

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Food and Agricultural Import Regulations and Standards

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FAIRS Subject Report

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Report Highlights:

Myanmar is in the process of updating many of its laws and regulations in response to the recent opening the economy and greater level of interaction with international partners. Since publication of the last FAIRS Report for Myanmar, the government drafted a new Food Law and sent it to the Union Attorney General Office for legal review. The draft Food Law is a general framework, under which all food regulations will fall. It was drafted by the National Food Law Committee, led by the Department of Food and Drug Administration, which falls under the Ministry of Health and Sports. In 2016 Myanmar approved a new Seed Law and Plant Variety Protection Law. In 2017 the country approved a new Pesticide Law and Investment Law and amended the Plant Pest Quarantine Law and the Trademark Law. Myanmar generally relies on the Codex, OIE and ASEAN guidelines.

General Information:

Section I. General Food Laws

Myanmar is in the process of adopting a new National Food Law, which it drafted with assistance from the United States Agency for International Development (USAID). The Department of Food and Drug Administration (FDA) from the Ministry of Health and Sports is the lead agency drafting this new Food Law, along with Food Law Committee which included the Ministry of Agriculture, Livestock and Irrigation; Ministry of Commerce; Myanmar Police Force; Yangon, Naypyitaw and Mandalay City Development Committees; Union Attorney General Office (UAGO); and the Ministry of Education. The Department of Food and Drug Administration was established in 1995 as one of the divisions under the Department of Health. The FDA division was upgraded to a separate department in April 2013. The aim of the Department is to ensure the safety and quality of Food, Drugs, Medical Devices and Cosmetics in the country.

At present, the draft National Food Law is under review at the Union Attorney General Office (UAGO) and will be submitted to the Ministry of Health and Sports, then proceed to the Cabinet and be published for public hearings. The new Food Law will be the general framework for regulating the production, sale, and trade of food and food products in order for these to meet the required wholesomeness and quality standards. The Law will lay out the food safety and management system and will include sections on the roles of the Ministry of Health, FDA, food inspectors and food laboratories; prohibitions and penalties for infractions; financing, etc. FDA expects the new Food Law to be fully approved around mid-2018.

Prohibited Imports

Myanmar prohibits the importation of certain articles that endanger public morals, threaten human, plant or animal life, involve the importation of gold and silver, arms and ammunition, and similar items. Prohibited goods cannot be imported, exported, transited, sold or circulated in Myanmar.

Section II. Food Additives Regulations:

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

Section III. Pesticides and Other Contaminants:

Myanmar defers to ASEAN and Codex Maximum Residue Levels (MRL) standards for pesticide residues in food, veterinary drugs, as well as for contaminants. The government laboratories are usually testing for mycotoxins and aflatoxin.

Pesticide Registration:

An amended Pesticide Law was issued by Ministry of Agriculture (available in Burmese only) on January 2016. The Pesticide Law calls for a formation of the Registration Board (Board) under the guidance of the Myanmar Department of Agriculture. The Board's role is to test pesticides labeling claims as well as their bio-efficacy on the crops. In order to apply for pesticide registration, the applicant must submit an application form to the Pesticide Board specifying the type of permit sought: experimental registration, provisional registration, full registration, or special use permit. The amended Pesticide Law is not much different from the previous one, and

primary changes include updates to the names of the related Ministries and updated monetary penalty amounts.

Section IV. Packaging and Container Regulations:

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

<http://www.fdamyanmar.gov.mm/index.php/en/2014-06-13-09-34-59/2014-06-13-09-37-28>

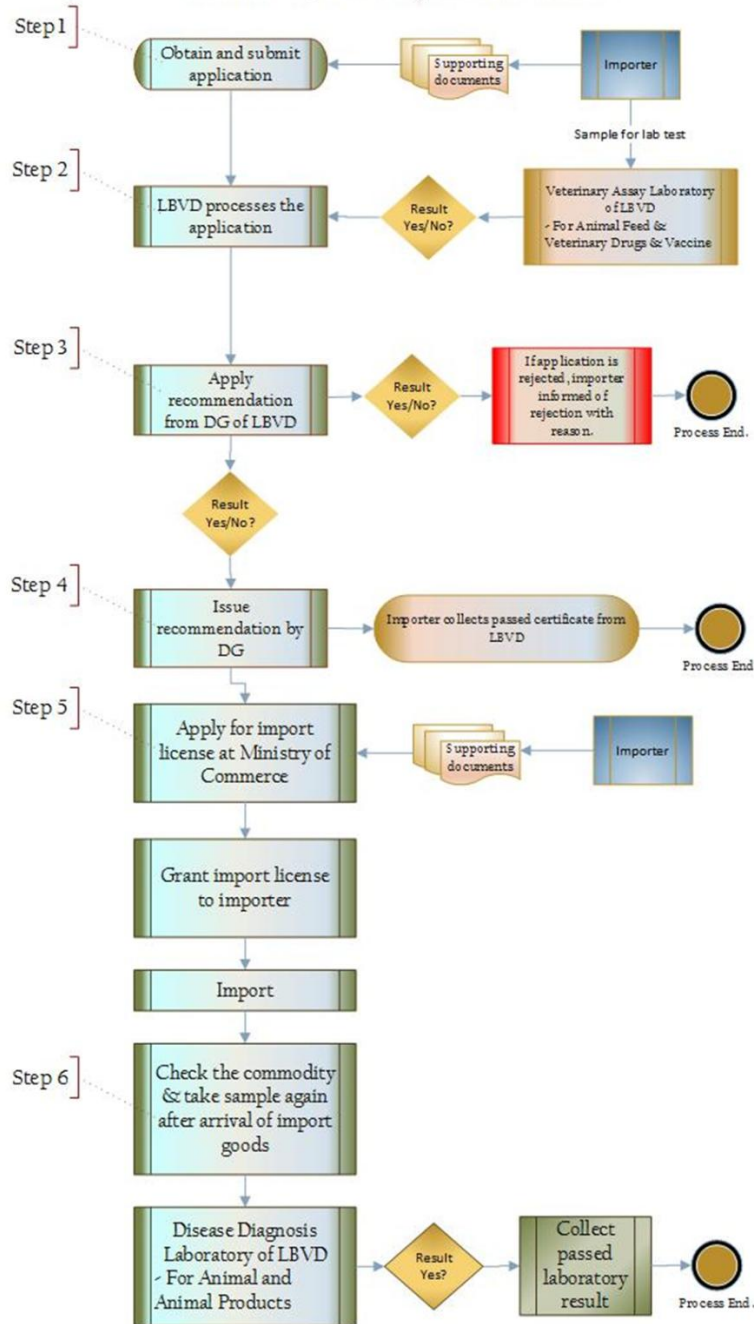
Section V. Labeling Requirements:

Myanmar follows Codex guidelines and the ASEAN Common Principles and Requirements, Appendix 2 for the Labeling of Prepackaged Foods. All imported food must be labelled in English. Food labels must clearly state the name of the product, contents including name and net weight, the manufacturer's name and address, batch number, manufacturing date, expiry date, and required storage conditions.

Import License:

The Department of Trade of the Ministry of Commerce issues import licenses for all commodities. Importers can apply for an import license via TradeNet web site (<http://www.myanmartradenet.com/>) or via paper. Applications are accepted at the Ministry headquarters at Nay Pyi Taw, and in Yangon, Mandalay and at certain border offices. The validity of an Import License is 3 months and can be extended two times for another 3 months each time. 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 (see section IX of this report).

Procedure for obtaining Import license



Section VI. Other Specific Standards:

Myanmar enacted the Law on Standardization in July 2014. The National Standards Council approved standards for 50 products including, food and drinks, food service equipment, machinery, and electrical products as of 2017.

Section VII. Facility and Product Registration Requirements:

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

Section VIII. Other Certification and Testing requirements

A Certificate of Country of Origin is required for all agricultural products. An original Phytosanitary Certificate and/or Health Certificate from the country of origin should accompany the consignment. A Fumigation Certificate is needed if the product was treated. Detail requirements are given in the following section.

Section IX. Import Procedures

Food:

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

FDA not only assesses the documents related to the status of 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 check whether it complies with its specification or international standards. Myanmar is an active participant in the ASEAN Codex Committee. Food control activities in Myanmar are conducted in line with the National Food Law and Public Health Law and also generally aim to comply with Codex guidelines and standards.

Importers must apply for an Import Recommendations (IR) at the FDA with a product sample and supporting documents such as a food specification document, ingredients documents, GMP certificate or Product Registration or Free Sale Certificate and the food item with original packaging or if the food item package is too big to provide, a photograph of the packaging. The IR is valid for 2 years. It acts like an import registration and with it the importer can make separate shipments during the 2 years. Importers must apply for an import license, along with the IR, at the Ministry of Commerce (MOC) in order to bring in a shipment. When the shipment arrives, a sample with the batch number will be sent to FDA for laboratory test to obtain the Import Health Certificate which needs to be attached in the new customs declaration system, called MACCS. FDA usually conducts microbiological and chemical tests, depending on the type of food being imported.

A flow chart of the import recommendation process before shipping and health certification process after a shipment arrives is shown as below.

Import Recommendation process before shipment (2 years validity)

Case application

Product Specification

Ingredient List

Product Registration / GMP Certificate/ Free Sale Certificate

Label Photo (for large pack size)

Documents Assessment

Preshipment Sample

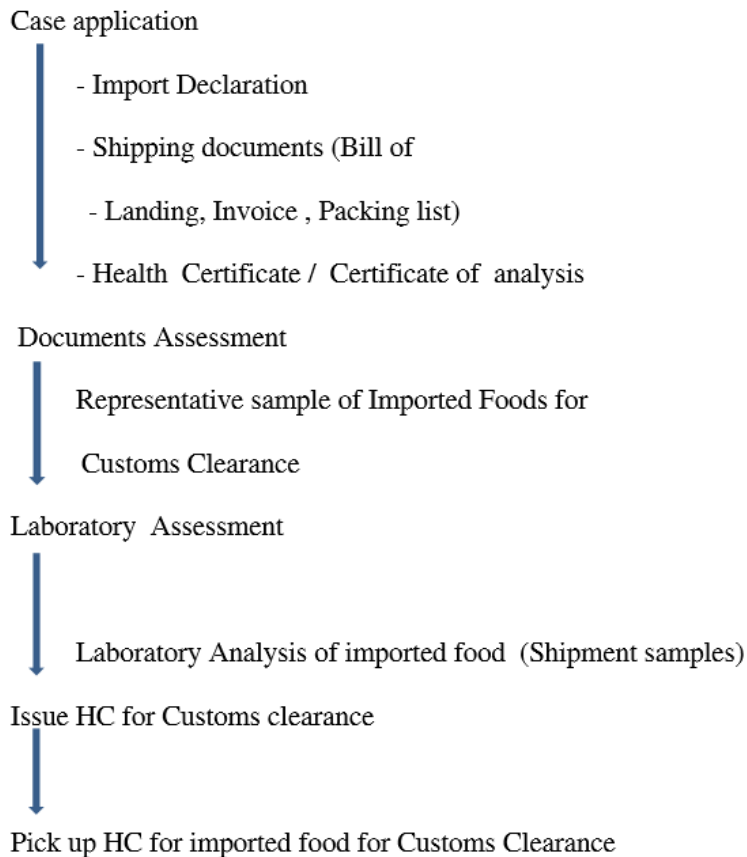
Laboratory Assessment

Laboratory Results

Issue Import Recommendation Certificate (2 years validity from the time of issue)

Pick up Import Recommendation for Importation License at Ministry of Commerce

Health certificate for food importation process after shipment arrives



Wine:

Myanmar began allowing imports of wine in March 2015. Wine imports are allowed by airfreight and over sea, but wine may not be brought in through border regions. The country of origin must be stated and the alcohol percentage must be within 7-20%. A tax is levied. Importers must have company registration, trading licenses and an official contract with the supplier company from which they are importing. Importers must have an excise license, or FL 11, issued by General Administrative Department from the Ministry of Home Affairs. According to Myanmar Excise Rules, only Myanmar citizens are eligible to apply for FL 11. Before applying for an Import License, the importer must apply for a Wine Import Registration Card with excise license FL 11. The validity of a Wine Import Registration Card is 1 year and can be extended every year. The registration fee is 50,000kyats (US\$ 40) and extension fee is also 50,000kyats (US\$40).

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

Plants and Plant Products:

Apart from FDA, the Department of Agriculture (DOA) is responsible for importation of plants and

plant products. On January 1, 2017 the Myanmar government imposed a new pest risk analysis (PRA) requirement for imported plant commodities. Under the new requirement, Myanmar authorities will not allow the import of any plant or plant products without the required PRA information. After The USG submitted scientific information and conducted several meetings with the DOA, several U.S. products were approved including U.S potatoes, apples, grapes, soybeans, wheat and corn (as of 2017). Other products that were already being imported including pears and strawberries also obtained a temporary approval to continue until December 31, 2017 and cherries, pomegranates, citrus (mandarins, oranges, grapefruits, lemons, limes), garden peas/yellow peas until March 2018. The U.S Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) agreed to provide the PRA data information for these products before that period. Other plant products not listed must undergo a PRA before they can be imported, and interested U.S. exporters should work with U.S. producer groups and APHIS to seek that approval.

Myanmar approved the new Plant Variety Protection Law in January 2016 to protect the rights of breeders of new plant varieties, to develop the activities of plant breeding, to encourage investments in and development of the breeding of new plant varieties in both public and private sectors and to support agricultural sector development by production and cultivation of new improved varieties

The Plant Pest Quarantine Law has been revised by the Plant Protection Divisions from the Department of Agriculture (DOA) to attempt to bring it more in line with international standards. The draft was submitted to UAGO for legal review. PPD is also responsible for the inspection of such products and their authorization to enter the country. Plant Protection Division from DOA issues the Import Certificates for the import of plants and plant products such as fruits and vegetables and seeds.

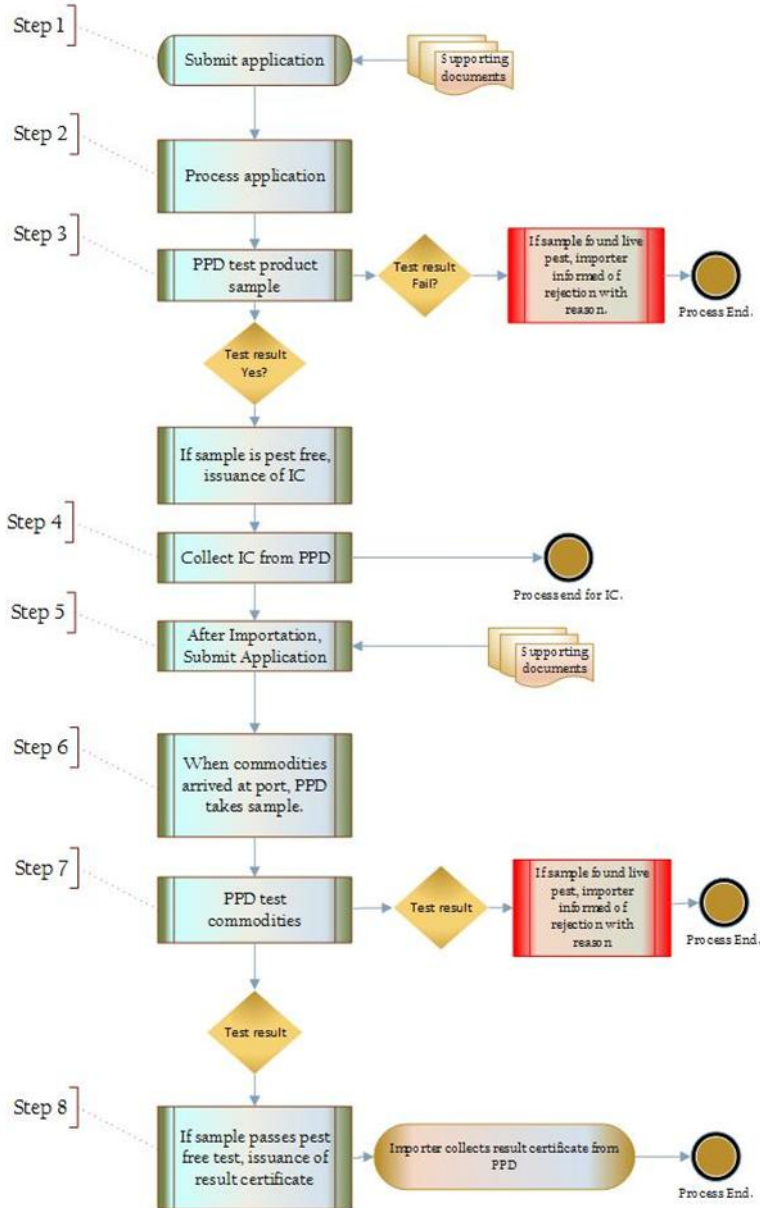
Importers must apply for an Import Certificate (IC) from the Plant Protection Division (PPD) of the DOA with a product sample, supporting documents and pay inspection fee certificate, the inspection fee and/or for the testing of the sample. Applications for an IC submitted to PPD will take 1-2 weeks. After receiving an IC from PPD, the importer must apply for an import license or permit from the Ministry of Commerce. He importer has to present the original phytosanitary certificate from the country of origin, which must accompany the shipments. When the shipment arrives, the importer should inform PPD, which will then take a sample randomly from the consignment and conduct an inspection for pests and diseases. If the test is clear, PPD provides a recommendation letter to allow the commodities to enter the country. The importer collects the result certificate from PPD and can proceed for custom clearance. According to the revised seed law approved in February 2016, all imported seeds for commercial planting must be accompanied by a non-GMO certificate.

Requirements for Import Certificate for Plants and Plant Products

- Application Form
- Recommendation from Seed Division (for Planting Seeds)
- Phytosanitary Certificate (Country of Origin) from Exporting Country

- Health Certificate – HC / Fit for Human Consumption or Good Agricultural Practice – GAP Certificate (Consumption for Fruits and Vegetables)
- Pest Risk Analysis Information (PRA) for Imported Crops
- Authorized Letter for Agent by Importing Company
- Company Registration for Importing Company by MOC
- Inspection of Imported Commodities with MACCS System

Procedure for obtaining Import Certificate (IC) as Support for Import licensing application



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

The Livestock Breeding and Veterinary Department (LBVD) is amending the Animal Development and Health Law and a draft law has been submitted to the cabinet for approval. LBVD is responsible for the inspection of imported meats and poultry, meat products and animal feed. In late 2013 Myanmar meat importing procedures changed in order to incorporate private associations into the decision procedures. This can be a significant hurdle. According to new procedures, the importer must be a member of the Myanmar Livestock Federation (MLF), which is organized by local livestock firms, before meat and meat products can be imported, and must obtain a recommendation from the Myanmar Meat Inspection Board (MMIB) and health recommendation from LBVD. The MMIB was established in October 2014 to manage meat imports into the country and to cooperate with the government to help prevent meat from being smuggled into Myanmar from neighboring countries, especially Thailand and China. Importers also need to obtain an import permit or license from the Ministry of Commerce. In addition to the import permit, each shipment must be accompanied by a Health Certificate, and a declaration of the shipment's contents. If the shipment passes the inspection for wholesomeness and quality, the office of LBVD will issue a certificate of recommendation, which will allow the shipment to be released. The process for receiving a recommendation from LBVD takes 7-10 days. The importer is responsible for fees related to inspection, the certificate of recommendation, and any expenses deemed necessary by the LBVD.

Custom Declaration:

Myanmar launched the new Myanmar Automated Cargo Clearance System (MACCS) at international ports, Yangon Airport International Cargo Terminal and Thilawa Special Economic Zone operations starting on November 2016 (<https://www.maccs.gov.mm/c-o>) after three months testing. The MASSC will expand to border trade camps in 2018. This system includes user registration, clearance of goods, cargo management, payment, information technology, and a helpdesk. MACCS will connect with shipping and airline companies, the Port Authority, warehouse operators, brokers and importer/exporters and with other government agencies. It will initially be installed in Yangon and later in other customs offices throughout Myanmar.

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

1. Required accompanying documents include:
 - a) An Import License (when required)
 - b) Invoice
 - c) Bill of lading, air consignment note, or truck note
 - d) Packing list

- e) Other certificates, permits or import recommendations, as required (for example, a country of origin or SPS or FDA certificate)
2. The customs declaration and supporting documents must be submitted to Customs at the time that the goods arrive. Customs has not yet adopted pre-arrival processing.

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

Section X. Copyright and/or Trademark Laws

Myanmar's draft Trade Mark Law was published in August 2017 for public comments and is now being reviewed by the Draft Law Committee of Parliament. According to the draft law, an Intellectual Property Office will be established under the Ministry of Education and will be responsible for registering trademarks, examination, publication, granting, renewal and cancellation of trade marks. Any individual or corporation that owns a trade mark will be allowed to register it with Myanmar Intellectual Property Office, which will be set up under the Ministry of Education. Foreigners have to appoint a local agent if their ordinary residence or principal place of business is outside of Myanmar. The term of registration for marks will be ten years from the filing date of the application for registration, and the protection will be renewable every ten years.

Registration Procedures:

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

According to draft law, a trade mark application shall contain the following information and documents

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

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

Myanmar Investment Law:

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

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
Tel: +(95)-67-403350
Fax: +(95)-67-403165

Department of Agriculture

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

Plant Protection Division

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

Livestock Breeding and Veterinary Department

Ministry of Agriculture, Livestock and Irrigation

Office No. (36)
Nay Pyi Taw, Myanmar
Tel: (+95) 67-408466
Fax: (+95) 67-408044

WTO-SPS Contact Point

Directorate of Investment and Company Administration (DICA)
Ministry of National Planning and Economic Development
Office No. (1) (32)
Nay Pyi Taw , Myanmar
Tel: (+95) 67- 407342, 407147
Fax: (+95) 67- 407027, 407434
Website: www.dica.gov.mm

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:

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