



MM/RL1/Rev.1

Date/Month/Year:

COUNTRY: MYANMAR

Schedule of ACIA

Supplement 1

(This is authentic in English only)

This text replaces ACIA Reservation List No.1 (Manufacturing) of Myanmar.

Restrictions to foreign investment in the Manufacture of wines (ISIC 1552);
Manufacture of corrugated galvanized iron sheets (ISIC 2710); and
Manufacture of bakery products (ISIC 1541) have been removed.

Subject to certain conditions, foreign investment in the Distilling, blending, rectifying, bottling
and marketing of all kinds of spirits, beverages and non-beverages (ISIC 1551);
Manufacture of malt and malt liquors, beer and other brewery products (ISIC 1553);
Manufacture of soft beverages, aerated and non-aerated products (ISIC 1554); and
Manufacture of cigarettes (ISIC 1600) are allowed.

MYANMAR

1.

Sector	: Manufacturing Sector
Sub-Sector	<ul style="list-style-type: none"> : - Distilling, blending, rectifying, bottling and marketing of all kinds of spirits, beverages and non-beverages (ISIC 1551) - Manufacture of malt and malt liquors, beer and other brewery products (ISIC 1553) - Manufacture of soft beverages, aerated and non-aerated products (ISIC 1554) - Manufacture of cigarettes (ISIC 1600) - Manufacture of pulp, paper and paper board (ISIC 2101)
Industry Classification	: ISIC 1551, 1553, 1554, 1600, 2101
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	<ul style="list-style-type: none"> (1) A foreign investor is not allowed to establish an enterprise in (a) distilling, blending, rectifying, bottling and marketing of all kinds of spirits, beverages and non-beverages; and (b) manufacture of malt and malt liquors, beer and other brewery products, except through joint-venture with local citizen. (2) In the manufacture of soft beverages, aerated and non-aerated products a foreign investor must use at least 20% local raw materials. Local cropping raw materials must be used at least 60% after 3 years of factory completion. (3) A foreign investor is allowed in the manufacture of cigarettes, provided it exports 90% of its produce and (a) it shall use minimum 50% domestically produced tobacco leaves within the first (3) years of operation; or (b) It shall be allowed to use imported tobacco leaves which are bought with at least 50% of the income obtained by exporting domestically tobacco leaves. (4) For Manufacture of pulp, paper and paper board (ISIC 2101), no new permits are issued to foreign investors¹. Integrated project is compulsory. Integrated project means combining of all plants into a whole Mill which compose Pulp Plant, Paper Plant, Chemical Plant, Recovery Plant, Power Plant and Waste Water Treatment Plant etc.

¹ According to the Union of Myanmar Foreign Investment Law, "Foreign Investor" means a person or an economic organization making an investment under a permit.

Source of Measure

- : - The Foreign Investment Law (2012).
- The Foreign Investment Rules(2013)
- Myanmar Investment Commission Notification No.(1/2013)
- Control of Smoking and Consumption of Tobacco Product Law (2006)
- National Food Law(1997)
- The Private Industrial Enterprise Law(1990)
- Administrative Guideline.

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MM/RL2/Rev.1

Date/Month/Year:

COUNTRY: MYANMAR

Schedule of ACIA

Supplement 2

(This is authentic in English only)

This text replaces ACIA Reservation List No. 2 (Manufacturing) of Myanmar

Restrictions to foreign investment in the Manufacture of pharmaceutical drugs have been removed except for the Manufacture of traditional medicines, which may be allowed provided terms and conditions prescribed by the Ministry of Health are followed.

MYANMAR

2.

Sector	: Manufacturing and Services incidental to Manufacturing
Sub-Sector	: - Manufacture of pharmaceutical drugs (ISIC 2423) - Services incidental to manufacture of pharmaceuticals (CPC 88570)
Industry Classification	: ISIC 2423, CPC 88570
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: For Manufacture of pharmaceutical drugs: Foreign investors are not allowed to manufacture traditional medicines ² . However, they can be allowed if they follow the terms and conditions prescribed by the Ministry of Health. For Services incidental to manufacture of Pharmaceuticals: Only allowed to State-owned Enterprises under the Ministry. ³ Require permission from Food and Drug Administration (FDA) under the Ministry of Health.
Source of Measure	: - The Foreign Investment Law (2012). - The Foreign Investment Rules(2013) - Myanmar Investment Commission Notification No (1/2013) - National Drug Law (1992). The Private Industrial Enterprise Law(1990)

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² Traditional medicine (also known as indigenous or folk medicine) comprises knowledge systems that developed over generations within various societies before the era of modern medicine. The World Health Organization (WHO) defines traditional medicine as: “the health practices, approaches, knowledge and beliefs incorporation plant, animal and mineral-based medicines, spiritual therapies, manual, techniques and exercises, applied singularly or combination to treat, diagnose and prevent illnesses or maintain well-being.”

³ State-Owned Enterprises means enterprises owned or controlled by the respective ministries under the state budget.



MM/RL3/Rev.1

Date/Month/Year:

COUNTRY: MYANMAR

Schedule of ACIA

Supplement 3

(This is authentic in English only)

This text replaces ACIA Reservation List No. 3 (Manufacturing) of Myanmar

Foreigners/foreign companies are allowed to operate oil refining and refining activities subject to the approval of the Union Government and the rules and regulations of the Ministry of Energy.

MYANMAR

3.

- Sector** : **Manufacturing Sector**
- Sub-Sector** : - **Manufacture of Refined Petroleum Products (ISIC 2320)**
 - **Services incidental to manufacture of refined petroleum products (CPC 88450)**
- Industry Classification** : ISIC 2320, CPC 88450
- Level of Government** : Central
- Type of Obligation** : National Treatment
- Description of Measure** : State-owned Economic Enterprises are allowed to operate oil refining and undertake refining activities.
- Myanmar Nationals/ Myanmar Companies⁴ , Foreigners/Foreign Companies established under the existing Laws of Myanmar can be allowed to operate oil refining and refining activities on Joint Venture or 100% investment subject to the rules and regulations of the Ministry of Energy.
- Source of Measure** : - State-owned Economic Enterprises Law (1989).
 - The Foreign Investment Law (2012).
 - The Foreign Investment Rules(2013)
 - Myanmar Investment Commission Notification No (1/2013)
 - Directives.
 - Myanmar Citizens Investment Law (1994.)
- Justification** : For national interest.

According to the section 4 of the State-owned Economic Enterprises Law (SEEs), the Government may, by notification, permit in the interest of the Union of Myanmar any economic enterprise which is prescribed under the Section 3, to be operated solely by the Government to be carried out by joint-venture between the Government and any other person or any other organization or under conditions by any person or any economic organization subject to conditions.

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⁴ Myanmar Companies are companies solely-owned or controlled by Myanmar Nationals.



MM/RL7/Rev.1

Date/Month/Year: [12/03/2013]

COUNTRY: MYANMAR

Schedule of ACIA

Supplement 4

(This is authentic in English only)

**This text replaces ACIA Reservation List No. 7 (Services incidental to Fishery)
of Myanmar**

The proposal for foreign investment permit to operate services incidental to fishery activities shall be discussed with the Department of Fisheries under the Ministry of Livestock and Fishery (MLF) and shall be submitted by MLF to the Cabinet through the Myanmar Investment Commission (MIC).

MYANMAR

7.

- Sector** : **Services Incidental to Fishery**
- Sub-Sector** : - **Services related to processing on board for fish, crustaceans and mollusks and other related services, exploitation of sea-products.**
 - **Services related to exploitation of fresh water fisheries.**
 - **Quarantine, quality control of aquaculture and processing products, services on supply of feed, medicines and chemical for aquaculture.**
- Industry Classification** : CPC 88200
- Level of Government** : Central
- Type of Obligation** : National Treatment
- Description of Measure** : If any investor desires to engage in fishery activities in the exclusive economic zone, he shall apply to the Department of Fisheries in the prescribed form. Such an investor shall form a joint venture with State organization (or) existing joint venture company or private Myanmar Company, subject to the approval of the Government. Provided that in exceptional circumstances, he may apply for permission to operate fishery activities in other fisheries waters.(Chapter 3, para 6 at Law Relating to the Fishing Rights of Foreign Fishing Vessels)(1989)
- Such an investor shall initially discuss with the Department of Fisheries under the Ministry of Livestock and Fishery. The Ministry shall submit the proposal to Cabinet through Myanmar Investment Commission (MIC). After getting approval from Cabinet, MIC will issue the investment permit. An investor who has been granted such permit on application under Chapter 3 para 6 shall obtain a licence and register at the Department of Fisheries.
- Foreign investor shall comply not only with the regulations, directives and notifications of Department of Fisheries but also international rules and regulations.
- Source of Measure** : - Law relating to the Fishing Rights of Foreign Fishing Vessels (1989).
 - Myanma Marine Fisheries Law (1990)
 - Freshwater Fisheries Law (1991)
 - Law Amending the Myanmar Marine Fisheries Law (1993)
 - Law Amending the Law relating to the Fishing Rights of Foreign Fishing Vessels (1993)
- Justification** : For fishing of marine fish, prawn, and other aquatic organism, different treatment is given to Myanmar citizens according to the provisions of the Myanma Marine Fisheries Law (1990)



MM/RL10/Rev.1

Date/Month/Year:

COUNTRY: MYANMAR

Schedule of ACIA

Supplement 5

(This is authentic in English only)

**This text replaces ACIA Reservation List No. 10 of Myanmar
on land ownership which applies to all sectors**

Period for land lease has been improved from the initial 30 years to 50 years extendable for two consecutive terms of 10 years. Rights to the use of farmland and vacant, fallow and virgin lands have been specified to clarify and provide greater transparency.

MYANMAR

10.

Sector	:	All Sector (Land Ownership)
Sub-Sector	:	
Industry Classification	:	
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	National Treatment may not apply to any measures affecting land property and natural resources associated with land ⁵ . Land is owned by the State. However, government-owned lands, lands owned by the government department, organization and Private lands owned by the citizens can be leased up to initial 50 Years depending upon the category of business, industry and the volume of amount and extendable two consecutive terms of 10 years subject to the approval of the Myanmar Investment Commission.

The Farmland Law does not authorize the right of ownership, but provide land use certificate to have the right to utilize the land. The person who has the right to use the farmland shall have the following rights:

- (a) right to have the farmland in possession, right to use the farm-land, right to enjoy the benefit arises from this right;
- (b) right to sell, mortgage, lease, exchange and give the whole or part of the farmland in accord with the stipulated terms and conditions;
- (c) right to accept the decision of the relevant court in accord with the existing law if the dispute arises relating to the inheritance of the right to use the farmland;

⁵/ For the purpose of reservation, land includes residential land, Commercial land, and industrial land and Agricultural & Livestock land.

- (d) right to use the farmland so long as there is no breach of the stipulated terms and conditions;
- (e) right to use for common interest with the investment of village co-operative or with the private investors for the development of agriculture in the farmland;
- (f) right to use the farm land for common interest, with the foreigner or the organization in which the foreigner is included, in accord with the Foreign Investment Law of the Republic of the Union of Myanmar by cooperating.

Collection of land tax/revenue is yet to be decided by the State.

The Vacant, Fallow and Virgin Lands Management Law permits for the agriculture, livestock breeding and affiliated economic enterprise in respect of the period:

- (g) In the agricultural business:
 - (i) for perennial plant and orchard, permit not exceeding 30 years commencing from the year of permission:
 - (ii) for seasonal crop, permit so long as there is breach of the stipulated terms and conditions
- (h) In the livestock breeding business, permit not exceeding 30 years commencing from the year of permission.
- (i) Permit multiple extension not exceeding 30 years in total depending upon the type of business after the expiry of the permitted period.
- (j) For the mineral production business permit will be granted in coordination with the ministry of mines of the Union Government.
- (k) For other lawful businesses permitted by the Government, permission will be granted in coordination with the respective Ministry of Union Government.

- (l) The Central Committee for The vacant, fallow and virgin Lands management shall determine the rate of security fees to be paid by the person who has obtained the right to cultivate or utilize the vacant, fallow and virgin lands in accordance with the type of business.

- (m) Depending upon the type of business and kind of crops, rate of land revenue to be collected and period for exemption of land revenue for cultivation and utilization of vacant fallow and virgin lands shall be decided by the Central Committee for vacant, fallow and virgin Lands.

Investment by the foreigners and organizations involving foreigners can be undertaken according to the approval of Myanmar Investment Commission.

Source of Measure

- :
- The Transfer of Immovable Property Restriction Law (1987).
 - The Foreign Investment Law (2012)
 - The Foreign Investment Rule (2013)
 - Farmland Law (2012)
 - Farmland Rules (2012)
 - Vacant, Fallow and Waste Land Management Law (2012)
 - Vacant, Fallow and Waste Land Management Rules(2012)

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