perennial crops and parental lines)
- Records data that related with new plant varieties
- Photo records that related with new plant varieties according to the growth stages
- Qualitative and quantitative characteristic
- Non-GMO/ GMO certificates
- Recommendation letters that characters related with varieties are verified

9.6. SOP for Import, and Inspection for Plants and Plant Products

Importers should apply for an IC for plants and plant products. The allowable import list is available both at the PPD notice board and at www.ppdmyanmar.org. ICs can be applied at the Plant Quarantine Office, PPD in Rangoon, and also at Plant Quarantine offices at land border entry/exit inspection points. If the plants or plant products are not included in the PRA exemption lists, importers must submit pest risk data for the PRA when they apply for an IC. The IC must be sent by the national plant protection office of the exporting country, which issues phytosanitary certificates. The validity of an IC is 3 months and cannot be extended. If the IC is expired before the shipment arrives, the importer must reapply for a new IC with the application fee of Myanmar Kyats 30,000 (USD \$19).

9.6.1. 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)
- Registration of a maximum (2) representatives per company

9.6.2. 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

9.6.3. 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 (USD \$19)
- IC cannot be extended.

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

- Importers must inform the DOA-PPD and apply for testing using the “Other Government Agency (OGA) test application” available at the Burmese Customs Department.
- Submission of an original Phytosanitary Certificate (attach scanned copy in to MACCS and submit the original to PPD).
(Note: IC number must be included in the Phytosanitary Certificate)
- 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 it 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).

9.7. Animals, Animal Products, Raw Feed, and Veterinary Pharmaceuticals

Burma is a member of OIE and follows OIE guidelines and requirements. LBVD within MOALI is responsible for the inspection of imported meats and poultry, meat products, eggs, and animal feed. 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). Importers also need to obtain an IR from the LBVD, then apply for an import license from the DOT within MOC. 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. In addition, a certificate for Hazard Analysis and Critical Control Point (HACCP) plus a GMP certificate, or ISO 22000 certificate or other food safety management certificate issued by a third-party

accreditation body, is required. After shipment arrives, LBVD conducts laboratory testing on a sample, which will allow the shipment to be released according to the results. Market access requirements are listed at <https://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/Myanmar>. The process for receiving a recommendation from LBVD takes 7-10 days. The current application fee for an import recommendation is Myanmar Kyat 1,500 (USD \$1) per metric ton and the inspection fee for the laboratory test is Myanmar Kyat 15,000 (USD \$11). More information about standard operation procedures and regulations for importation of animals and animal products can be seen in LBVD official site: <http://lbvd.gov.mm/en/legislations>. As noted above, LBVD is preparing a new SOP for the importation of animals, animal products, and raw feed.

9.8. Feed, Feed Additives

The procedures for the importation of animal feed and feed additives are currently through two channels between PPD and LBVD. Importation of raw feed such as, sorghum, feed wheat, and soybeans must comply with the same procedures for the importation of plants and plants products through PPD, while the importation of processed feed, such as soybean meal, distiller's dried grains with soluble (DDGS), corn gluten meal, sunflower meal, bone meal, and feed additives must comply with the same procedures for the importation of meats through LBVD except the submission of pre-shipment sample. If the importer applies for an IR for raw feed such as sorghum, feed wheat, and soybeans for feed consumption at LBVD, then an IC is needed to apply for an import license at PPD. If the feed is used for aquaculture, the IR should be applied at Department of Fisheries.

9.9. Customs Declaration

Burma 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 will be deployed at other customs offices throughout Burma.

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.

Required accompanying documents include:

- 1) An Import License/Permit (when required)
- 2) Invoice
- 3) Bill of lading, air consignment note, or truck note
- 4) Packing list
- 5) Other certificates, permits or import recommendations, as required (for example, a phytosanitary or health certificate, country of origin documentation)

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.

More information is available at the following links:

Fish and fish products: <https://www.myanmartradeportal.gov.mm/en/procedure/86>

Meat and animal products: <https://www.myanmartradeportal.gov.mm/en/procedure/74>

Food Import Recommendation: <https://www.myanmartradeportal.gov.mm/en/procedure/1>

Food Import Health Certificate: <https://www.myanmartradeportal.gov.mm/en/procedure/10>

Other Policies

The MOC is currently drafting the Trade Policy and is seeking guidance from private institutions. Burma passed the Law to Prevent Increased Quantity of Imports on December 24, 2019. This law is designed to protect domestic producers who may be hurt from increased imports. The committee to prevent the increased quantity of import is led by MOC. The committee will form an investigation team with employees of the Administration Department in order to perform investigations and other duties under this law. According to the new law, the committee will impose additional tariffs for preliminary prevention, increased tariffs for prevention, and will restrict the import (specify import quota) in order to prevent serious injury, or threat of a serious injury to domestic producers. This law could be problematic for U.S exporters who are currently exporting agricultural products that Burma produces, such as whole soybeans and fresh potatoes.

Section X: Trade Facilitation

Burma does not allow advanced declaration for any food products. Although Burma officials have received three technical trainings for Global e-Phyto hub supported by the Government of Netherlands in 2018-2020, it is still not using it. Although Burma is currently using Myanmar Automatic Cargo Clearance System (MACCS) for the imports, does not e-certification and importer still need to submit the hard copy of certificates to clear the shipment. Generally, Importers have to pay port surcharges, inspection fees, taxes, tariffs, and custom clearance fees. Demurrage and detention fees are another cost if the containers are detained more than one week, which was widespread in February 2021 when the Civil Disobedience Movement ground trade to a halt with over 10,000 stuck containers at a major port. Many shipping lines are hesitant to return to Burma and importers are struggling book shipping vessels for new orders. Sources confirmed that the shipping costs to Burma increased 2-3 times. However, incoming shipments can currently be cleared within one week if the required documentation is complete.

In 2018, Burma began establishing a National Single Window with USAID funding. On December 9, 2019, Burma became the eighth ASEAN country to announce that it will join the ASEAN Single Window. Currently, PPD, LBVD, DOF, and FDA are working to set up an e-SPS system within the National Single Window for the categories of products that they regulate. Activities include a transition from physical documents to an electronic-based system, which is

expected to facilitate simplified import requirements in line with Codex standards. Burma linked to the ASEAN single window (ASW) in 2020 and expanded live operation of ASEAN Custom Declaration System (ACDD) with Cambodia and Singapore, but has not able to apply the e-SPS certification system yet. The Burmese government planned to run a trial of the National Single Window in early 2021, but it could not happen due to suspension of international capacity building following the coup. Once complete, the National Single Window would be linked to the ASEAN Single Window.

Common delays for the food products are duplicate laboratory tests to confirm the COA, incidence of pests and further treatments, requirements of multiples third-party certificates according to the new SOP, and unclear import procedures and documentation requirements.

Appendix I: Government Regulatory Key Agency Contacts

Food and Drug Administration
Department of Food and Drug Administration
Ministry of Health and Sports
Nay Pyi Taw, Myanmar
Tel: +(95)-67-403350
Fax: +(95)-67-403165
Website: <http://www.fda.gov.mm/>¹
FDA food section email - fdafood@mohs.gov.mm

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/>¹

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/>¹

Livestock Breeding and Veterinary Department
Ministry of Agriculture, Livestock, and Irrigation
Office No. (36)
Nay Pyi Taw, Myanmar
Tel: (+95) 67-3408466
Fax: (+95) 67-3408044

WTO-SPS Contact Point
Directorate of Investment and Company Administration (DICA)
Ministry of National Planning and Economic Development

¹ Some of the hyperlinks to official Burmese government websites in this report are temporary down. FAS Rangoon kept the hyperlinks in the report, so they are available when the government websites are operational again.

Office No. (1) (32)
Nay Pyi Taw, Myanmar
Tel: (+95) 67- 3407342, 407147
Fax: (+95) 67- 3407027, 407434
Website: www.dica.gov.mm¹

Codex Contact Point

Dr Pyei Phyo
Director (Food)
Department of Food and Drug Administration
Ministry of Health and Sports
Nay Pyi Taw, Myanmar
Tel: (+95) 67 3403467

Appendix II. Other Import Specialist Technical Contact

U.S. Department of Agriculture, Foreign Agricultural Service

The Foreign Agricultural Service in Rangoon, Burma maintains current information about food and agricultural import policies and 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

Attachments:

No Attachments

