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Report Highlights:

Burma is in the process of updating many of its laws and regulations. This report includes updates on the Food Law, and the Animal Feed and Veterinary Drugs Law in Section I; Labeling Requirements for Food in section II; Trademark Law, Industrial Law, Patent Law, and Copyright Law in Section VIII; and Import Procedures for Food and new Law to Prevent Increased Quantity of Imports in Section IX.

GENERAL INFORMATION:

SECTION I. GENERAL FOOD LAWS

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

At present, the draft National Food Law has returned to FDA from the Pyithuhluttaw Judiciary and Legal Committee with comments. FDA is revising the draft and is expected to finish the National Food Law in early 2020.

The law was expanded to cover all food from farm to table and will link to other existing laws such as the Plant Pest Quarantine Law, Animal Health and Development Law, Consumer Protection Law, FDA's notifications, and the minimum requirements for food manufacturing, etc. The National Food Law will likely be approved in early 2020. The Burmese FDA is also preparing the food regulations under this law.

FDA drafted the Food, Drug, Medical Device, and Cosmetic Labeling Guidelines supported by USAID and has submitted it to the Union Minister for approval. FDA is also drafting the National Food Safety Policy and is ready to submit it to the Union Attorney General Office (UAGO) for legal advice. In addition, FDA is preparing labeling guidelines for alcoholic beverages and is expected to release the first draft in early 2020.

The Livestock Breeding and Veterinary Division (LBVD) prepared the New Animal Health and Development Law, and Burma's House of Representatives Pyithu Hluttaw approved it in September 2019. The next step in the process is approval from Burma's Assembly of the Union Amyotha Hluttaw before being submitted to the president's office for signature.

LVBD is also drafting the Animal Feed and Veterinary Drugs Law. In 2018, the Asian Development Bank (ADB) supported LVBD in a six-month project during which LVBD finished a policy paper, which was submitted to the Minister. The World Organization for Animal Health's (OIE) also provided technical assistant in the drafting of the policy paper.

SECTION II. LABELING REQUIREMENTS:

Burma currently follows Codex guidelines and ASEAN Common Principles and Requirements. The Central Committee for Consumer Protection issued Notification 1/2018 on October 26, 2018, which required all consumer products sold in the country to be labeled with certain minimal information in the Burmese language. The notification requires Burmese language labeling for directions for use, storage instructions, allergy alerts and/or warnings, and side effects (if any). The notification gives a six months grace period from the notification date, with April 26, 2020 as the date of compliance.

Consumer Protection Law was released in March 2019 and includes the following labelling requirement: [labeling requirement](#):

- 1) Product Logo, Name of the products, size, quantity, net weight storage instruction, and direction for use;
- 2) Date of manufacturing, expiry, and product serial number;
- 3) If the product is imported, name and address of importers, name of manufacturer and address;
- 4) The address of repacking;
- 5) List of raw materials, quantity, and ratio;
- 6) Allergy alerts, warning, and side effects; and
- 7) Information specified by relevant government.

In September 2019, FDA released a notification requiring that the label of ready-to-eat food must 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>

SECTION III. PACKAGING AND CONTAINER REGULATIONS:

There are no regulations on the size or weight of imported food containers. However, regarding packaging materials, Burma has adopted recommendations under the ASEAN Consultative Committee on Standard and Quality of Product, Prepared Foodstuff Product Working Group for harmonizing standards, including harmonized standards for the following products: lead, cadmium, chromium 6 bisphenol A, chloromethane, and formaldehyde for SML. FDA published guidelines for the minimum requirements of manufacturing for food and drinking water in 1998.

SECTION IV. FOOD ADDITIVES REGULATIONS:

Although the FDA is responsible for regulating food additives, it has not issued a specific list of those allowed to be used in food. As such, it defers to Codex standards for food additives CODEX STAN 192-1995. The banned list for food additives is as followed.

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

Source: FDA, Burma

SECTION V. PESTICIDES AND OTHER CONTAMINANTS:

Burma defers to ASEAN and Codex Maximum Residue Levels (MRL) standards for pesticide residues in food, veterinary drugs, and contaminants. The government laboratories usually test for mycotoxins and aflatoxin. The government is not able to do the monitoring and inspection of pesticides residues for all imported plants, plant products, and food. However, importers, local manufacturers, and

producers are inspecting the pesticide residue to certify that their products are safe. Burma banned 41 pesticides and restricted seven pesticides on August 9, 2018. Please visit the following link to see the list of banned and restricted pesticides in Burma. (See: <http://ppdmyanmar.org/pesticide-registration-board/>).

5.1. Pesticide Registration:

All pesticides must be registered according to the Pesticide Law, which the Ministry of Agriculture amended and issued (available in Burmese only) in January 2016 (see: <http://ppdmyanmar.org/pesticide-registration-board/the-pesticide-law/>). The Pesticide Law calls for the formation of a Registration Board under the guidance of the Department of Agriculture (DOA). The Board’s role is to test pesticides labeling claims as well as their bio-efficacy on the crops. In order to apply for a pesticide registration, the applicant must submit an application form to the Pesticide Board specifying 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 666) with a validity of two years. The provisional registration fee is Myanmar Kyats 2,000,000 (USD 1,333) for five years, and the full registration fee is Myanmar Kyats 5,000,000 (USD 3,333) 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 monetary penalty amounts. Data requirements for the pesticide registration are provided on the following website; <http://ppdmyanmar.org/pesticide-registration-board/>.

SECTION VI. OTHER REQUIREMENTS, REGULATIONS AND REGISTRATION MEASURES:

6.1. Sanitary and Phytosanitary Measure

For food and agricultural products, MOALI and MOHS are responsible for the Sanitary and Phytosanitary measures followed by CODEX, ASEAN, and OIE guidelines.

Phytosanitary Certificates (PC) for all plant and plant products, and Health Certificates or Certificates of Analysis for all packaged food must accompany the consignment. For imported seeds, a Non-GMO certificate is required in addition to the PC. A Certificate of Country of Origin is required for all agricultural products. An original Phytosanitary Certificate and/or Health Certificate from the country of origin should also accompany the consignment. For meat and poultry, certificate for Hazard Analysis Critical Control Point (HACCP) or ISO 22,000 are required instead of the health certificate. A Fumigation Certificate is required if the product was treated. The following sections provide further detailed information on these requirements, and the table below provides a summary of the requirements.

Sr.	Products	Title of Certificate	Attestation Required on Certificate	Purpose of Certificate	Requesting Ministry
1.	All plants and plant products for consumption	APHIS Phytosanitary Certificate (PC)	Certified product is free from quarantine pests.	Plant Health	DOA, MOALI
		Phytosanitary Certificate from the third-party	Certified product is free from quarantine pests.	Plant Health	DOA, MOALI

		country (for re-exports)			
2.	Seeds and seedlings for planting	APHIS Phytosanitary Certificate (PC)	Certified product is free from quarantine pests.	Plant Health	DOA, MOALI
		Non-GMO Certificate for seeds and seedlings for planting	Certified product is not genetically modified.	To Protect Biodiversity	DOA, MOALI
3.	Beef and beef products	Health Certificate signed by authorized veterinary officer (FSIS form 9060-5) Certificate of GMP/HACCP / ISO 22000	The animal must originate from foot and mouth disease free-zone.	To ensure that the product is safe for human consumption	LBVD, MOALI,
4.	Swine (frozen pork and pork products)	Health Certificate signed by authorized veterinary officer (FSIS form 9060-5) Certificate of GMP/HACCP / ISO 22000	The country of origin is free from African Swine Fever, Enterovirus, Encephalomyelitis (Teschen Disease), Swine Vesicular Disease, and Rinderpest.	To ensure that the product is safe for human consumption	LBVD, MOALI,
5.	Poultry and poultry products	Health Certificate signed by authorized veterinary officer (FSIS form 9060-5) Certificate of GMP/HACCP / ISO 22000	The birds from which the product was derived did not originate from a zone with highly pathogenic notifiable avian influenza.	To ensure that the product is safe for human consumption	LBVD, MOALI,
6.	Raw feed (corn, soybeans, feed wheat)	APHIS Phytosanitary Certificate (PC)	Certified product is free from quarantine pests.	Plant Health	DOA, MOALI

7.	Feed additives produced from Animals, such as meat and bone meals	Health Certificate	Free of animal diseases such as rinderpest, foot and mouth disease, and contagious bovine pleuropneumonia.	Animal Health	LBVD, DOF, MOALI
8.	Feed produced from plants such as soybean meal, DDGS, corn gluten	Certificate of Analysis	No specific statements	Animal Health	LBVD, DOF, MOALI
		Certificate of GMP/HACCP / ISO 22000	No specific statements	Animal Health	
9.	Processed foods, semi-processed foods, drinks, beverages	Certificate of GMP/HACCP / ISO 22000	No specific statements	To ensure the imported foods are produced from the company whose production processes comply good manufacturing practices.	FDA, MOHS

At present, there is no pre-shipment sample testing requirement for plant and plants products, meat, poultry and their products, and food, except seeds for commercialization and animal feed. Currently, LBVD takes pre-shipment sample for feed but not on arrival, which conflicts with current procedures for other products such as meats, poultry and their products that are required to have a sample tested on arrival. LBVD is trying to harmonize this procedure. FDA usually conducts food safety inspections in the domestic retail market and announces the list of unsafe food.

6.2. Facility Registration: FDA is responsible for registering locally produced food. The product registration is not required for imported food and agricultural products. However, the importer must apply for Import Recommendations (IR) and Import Certificates (IC) to the relevant departments prior to importing. Application, validity, and lab test fees will be described in section IX, Import procedures and flow chart. However, domestically produced food must be registered for their trademark.

SECTION VII. OTHER SPECIFIC STANDARDS:

Burma enacted the Law on Standardization in July 2014. The National Standards Council released 50 standards in July 2018 including rice, pesticides, frozen fish, frozen prawns, beans, and peas. Burma released another 43 standards in February 2019 including drinking water, vegetables, watermelon, avocado, banana, coffee beans, and pomelo. FDA released an order for Breast Milk Substitute (MBS) in 2014. In addition, FDA is preparing labeling guidelines for alcoholic beverages and is expected to release the first draft in early 2020. (<https://www.myanmarstandards.org.mm/law/>)

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 Ministry of Commerce. The effective date of the Trademark Law has not been announced. According to the new Trademark Law (<https://tinyurl.com/y65cr9pt>), any applicant may apply to the registrar 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) an application for registration;
- (2) name and address of the person or legally formed organization applying for registration;
- (3) name, citizenship scrutiny card number, and address of the agent or representative if the applicant entrusts an agent or representative with this matter;
- (4) a 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;
- (5) other requirements stipulated by the Agency and the Department from time to time.

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 patents or design right outside Burma. According to Patent Law, special exemption the protection of pharmaceutical patents is until January 1, 2033, and the protection of chemical products used in agriculture, food products and microbiological products is until July1, 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), Ministry of Commerce (MOC); FDA, MOHS; Plant Protection Division (PPD), MOALI; Seed Division, MOALI; LBV, MOALI; and the Myanmar Livestock Federation (MLF).

9.1. Import License:

DOT issues import licenses for all commodities. Importers can apply for an import license via the TradeNet website (<http://www.myanmartradenet.com/>) or via paper. Applications are accepted at the Ministry headquarters in Nay Pyi Taw, and in Rangoon, Mandalay, and at certain border offices. 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. For food products, there are other steps needed in order to obtain an import license, such as obtaining an import recommendation and a safety review.

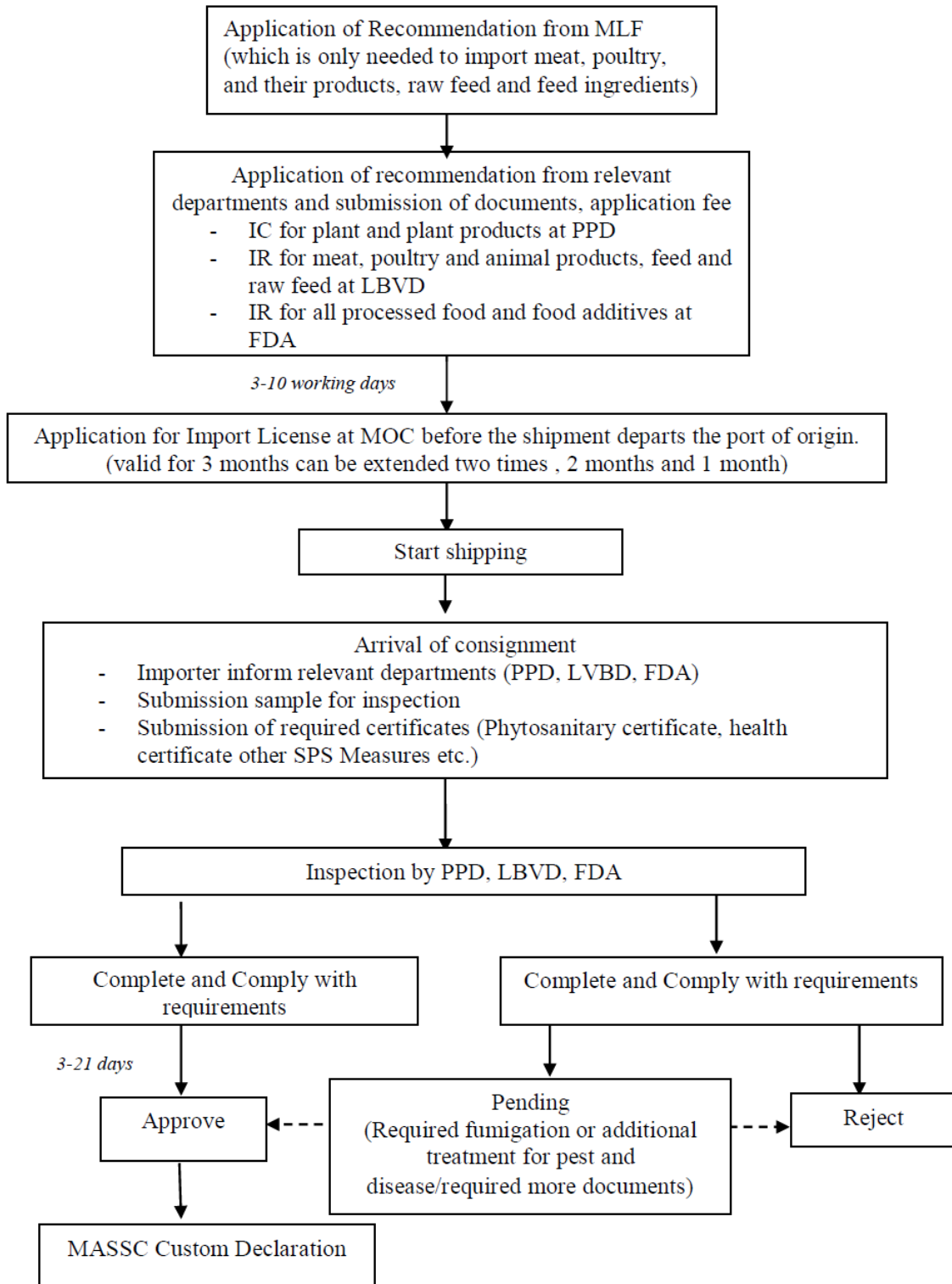
There is also another option to bring products for non-commercial purposes with the application of an import permit for special cases (e.g., research, donations, or exhibition). Import licenses for 64 commodities are automatic and can be applied for online, but other import licenses for food and agricultural products are issued with recommendations from relevant ministries and agencies (see the table below). The import procedures and documents required are different depending on the type of commodities and purpose of importation. General import procedures for food and agricultural products are described in flow chart below.

Import Recommendations (IR) / Import Certificate (IC) and Relevant Agencies

Products	Ministry and Agency
meat and poultry (frozen or raw) livestock and animal products, animal feeds and veterinary medicine/pharmaceuticals	Livestock Breeding and Veterinary Department, Ministry of Agriculture Livestock and Irrigation
fertilizers, seeds, plants and plant products, pesticides	Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation
prawns / fry (baby fish), shrimp brans, Fish, Fish meal and all aquaculture products	Department of Fisheries (DOF), Ministry of Agriculture, Livestock and Irrigation
all packaged food products, soft drink, alcohol, wine, drugs, medical devices, and cosmetic products	Food and Drug Administration, Ministry of Health and Sports (MOHS)

For more information: please visit to <https://myanmartradeportal.gov.mm/en>

General Import Procedures for Food and Agricultural Products



9.2. Prohibited Imports

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

For instance, MOC stopped issuing import permits for U.S. potatoes for chipping in June 2019 in order to protect local potato farmers. FAS Rangoon, with the help of the Department of State and Potato USA, successfully negotiated with MOC to reissue import permits for U.S. potatoes. Similarly, MOC suddenly limited the import quota of soymeal in early September 2019, which is the largest U.S. export to Burma, without reasonable notification. FAS Rangoon worked with local feed millers, who saw domestic prices rise by 10 percent within a week, to advocate the removal of the import quota. After two weeks, MOC lifted the import quota on soymeal.

9.3. Food (not including raw plant products):

FDA issues Import Recommendation (IR) and Import Health Certificate (IHC) for imported food; cosmetics, and drugs; and overall quality control of registered drugs, processed food, imported food, and food for export. FDA not only assesses the documents related to the Good Hygienic Practice of Manufacturing for factories from abroad (such as factory registration, product specification, certificate of analysis etc.), but also analyzes imported food to ensure that it complies with related specifications or international standards. 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 released new Standard Operation Procedures (SOP) for Food Importation and Exportation in December 2019. The new SOP will be based on a data-based assessment, and Importers can apply for an IR at FDA district offices, and FDA offices at border trade points, and Special Economic Zone.

According to new SOP,

- 1) Importers do not need to submit the pre-shipment sample for testing;
- 2) Same product, same brand with different packing sizes from one producer will be consider as one item;
- 3) FDA will charge only one application fee for the same product, same brand with different packing sizes from one producer (Myanmar Kyats 50,000: about USD 33);
- 4) Validity for IR will be extended from 2 to 3 years; and
- 5) A laboratory test fee will be paid for each different packaging size at a flat rate (Myanmar Kyats 200,000).

In addition, importers must apply for an import license, after receiving an IR, at MOC in order to get permission to import each shipment. When the shipment arrives, a sample with the batch number is

sent to FDA for laboratory testing in order to obtain an Import Health Certificate (IHC), which needs to be attached in the new online customs declaration system, called MACCS. 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 liquid, and 15 to 600 grams for food additives, depending on the type of additives. FDA usually conducts microbiological and chemical tests, depending on the type of food being imported. FDA announced increased fees for the laboratory tests in October 2018, which were significantly higher than the previous fees (See: <http://www.fdamyanmar.gov.mm/?p=1296>). Low risk food items, found in the following link, also need to apply for an IR to import (<http://www.fda.gov.mm/?p=585>).

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/HACCP / ISO 22000 etc.
- 5) Original label
- 6) List of type and size of packing
- 7) Letter of acknowledgement with company letter head

Documents required for IHC application:

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

FDA Web page address - [https:// www.fda.gov.mm](https://www.fda.gov.mm)

FDA food section email - fdafood@mohs.gov.mm

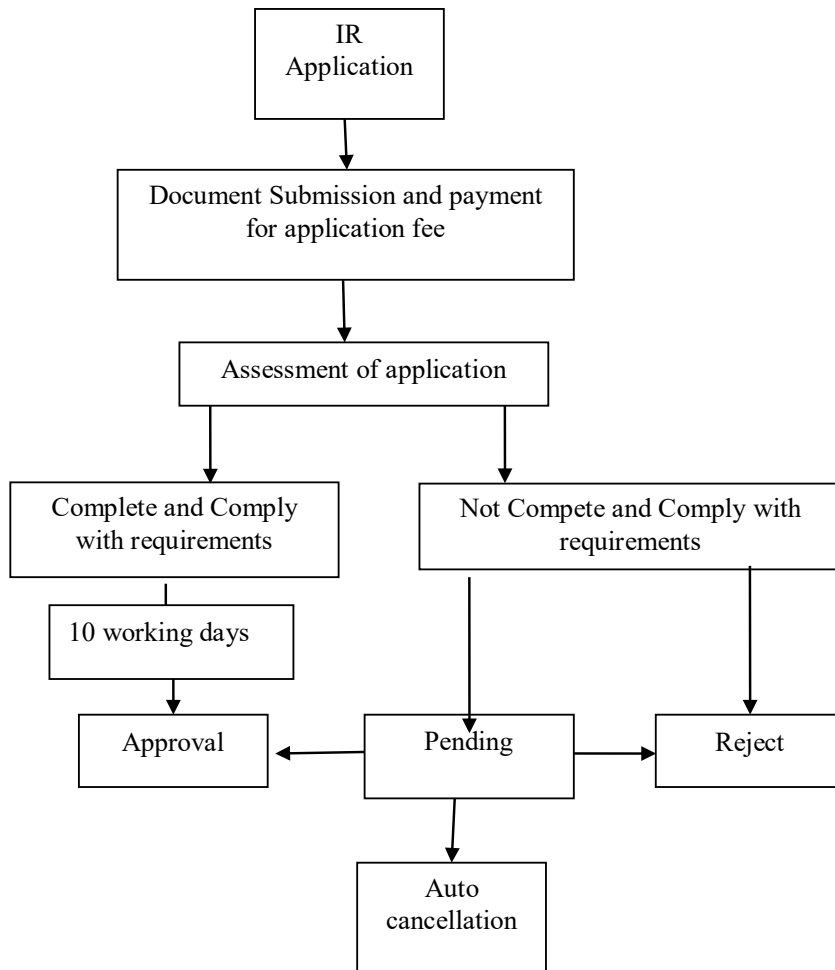
9.4. Wine, Beer, Liquor:

Burma started allowing wine imports in March 2015, but liquor and beer imports remain illegal. Wine can enter Burma by airfreight and sea freight but may not be brought in through land border crossings. The shipment documentation must declare the country of origin, and the alcohol percentage must be between 7 and 20%. Importers must present a company registration, a trading license, and an official contract with the supplying company from which they are importing. Importers must have an excise license, or FL 11, issued by General Administrative Department from the Ministry of Home Affairs. According to 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 Import Registration Card after receiving the FL 11 excise license. The validity of a Wine Import Registration Card is 1 year and can be extended every year. The registration and extension fees are Myanmar Kyats 50,000 (US\$ 40) per year. A tax is also levied on imports.

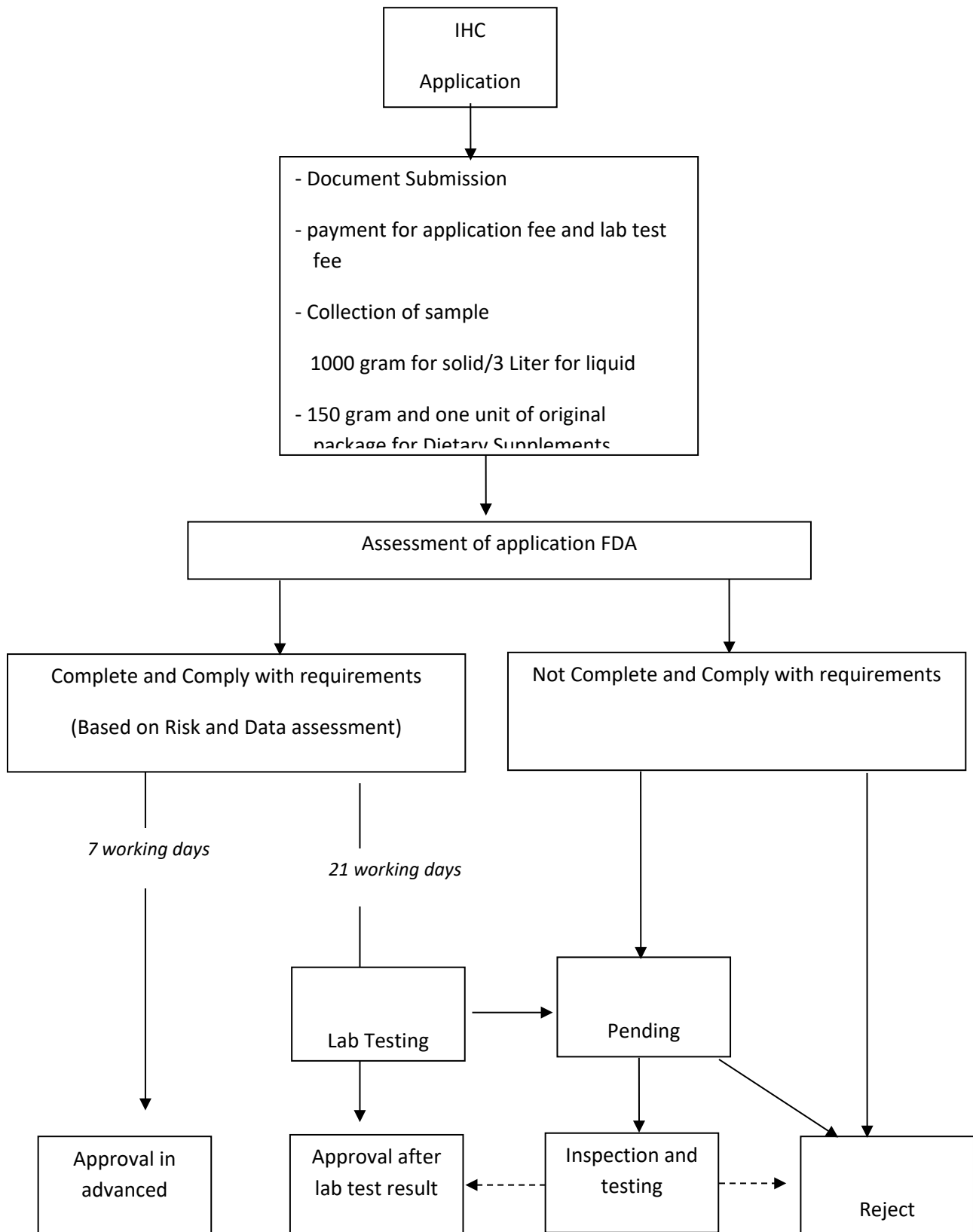
The FDA is also responsible for issuing the IR for wine and the procedures to apply for an Import Certificate and Health Certificate (IHC) are the same as for food products. Importers, however, can only apply for an IR for wine in Naypyitaw as the Rangoon FDA laboratory does not have the ability to test the sample.

The following flow charts demonstrate the IR process before shipping and IHC process after a shipment arrives.

Procedures 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. 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.

Seeds: 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, DOA. After the VCU test, the Technical Seed Committee (TSC) reviews the data and submits it to 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. 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

At present, DOA is issuing IC for 40 fresh fruits, 12 cereals and legumes, and 25 vegetables to be imported for human consumption without Pest Risk Analysis (PRA) data information. Canola, sorghum, soybeans, and wheat for animal feed consumption are also allowed to be imported from any country without a PRA. As for seeds and seedlings for planting, 82 types are allowed to be imported without PRA information. In addition, tuber seed potatoes for planting from Argentina, Australia, India, Korea and the United States do not need to provide PRA data information (source: <http://ppdmyanmar.org/plant-quarantine-pg/allowed-import-plants-and-plant-products-that-do-not-need-data-information-for-pest-risk-analysis-pra-11-11-2018/>).

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.

The Plant Pest Quarantine Law was drafted by PPD, in an attempt to bring it more in line with international standards. PPD updated the Standard Operation Procedures for Import, Export and Inspection for Plants and Plant Products in August 2018 on its official site (<http://ppdmyanmar.org/>).

The DOA is revising the final draft of the Burmese National Biosafety Framework, which is expected to be published in April 2020. Although, Burma currently does not allow the import of GM crops for human consumption, GM soybean and corn might be considered for importation due to higher demand for raw feed.

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

Importers should apply for an IC for plants and plant products and the allowable import list is available both at the PPD notice board and the following link: 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 PRA exemption lists, the 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.

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)
- Register 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
- IC cannot be extended from May 10, 2019.

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

- Importers must inform the Department of Agriculture, Plant Protection Division (DOA-PPD) and apply for testing using the “Other Government Agency (OGA) test application” available at the 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 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 (including Meats and Poultry)

Burma is a member of OIE and follows OIE guidelines and requirements. LBVD, 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, MOC. In addition to the import recommendation and permit, each shipment must be accompanied by a health certificate, and certificate for Hazard Analysis and Critical Control Point (HACCP) a declaration of the shipment’s contents. After shipment arrives, LBVD inspects the sample for laboratory test, which will allow the

shipment to be released according to the results. According to the LBVD import regulations, the country of origin is free from African Swine Fever, Enterovirus, Encephalomyelitis (Teschin Disease), Swine Vesicular Disease and Rinderpest. For beef import, the country/region/zone of origin has been free from Foot and Mouth disease (FMD). 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 per metric ton and the inspection fee for the laboratory test is Myanmar Kyat 15,000. More information about standard operation procedures and regulations for importation of animals and animal products can be seen in LVD official site; <http://lbvd.gov.mm/en/legislations>.

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, soybean 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, corn distiller's dried grains with soluble (DDGS), corn gluten, 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, soybean for feed consumption at LBVD, then an IC is needed to apply for an import license at PPD. If the feed is used for fish, 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:

- a) An Import Permit/License (when required);
- b) Invoice;
- c) Bill of lading, air consignment notes, or truck note;
- d) Packing list; and

- e) Other certificates, permits or import recommendations, as required (for example, a country of origin or SPS or FDA certificate).

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.

Other Policies:

The Burmese Ministry of Commerce is currently drafting the Trade Policy and now asking the comments from private institution. 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 to Prevent Increased Quantity of Imports, 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. The committee will not impose import quantity safeguard measures on imports from developing countries that are less than 3 percent of the total quantity of the import and on imports from all developing countries that are no higher than nine percent of the total quantity of the import in Burma. This law could be problematic for U.S exporters who are currently exporting agricultural products to Burma especially potato and soybean.

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/>

Department of Agriculture

Ministry of Agriculture, Livestock and Irrigation
Office No. (15 (43)
Nay Pyi Taw, Myanmar
Tel: (+95) 67-410007
Fax: (+95) 67-410138
Website: <https://www.moali.gov.mm/>

Plant Protection Division

Department of Agriculture
Ministry of Agriculture, Livestock and Irrigation
Bayintnaung Road, west Gyogone, Insein P.O 11011
Yangon, Myanmar
Tel: (+95) 1 644214/ 640344
Fax: (+95) 1 667991
Website: <http://www.ppdmyanmar.org/>

Livestock Breeding and Veterinary Department

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

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

MS Ohnmar Soe Win
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 opportunities in Myanmar. Questions or comments regarding this report should be directed to the following:

Office of Agricultural Affairs
U.S. Embassy
110 University Avenue
Kamayut Township 11041
Yangon, Myanmar
Tel: +95-1-536509
Fax: +95-1-511069
E-mail: agrangoon@fas.usda.gov
Key Contact: Rachel Nelson, Agricultural Affairs Officer

Attachments:

No Attachments