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Prepared By: FAS Rangoon

Approved By: Eric Mullis

Report Highlights:

This report reflects updates on the Food law in Section I, Food Labeling in Section II, and import procedures Section IX.

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Executive Summary

The Burmese government has made several changes to import protocols and the utilization of foreign currency in country in an effort to control the supply of U.S. dollars and reduce its trade deficit. The Central Bank of Myanmar (CBM) set the exchange rate at 1,580 Myanmar Kyats per USD and mandates that all trade and non-trade income be converted into Myanmar Kyat within one working day. However, CBM recently allowed importers and exporters to have bank accounts in both Chinese Yuan and Thai Baht at Authorized Dealer Licensed (AD) banks in order to facilitate border trade. Burma also increased the number of goods that require an import license in order to control what products are imported. Importers now need to obtain an import license for about 80 percent of the lines in the harmonized tariff schedule. The foreign currency controls have made it difficult for importers to obtain foreign currency from CBM in order to get import licenses.

The Department of Trade (DOT), Ministry of Commerce (MOC) announced that it will no longer accept applications for import licenses and permits for products that have already arrived at port. The DOT issued Export/Import Bulletin 6/2022 (See Appendix I) on April 5, 2022, that reenforced previous notifications that require importers to have the necessary licenses and permits before products leave the exporting port. DOT claims that importers were taking advantage of the seven-day grace period during which DOT would allow the application of imported goods that had not received the required licenses and permits.

The requirement of obtaining the import licenses and permits before a shipment leaves the port of the exporting country has made it difficult for importers to plan shipments. Import licenses and permits are valid for three months, and DOT stopped issuing extensions in February 2022. Transit times of shipments are hard to predict given the current logistical challenges and uncertainties that importers face. In additions, importers have reported that the DOT is limiting the maximum CIF value per import license at \$50,000, making importers obtain several import licenses for one shipment depending on the value of the shipment.

Disclaimer:

The Office of Agriculture Affairs of the USDA/Foreign Agriculture Service in Rangoon, Burma prepared this report for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I General Food Laws

The Burmese government enacted the National Food Law in 1997 and made minor amendments in 2013. The Food and Drug Administration (FDA) then started developing a new food law in 2015, establishing a new drafting committee and holding stakeholder workshops in 2016. In 2017, the Burmese FDA submitted the draft food law to the Ministry of Health (MOH) and the Attorney General for review. However, the 2017 draft never became law, and the Burmese FDA began drafting a new and expanded National Food Law with assistance from the United States Agency for International Development (USAID) in 2018. The Burmese FDA reformed the Food Law Drafting Committee in 2019. The Burmese FDA aims to expand the new National Food Law 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. The Burmese FDA, however, has suspended all work on the new National Food Law.

Burma announced the [National Food Safety Policy](#) on April 27, 2022. The main objective of the National Food Safety Policy is to promote consumer protection while facilitating trade. The National Food Safety Policy promotes a harmonized, integrated, risk-based approach to food safety regulations throughout the food chain, from farm to fork. The policy includes the following seven operational goals of implementation:

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

The National Food Safety Policy also includes detailed requirements for the management of food safety inspections for domestic and imported food. The government actively participates in the harmonization of food safety control measures to facilitate trade within ASEAN member states.

The Myanmar Food Authority will review the National Food Safety Policy periodically and update it as required. The Myanmar Food Authority, chaired by a Union level representative, oversees food safety enforcement activities and facilitates the cooperation and collaboration of official food safety control across government bodies. The Myanmar Food Authority will set the national strategic food safety objective and the national food safety control plan.

The following ministries and city committees make up the Myanmar Food Authority.

1. Ministry of Health (MOH)
2. Ministry of Agriculture Livestock and Irrigation (MOALI)
3. Ministry of Commerce (MOC)
4. Ministry of Planning and Finance (MOPF)
5. Ministry of Science and Technology (MOST)
6. Ministry of Home Affairs (MOHA)
7. Ministry of Legal Affairs
8. City Development Committee (Naypyitaw, Yangon, Mandalay) (NCDC, YCDC, MCDC)

Section II Labeling Requirements

Burma published a new [Labeling Order for Prepackage Food \(unofficial translation\)](#) on January 20, 2022. The new requirements mostly follow Codex guidelines and ASEAN Common Principles and Requirements. The new labeling requirements will go into effect on January 20, 2023, one year after the publication. The order specifies what information prepackaged foods must have on their labels and that the labels must be in Burmese. The new labeling order requires companies to include the following information on the label of all prepacked foods:

- a) name of food;
- b) list of ingredients;
- c) net content, quantity and drained weight;
- d) name and address;
- e) country of origin;
- f) lot identification;
- g) date marking; and
- h) instructions for use.

The new labeling order also stipulates that relevant labeling requirements from government ministries, departments, or organizations for public health (e.g., claims and warnings relating to nutrients, fortified foods, genetically modified foods, non-communicable disease prevention and control) must also be on the label. Nutritional claims (e.g., vitamins, minerals, and amino acids) and terms that denote quality (e.g., natural, genuine, pure, fresh, homemade, organic, and biologically) must be in line with Burmese standards, CODEX standards, or nutritional considerations in orders, directives issued by the relevant department or organization. Food labels may contain religious preparation claims (e.g., halal and kosher) so long as it conforms to the requirements of the respective religious or ritual authorities.

The Burmese FDA released directive 2/2022 on food ingredients and food additives that must be on food labels on January 26, 2022. The following table provides the definitions of food ingredients.

Table 1: Food Ingredient Definitions

Food Ingredient	Definition
Oil (together with either the term vegetable or animal, qualified by the term hydrogenated or partially - hydrogenated, as appropriate)	Refined oil except olive oil
Fat (together with either the term vegetable or animal, as appropriate)	Refined fat
Starch	Starch except artificial starch
Fish	Any fish that does not have a specific species in the diet
Poultry meat	Any poultry meat that does not have a specific species in the diet
Cheese	Any Cheese and mixed Cheese that is not usually specify the types in the diet
Spice or Spices or mixed spices, as appropriate	Any spice or mixed herbs that does not exceed 2 percent of total weight
Herbs or Mixed Herb, as appropriate	Any Herbs or mixed herbs that does not exceed 2 percent of total weight
Gum base	Basic ingredients to produce chewing gum
Sugar	All sucrose
Dextrose or Glucose	Dextrose powder and dextrose monohydrate
Caseinates	All Casein
Milk Protein	milk product which includes at least 50 percent of dry protein
Cocoa butter	Compressed, oiled and leached Cocoa butter
Crystalized fruit	Crystalized fruit not more than 10 percent of food weight

The following food additive functional classes must be described with the specific name or code number according to international numbering system for food additives ([CXG 36-1989](#)) of the products used.

- Acidity Regulator
- Anticaking Agent
- Antifoaming Agent
- Antioxidant
- Bleaching Agent
- Bulking Agent
- Carbonating Agent
- Color
- Color Retention Agent
- Emulsifier
- Emulsifying Salt
- Firming Agent
- Flour Treatment Agent
- Flavor enhancer
- Foaming Agent
- Gelling Agent
- Glazing Agent
- Humectant
- Preservative
- Propellant
- Sequestrant
- Stabilizer
- Sweetener

2.1 Draft Guidelines on Nutrition Labeling and Nutritional Claims for Prepackaged Foods

The Burmese FDA released [draft guidelines on nutrition labeling and nutrition claims for prepackaged foods](#) (Burmese version) that are based on Codex Alimentarius Commission Guidelines on Nutrition Labelling (CXG 2 - 1985) and Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997). The draft guidelines include instructions on how to label the following topics related to nutrition:

- (a) Listing of Nutrients
 - i. calculation of energy value
 - ii. calculation of protein
 - iii. describing of nutrients value
 - iv. nutrient reference values – requirements (NRVs-R)
 - v. nutrient reference values – non-communicable disease (NRVs-NCD)
 - vi. nutrition facts display box
- (b) Nutritional Claims
- (c) Nutrient Content Claims
 - i. conditions for nutrient content claims
- (d) Comparative Claims
- (e) Non-Addition Claims
 - i. non-addition claims
 - ii. non-addition of sodium salts

The guidelines also require that the following nutrient values be on the label:

- (a) energy value;
- (b) protein;
- (c) available carbohydrate (i.e., dietary carbohydrate excluding dietary fiber);
- (d) fat;
- (e) saturated fat;
- (f) sodium; and
- (g) total sugars.

The draft guidelines also required the conversion factors and calculations for energy values, protein, vitamin equivalents, and nutrient reference values be on the label in the nutritional information panel.

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

The Burmese FDA has not approved any food additives in food despite being responsible for regulating food additives. The Burmese FDA, instead, defers to Codex standards for food additives, Codex STAN 192-1995.

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 label the imported products 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>.

The Department of Agriculture (DOA) banned the use of chlorpyrifos in Burma on July 1, 2021. The DOA stopped issuing import certificates (IC) for this pesticide on December 31, 2020. However, imported plant and plant products may still contain residues of chlorpyrifos so long as the residues do not exceed Codex MRLs for chlorpyrifos.

5.1 Pesticide Registration

The Pesticide Law of January 2016 is the main legislation governing pesticides in Burma: https://mairs.doa.gov.mm/gwt_assets/files/Pesticide-Law-Eng.pdf. The Pesticide Law directs the DOA to manage the Registration Board. The Board's role is to evaluate pesticide labeling claims as well as their efficacy on crops. Applicants wanting to register new pesticides in Burma must submit an application form to the Registration Board specifying which of the following permits is sought: experimental registration, provisional registration, full registration, or special use permit. The Registration Board then issues a registration certificate that mandates pesticide labels include instructions on use, restriction on use, period of pesticide application before harvesting, MRLs, and amount of ingredients and fats.

The experimental registration fee is 1,000,000 Myanmar Kyats with a validity of two years. The provisional registration fee is 2,000,000 Myanmar Kyats for five years, and the full registration fee is 5,000,000 Myanmar Kyats for 10 years. Data requirements for the pesticide registration are provided at <http://ppdmyanmar.org/pesticide-registration-board>. The DOA introduced the Myanmar Agricultural Inputs Registration System on January 27, 2021, allowing applicants to submit pesticide, fertilizer, and seed registration applications via <https://mairs.doa.gov.mm/>. Burma does not set its own MRLs, and instead requires imported products to meet MRLs established by Codex and/or ASEAN guidelines. The procedure for obtaining a pesticide registration certificate is at the following: <https://www.myanmartradeportal.gov.mm/en/procedure/48>.

Section VI Other Requirements, Regulations and Registration Measures

Phytosanitary certificates must accompany the shipment of plant and plant 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. PPD tests plants and plant products upon arrival. Seeds also require pre-shipment testing and submission of non-GMO certificates. Except for planting seeds, the PPD does not require pre-shipment samples for plant and plant products.

The Livestock, Breeding, and Veterinary Department (LBVD) within MOALI is responsible for the importation of feed ingredients, animals, and animal products. Imports of feed ingredients, animals, and

animal products must have either GMP Certificate plus HACCP or ISO 22000 certification. Feed ingredients also need a certificate of analysis (COA), and animal and animal products require a health certificate. LBVD tests animals and animal product samples on arrival. Feed ingredients, however, require pre-shipment samples. LBVD tests for nutrition value and aflatoxin and confirms the tests results are the same as the COA from 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 samples of imported products upon arrival to confirm the product is free from pathogens or harmful diseases.

The Burmese FDA within the MOH is responsible for the importation of packaged food and beverage products. Imported products must arrive with a COA and have a GMP Certificate plus HACCP or ISO 22000 certification. Importers do not need to submit pre-shipment samples. The Burmese FDA will test the products on arrival. For additional information on product testing requirements, please see Section 9.3. For certification requirements for each product category, please see FAS Burma's 2022 FAIRS Certification Report.

6.1 Facility Registration

The Myanmar FDA is responsible for registering production facilities for domestic production. Burma, however, does not have facility registration requirements for imported products.

6.2 Product Registration

Importers 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. Importers of new seed or plant varieties must register them at the DOA. The application, validity, and lab test fees are described in Section IX.

Section VII Other Specific Standards

There are no other specific standards that are not already covered in other sections of this report.

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. The Trademark Law requires applicants to register a mark and include the following information 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 the applicant 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 the applicant 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.
- 5) Other requirements that 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 was 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 under the Ministry of Commerce; the Burmese Food and Drug Administration under the Ministry of Health; the Plant Protection Division, the Seed Division, the Livestock, Breeding, and Veterinary Department, and the Department of Fisheries under the Ministry of Agriculture Livestock and Irrigation; the Myanmar Livestock Federation; and the Myanmar Fishery Federation; and the Central Bank of Myanmar.

9.1 Import License

The Department of Trade (DOT) is responsible for issuing import licenses for both agricultural and non-agricultural products that require them. Import licenses are valid for 3 months with no extension. On October 22, 2020, MOC published a revised list of goods, also known as the negative list, that require import licenses based on the most recent version of Burma's harmonized tariff code (2017), which reduced the tariff lines that need an import license to 3,931 tariff lines (See <https://www.fas.usda.gov/data/burma-burma-reduces-list-products-require-import-licenses> for more information). However, the military government has increased the tariff lines that require an import license in an effort to reduce the trade deficit (see Table 2). Roughly 80 percent of the 11,167 tariff lines in Myanmar Custom Tariff 2017 now require an import license, including wheat grains. Please see the

following report for additional information: [Burma Additional list of Commodities Required Import license](#).

Table 2: List of Order Notifications and Newsletters Regarding the Negative List

Date	Type of Legal Documents	Descriptions	Ministry/ Department
October 22, 2020	Notice Order 68/2020	Revised negative list that includes 3,931 HS lines (lines) https://www.commerce.gov.mm/sites/default/files/documents/2020/10/Notification%20(68-2020)%20Import%20License%20List_0.pdf (list of commodities required to obtain an import license is in English)	Ministry of Commerce
November 9, 2021	Export/Import Newsletter 18/2021	Added 3070 HS code lines to the negative list. https://www.commerce.gov.mm/sites/default/files/Newsletter%20%2818-2021%29.pdf (list of commodities required to obtain an import license is in English)	Department of Trade
January 25, 2022	Export/Import Newsletter 1/2022	Added 826 HS Code lines to the negative list https://myanmartradeportal.gov.mm/uploads/documents/2022/3/Newsletter%20No.%201-2022.pdf (list of commodities required to obtain an import license is in English)	Department of Trade
March 1, 2022	Export/Import Newsletter 2/2022	Added 141 HS code lines to the negative list (including Wheat grain) https://myanmartradeportal.gov.mm/uploads/documents/2022/3/Newsletter%20(2-2022).pdf (list of commodities required to obtain an import license is in English)	Department of Trade
March 29, 2022	Export/Import Newsletter 5/2022	Added 1131 HS code lines to the negative list https://www.commerce.gov.mm/sites/default/files/Bulletin%205-2022%20.pdf (list of commodities required to obtain an import license is in English)	Department of Trade
May 2, 2022	MOC notification 32/2022 MO	Added 5101 HS code lines to the negative list . https://www.commerce.gov.mm/sites/default/files/32-2022%20%28Import%20License%20%29%202-5-2022.pdf (Burmese version)	Ministry of Commerce

The DOT introduced online license application system Myanmar Tradenet 2.0 on November 2020 (<http://www.myanmartradenet.com>). DOT required all importers applying for import licenses and permits to use Tradenet 2.0 starting May 1, 2021. The DOT, more recently, limited the hours that importers can access [Tradenet 2.0](#). Importers use to be able to access the application at anytime but can only access it between 9:30 am and 4:30 pm Monday through Friday, which has caused delays due to system crashes.

Importers must seek approval from the relevant government agency before applying for an import license (Table 3). The DOT announced that it will no longer accept applications for import licenses and permits for products that have already arrived at port. The DOT issued Export/Import Bulletin 6/2022 (See Appendix I) on April 5, 2022, that reinforced previous notifications that require importers to have the necessary licenses and permits before products leave the exporting port. DOT claims that importers were taking advantage of the seven-day grace period during which DOT would allow the application of imported goods that had not received the required licenses and permits.

The requirement of obtaining the import licenses and permits before a shipment leaves the port of the exporting country has made it difficult for importers to plan shipments. Import licenses and permits are valid for three months, and DOT stopped issuing extensions in February 2022. Transit times of shipments are hard to predict given the current logistical challenges and uncertainties that importers

face. In additions, importers have reported that the DOT is limiting the maximum CIF value per import license at \$50,000, making importers obtain several import licenses for one shipment depending on the value of the shipment.

Table 3: Import Recommendations

Products	Ministry and Department	Recommendation
Meat and poultry (frozen or raw), livestock and animal products, animal feeds, and veterinary medicine/pharmaceuticals, day old chicks	LBVD, MOALI	Import Recommendation
Seeds, plants, and plant products	DOA, MOALI	Import Certificate
Prawns/fry (baby fish), shrimp brans, fish, fish meal, and all aquaculture products	DOF, MOALI	Import Recommendation
All packaged food products, soft drinks and other beverages, distilled spirits, and wine	Burmese FDA, MOH	Import Recommendation

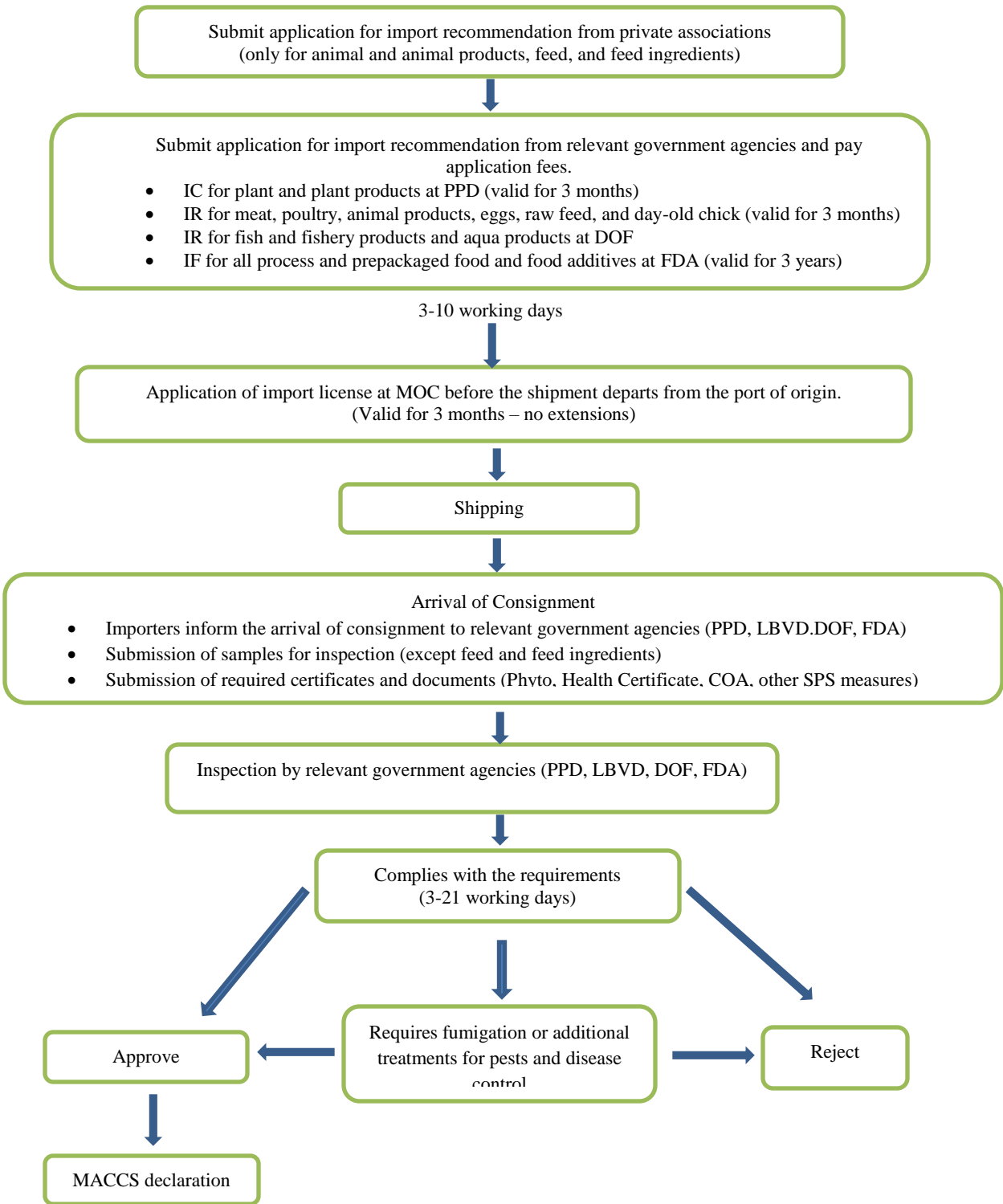
Import license fees range from 30,000-90,000 Myanmar Kyats (\$19-58) depending on the CIF values (Table 4). The import procedures and documents required are different depending on the type of commodities and purpose of importation. For example, processed products also require an import recommendation, 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 (i.e., research, donations, or exhibition), importers should apply for an import permit instead of an import license.

Table 4: Current Import License Application Fee

CIF Value (Myanmar Kyat)	Import License Fee (Myanmar Kyat)
Up to 5,000,000	30,000
5,000,001-10,000,000	50,000
10,000,001-50,000,000	60,000
50,000,001-150,000,000	80,000
150,000,001to higher	90,000

Source: Ministry of Commerce

Figure 1: 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 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 IRs and import health certificates (IHC) for imported packaged food and beverage products, as well as overall quality control of processed food, imported food, and food for export.

The IR acts as product registration and is valid for three years once issued. Importers can apply for an IR via e-submission system at <https://esubmission.fda.gov.mm/>. Documents required for an IR application are the following:

- 1) receipt for application fee;
- 2) specifications or COA from an accredited laboratory;
- 3) list of ingredients if not already specified on label;
- 4) certificate of GMP plus HACCP, or ISO 22000;
- 5) original label;
- 6) list of type and size of packaging; and
- 7) letter of acknowledgement of procedures on importer's letter head.

Importers who receive an IR must then apply for an import license at MOC (For an updated list of products requiring import licenses please see MOC notifications in Table 4). Importers who receive an import license must then apply for an IHC for each shipment. The Burmese FDA published a Standard Operating Procedures for Food Importation and Exportation (SOP) in December 2019, which established product testing requirements on a per shipment basis that must occur in the country of origin. The SOP is based on a data-based assessment and contains the following guidance:

- 1) Importers do not need to submit pre-shipment samples for testing but must submit a COA with required testing that 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 (50,000 Myanmar Kyats, about \$27).
- 3) The IR is valid for three years (previously two).

- 4) Importers must pay a laboratory test fee for each different packaging size at a flat rate (200,000 Myanmar Kyats, about \$108).

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 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>.

The Burmese FDA repeats the testing done in the country of origin when the imported products arrive using a sample of each batch. 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 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, the Burmese FDA increased laboratory testing fees, detailed at <http://www.fdamyanmar.gov.mm/?p=1296> (Burmese language only). Once granted, the Burmese FDA uploads the IHC to the new online customs declaration system, called MACCS. Importers must submit the following documents for the 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) COA;
- 5) health certificate if applicable; and
- 6) sample of label used for domestic distribution.

The Burmese FDA is allowing importers to send samples directly to the Burmese FDA office for testing and distribute the imported products while waiting for the test results since there are not enough inspectors to manage the trade flow following the military coup.

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 enter through land border crossings. The shipment documentation must declare the country of origin, and the alcohol percentage must be between 7 and 20 percent.

Burma issued specific procedures for importing liquor in May 2020. Liquor may only enter Burma through the Yangon Port and Yangon Airport, and the minimum CIF Value is \$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 the General Administrative Department from the Ministry of Home Affairs. According to Burmese Excise Rules, only Burmese 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 with an option for extension every year. The registration and extension fees are 50,000 Myanmar Kyats (\$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. Importers can apply for an IR for wine and distilled spirits via the following link: <https://esubmission.fda.gov.mm/>. However, importers must apply for the IHC in Naypyitaw, where a laboratory for wine and spirit is available to test the samples. The following flow charts demonstrate the IR process before shipping and IHC process after a shipment arrives.

Figure 2. Procedure for IR application

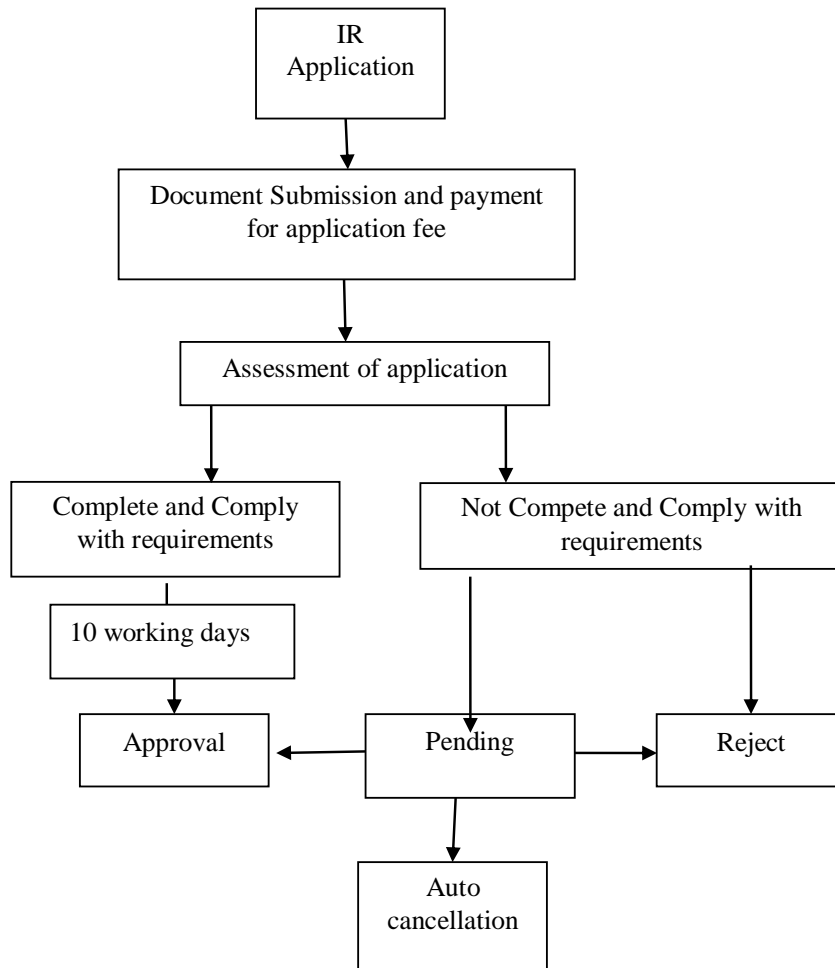
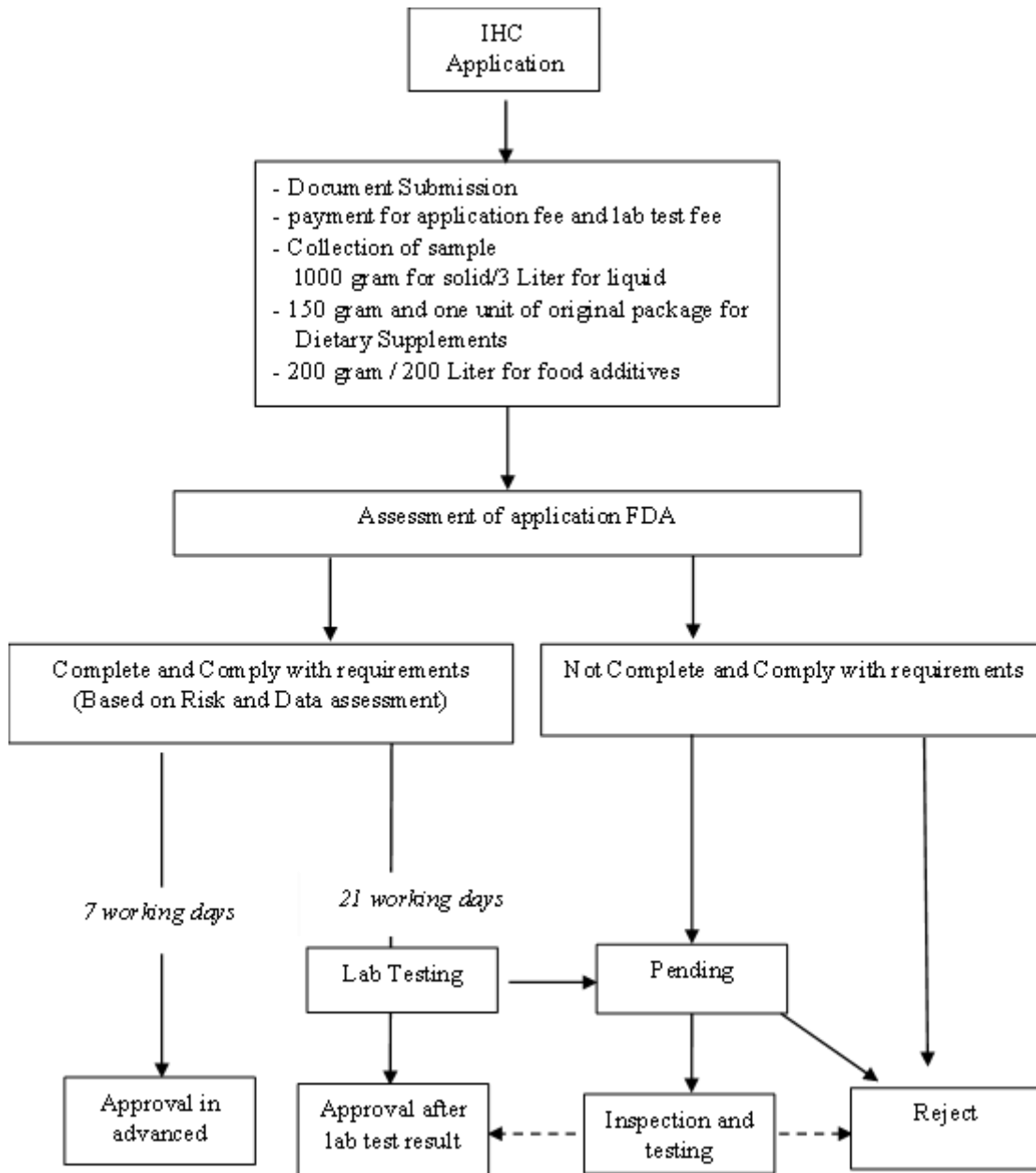


Figure 3. Procedures for IHC Application



9.5 Plants and Plant Products

The PPD of the DOA is responsible for regulating the importation of plants and plant products. The PPD is also responsible for the inspection and import authorizations of plant products, via issuance of IC for plants and plant products such as fruits, vegetables, and seeds.

Importers must apply for an IC from PPD with supporting documents and must pay an application fee of 30,000 Myanmar Kyats (\$16). 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.

The 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>.

PPD drafted the Plant Pest Quarantine Law 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.

The Department of Agricultural Planning (DAP) has the final draft of the Burmese National Biosafety Framework. The DAP is likely to consider it for approval in 2023. Although Burma does not allow the importation of GM crops for human consumption, Burma does allow the importation of GM soy products and corn byproducts to fuel the growing Burmese livestock sector.

9.5.1 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.

There are 82 types of seeds and seedlings for planting that 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. On November 17, 2020, the seed division announced that importers of watermelon, muskmelon, chili, and tomato seeds can apply for recognition certificates with just documentation and no VCU test. There are only 13 crops that require a VCU test for recognition certificates. However, importers must perform a VCU test on new varieties if they want them to be labeled as being resistant to pest and diseases.

The Technical Seed Committee (TSC) reviews the data from the VCU test 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 300,000-500,000 Myanmar Kyats (\$162-\$270). The RC is valid for five years with an option for extension. Importing procedures and application of RC seed business license can be seen in the 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. Importers can apply for ICs at the Plant Quarantine Office, PPD in Rangoon and 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 with no options for extension. If the IC is expired before the shipment arrives, the importer must reapply for a new IC with the application fee of 30,000 Myanmar Kyats (\$16).

Documents needed to apply for an IC are the following:

- completed application form from the Department of Agriculture (DOA-PPD);
- approved letter of company (if company assigns representative for application); and
- registration of a maximum (2) representatives per company.

If the import is for planting, recommendation letters are required from the relevant 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

The application will be registered and accepted if the above necessary documents are completed. The processing time for ICs is about 3 working days (excluding official non-working public holidays). The fee for ICs is 30,000 Myanmar Kyats (\$16).

Procedures for inspection of commodities upon arrival under the 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 IC, 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 IC, 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. The LBVD is responsible for the inspection of imported meat and poultry, meat products, eggs, and animal feed. The importer must be a member of the 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. 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. 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 1,500 Myanmar Kyat (\$0.8) per metric ton and the inspection fee for the laboratory test is 15,000 Myanmar Kyat (\$8). More information about standard operation procedures and regulations for importation of animals and animal products are on LBVD’s official website: <http://lbvd.gov.mm/en/legislations>. LBVD is preparing a new SOP for the importation of animals, animal products, and raw feed.

9.8 Feed and 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 for the submission of pre-shipment samples. 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 DOF.

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; and
- 5) other certificates, permits or import recommendations, as required (e.g., a phytosanitary or health certificate, and 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>

9.10 Other Policies

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. MOC leads the committee to prevent the increased quantity of import. The committee will form an investigation team with employees of the Administration Department 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.

Burma is currently drafting a revised harmonized tariff schedule and will likely raise import tariffs for non-essential goods and for the products produced domestically (e.g., wheat or meslin flour, whiskies, dairy products, yogurt, fresh or chilled potato chips, meats, fruits and vegetables, oilseed crops, and edible oils). Burma will likely publish the revised harmonized tariff scheduled in October 2022.

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, Burma has not implemented it. Although Burma is currently using MACCS for imports, Burma does not use e-certification, and importers still need to submit a hard copy of certificates to clear the shipment. Importers have to pay port surcharges, inspection fees, taxes, tariffs, and custom clearance fees. Incoming shipments can be cleared within one week if the required documentation is complete. There is no average release time for shipments that arrive without proper documentation given the complexities and variation of requirements depending on the imported product. Demurrage and detention fees are another cost for the importer if the containers are detained more than one week.

Common delays are difficulties in obtaining import licenses, duplicate laboratory testing 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

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

IPPC

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/>

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 3407342, 407147
Fax: (+95) 67 3407027, 407434
Website: www.dica.gov.mm

Codex Contact Point

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

OIE

Director General
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
(+95) 67 3408056

ytwvet84@gmail.com

National Notification Authority (NNA)
Director, WTO, and International Organization
Directorate of Trade - Ministry of Commerce
Tel: (+95) 6740 83 15
koko.lay@gmail.com

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