



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Government of the Republic of the Union of Myanmar

Ministry of Commerce

Notification No. 35/2023

7th Waning Day of Kason, 1385

(10 May 2023)

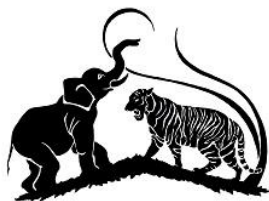
Export/Import Business Owner Registration Order

The Ministry of Commerce issued this order in exercising its authority under section 13(b) Export/Import Law.

1. The following expressions in this order shall have the meanings given hereunder:
 - (a) **“Export/import business owner registration”** means the registration made by the Department of Trade under this order of a business owner who exports any goods out of the country or imports any goods into the country for the purpose of trade.
 - (b) **“Export/import business registration”** means the registration made by the Department of Trade under this order for the export of any goods out of the country or the import of any goods into the country for a non-trading purpose.
 - (c) **“Export/import business owner verification card”** means the verification card issued by the Department of Trade to enable communication in official export and import procedures on behalf of a company or cooperative society.

Who may apply for an export/import business owner registration

2. The following companies and cooperative societies wishing to export and import goods for the purpose of trade may apply to the Department of Trade for an export/import business owner registration:
 - (a) Companies established under the 1950 Special Companies Act and the 2017 Myanmar Companies Law;
 - (b) cooperative societies established under the Cooperative Society Law.



Who may apply for an export/import business registration

3. The following organisations and individuals wishing to export and import goods for a non-trading purpose may apply to the Department of Trade for an export/import business registration:
 - (a) Government departments and organisations;
 - (b) state-owned enterprises;
 - (c) associations registered with the relevant departments;
 - (d) religious figures and diplomats.

The rights of export/import business owners

4. Registered export/import business owners may engage in the following activities:
 - (a) Right to export and import goods in accordance with the prescribed procedures by sea, air, and conventional trade through designated trading stations in the border region or in the border trade system;
 - (b) right to export and import goods as per the terms and conditions with the exception of those whose export and import is prohibited by relevant laws, rules, regulations, notifications, directives and procedures.

Evidence to be submitted when applying for an export/import business owner registration

5. A company shall submit the following documents when applying for an export/import business owner registration:
 - (a) Application on stationary with the company's letterhead showing phone, fax, e-mail, address and company name, and copy of the national scrutiny card or passport of the person representing the applicant;
 - (b) certificate of incorporation and company extract (business commencement certificate in case of a public company);
 - (c) list of the company's directors with their name, position, address, passport photo and signature, and a copy of their national scrutiny cards or passports;
 - (d) in case of a foreign company that will engage in trade, evidence of the investment from abroad (capital brought in, bank statement);



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

- (e) if required for the business, the following business permits shall be submitted as well:
 - (1) copy of the permit or endorsement for companies operating with a permit or endorsement of the Myanmar Investment Commission;
 - (2) copy of the permit for companies operating with a permit of a Special Economic Zone Management Committee.
- 6. A cooperative society shall submit the following documents when applying for an export/import business owner registration:
 - (a) Application on stationary with the cooperative society's letterhead showing the cooperative society's contact phone number, fax, e-mail, address, name of the cooperative society and its business purpose;
 - (b) recommendation letter from the director general's office of the Department of Cooperatives;
 - (c) copy of the cooperative society's registration certificate;
 - (d) list of the directors of the cooperative society with their photos.
- 7. Government departments and organisations, state-owned enterprises, associations registered with the relevant departments, religious figures and diplomats under paragraph 3 may apply for an export/import business registration with the following documents to facilitate the export and import process:
 - (a) Application by the relevant department, associations, or individual;
 - (b) in case of a religious figure, copy of the endorsement of the religious department or associations and the religious registration certificate;
 - (c) in case of a diplomat, copy of the passport;
 - (d) copy of the national scrutiny card of the person representing the government department or organisation, state-owned enterprise, association, individuals or diplomats.

Term of and fees for the export/import business owner registration

- 8. The term of the export/import business owner registration for a company is five years from the approval, and the registration fee is MMK 200,000.



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

9. (a) If the term for which a cooperative society is registered is up to 5 years, the export/import business owner registration shall be for this term, and if this term is more than 5 years, the export/import business owner registration shall be for a term of 5 years.
- (b) The registration fee for a cooperative society is as follows depending on the term:
- | | | |
|------|----------------------------|-------------|
| (aa) | Up to 1 year | MMK 50,000 |
| (bb) | Up to 2 years | MMK 100,000 |
| (cc) | Up to 3 years | MMK 150,000 |
| (dd) | More than 3, up to 5 years | MMK 200,000 |
10. The term of the export/import business registration of government departments and organisations, state-owned enterprises, associations registered with the relevant departments, religious figures and diplomats under paragraph 3 is 1 year and the registration fee is waived.

Application for renewal and renewal registration fee

11. When applying for renewal, the holder of a export/import business owner registration or export/import business registration shall submit the following documents to the Department of Trade:
- (a) A company shall submit an application on stationary with the company's letterhead and a copy of the national scrutiny card or passport of the person representing the applicant;
- (b) a cooperative society:
- (1) application on stationary with the cooperative society's letterhead and a copy of the national scrutiny card of the person representing the applicant;
 - (2) recommendation letter from the director general's office of the Department of Cooperatives authorising the renewal of the registration of the cooperative society;
- (c) Government departments and organisations, state-owned enterprises, associations registered with the relevant departments, religious figures and diplomats under paragraph 3 shall submit an application on stationary with the department's or



association's letterhead and a copy of the national scrutiny card or passport of the person representing the applicant.

12. A company or cooperative society may apply to the Department of Trade for renewal of the registration 6 months prior to its expiry.
13. The renewed term and the renewal fee for a company or cooperative society shall be the same as the registration term and fee according to paragraphs 8 and 9. The renewed export/import business registration term for government departments and organisations, state-owned enterprises, associations registered with the relevant departments, religious figures and diplomats under paragraph 3 is 1 year and the renewal fee is waived.

Application to amend data in the export/import business owner registration or export/import business registration and service fees

14. When applying for permission to amend data in the export/import business owner registration, a company shall submit the following documents to the Department of Trade:
 - (a) Application on stationary with the company's letterhead stating the points to be amended and copy of the national scrutiny card or passport of the person representing the applicant;
 - (b) certificate of incorporation and company extract (business permit, if relevant for the company);
 - (c) when applying for the amendment of the business type, any of the following business permits:
 - (1) copy of the permit or endorsement for companies operating with a permit or endorsement of the Myanmar Investment Commission;
 - (2) copy of the permit for companies operating with a permit of a Special Economic Zone Management Committee;
 - (3) retail and wholesale registration certificate for companies that have obtained a retail and wholesale registration certificate;
 - (c) when applying for the amendment of the name of a member of the board of directors:
 - (1) list of the company's directors with their name, position, address, passport photo and signature;



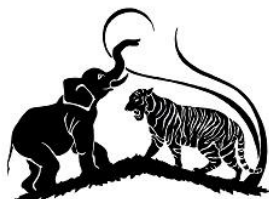
- (2) copy of national scrutiny card or passport of the director to be changed;
15. When applying for permission to amend data in the export/import business owner registration, a cooperative society shall submit the following documents to the Department of Trade:
- (a) Application on stationary with the cooperative society's letterhead stating the points to be amended and copy of the national scrutiny card of the person representing the applicant;
 - (b) recommendation letter from the director general's office of the Department of Cooperatives.
16. Government departments and organisations, state-owned enterprises, associations registered with the relevant departments, religious figures and diplomats may apply for amending the export/import business registration with the approval of the relevant department or associations. The registration fee is waived.
17. The service fee for each amendment of an export/import business owner registration is MMK 10,000.

Applying for an export/import business owner verification card

18. A company or cooperative society may apply for a maximum of 5 export/import business owner verification cards per company or cooperative society in order to communicate in export and import business matters with the Department of Trade under the Ministry of Commerce. Applicants shall submit the following documents:
- (a) Application by the company or cooperative society;
 - (b) copy of the certificate of incorporation or cooperative society registration certificate;
 - (c) copy of the national scrutiny card of the person representing the applicant;
19. MMK 10,000 shall be paid to the Department of Trade per export/import business owner verification card. A maximum of 5 cards may be withdrawn.

Application system for export/import business owner registration and export/import business registration

20. Applications for export/import business owner registration and export/import business registration according to paragraphs 5, 6 and 7, renewal according to paragraph 11, and



amendment according to paragraphs 14, 15 and 16 may be made in the Myanmar Tradenet 2.0 system.

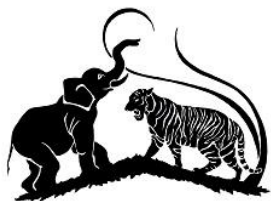
21. The prescribed fee and an online service fee of MMK 3,000 shall be paid online when applying for an export/import business owner registration or export/import business registration, renewal, or amendment through Myanmar Tradenet 2.0.
22. The Department of Trade shall verify the documents and data submitted according to paragraphs 5, 6 and 7 on the ground and, if they are found to be complete and correct, approve the export/import business owner registration or export/import business registration within 15 working days.
23. The Department of Trade shall verify the documents and data submitted according to paragraphs 11, 14 and 15 and, if they are found to be complete and correct, approve the renewal or amendment of the export/import business owner registration or the export/import business registration within 3 working days.

Return and cancellation of the export/import business owner registration

24. A company or cooperative society having obtained an export/import business owner registration may return it to the Department of Trade if it no longer wishes to continue its business.
25. If no application for renewal is made within 1 year from the expiry of the term, the export/import business owner registration certificate shall be cancelled at the end of this one year period.

Requirements to be complied with when applying

26. A company or cooperative society shall comply with the following requirements when applying for an export/import business owner registration, when applying for an amendment or renewal of the registration, and when carrying out export and import activities:
 - (a) Only the headquarters of a company established in the country may apply for an export/import business registration, irrespective of how many branches it may have;
 - (b) If the company is established outside of the country and registered in the country according to the Myanmar Companies Law, only one branch may apply for an export/import business owner registration irrespective of how many branches may have been opened.



- (c) Not misrepresenting, holding back, modifying, adding, and falsifying anything when applying for an export/import business owner registration or for its renewal or amendment.
 - (d) No company or cooperative society may apply for an export/import business owner registration or for its renewal or amendment during the action taken if its export/import business owner registration has been suspended or cancelled or any of the members of its board of directors is also the director of a company or cooperative society whose export/import business owner registration has been suspended or cancelled.
27. No organisation or individual that has obtained an export/import business owner registration or an export/import business registration shall fail to comply with or violate any of the provisions of this order or any law, order or directive related to the export and import business.

Rejection of the application, suspension, or cancellation

28. The Department of Trade may reject the application for an export/import business owner registration or an export/import business registration if it finds that the evidence presented by an organisation or individual applying for an export/import business owner registration according to paragraphs 5, 6 or 7 is incorrect or there is non-compliance with the requirements in paragraph 26 (a), (b), (c) and (d).
29. The Department of Trade may cancel the export/import business owner registration if the company or cooperative society applying to renew or amend the export/import business owner registration does not comply with the requirements in paragraph 26 (c) and (d).
30. The Department of Trade may suspend for a period from 3 months to 1 year or cancel the export/import business owner registration or export/import business registration depending on the violation if an organisation or individual that has obtained an export/import business owner registration or an export/import business registration does not comply with the requirements in paragraph 27.

Appeal

31. An organisation or individual whose application for registration has been rejected or whose registration has been suspended or cancelled and who is not satisfied with the rejection or action may appeal to the Ministry of Commerce within 30 days from the date of the notice by the Department of Trade.
32. The decision on the appeal by the management committee of the ministry, headed by the Union minister, is final.



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

33. If the Department of Trade finds that the trading activities of the holder of an export/import business owner registration are not in conformity with public interest, the management committee of the Ministry of Commerce, headed by the Union minister, may decide to suspend or cancel the export/import business owner registration.

Permission to reapply for an export/import business owner registration

34. Any organisation or individual whose export/import business owner registration or export/import business registration has been suspended may apply for reinstatement of the export/import business owner registration or the export/import business registration under the following conditions due to the expiry of the suspension period or an exemption from the suspension:

- (a) Recommendation from the relevant department;
- (b) payment of the following fines depending on the number of actions taken:
 - (1) In case of one action Fine of MMK 200,000
 - (2) In case of two actions Fine of MMK 250,000
 - (3) In case of more than two actions Fine of MMK 300,000

35. The Department of Trade shall review the application in paragraph 34 and if the information is correct, reinstate the export/import business owner registration or export/import business registration.

Miscellaneous

36. This order replaces the Registration (Imports and Exports) Order 42/1954 issued under the 1947 Control of Imports and Exports (Temporary) Act and the Export and Import Newsletter 6/2018 issued by the Department of Trade on 9 August 2018.

(Signed)
Aung Naing Oo
Union Minister



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

- Sebastian Pawlita, Managing Director
Phone: +95-9-262546284 (English)
E-Mail: sebastian@lincolnmyanmar.com
- Nyein Chan Zaw, Director
Phone: +95-9-790488268 (Myanmar)
E-Mail: nyeinchanzaw@lincolnmyanmar.com

Office address: La Pyi Wun Plaza, Room 409 (4th Floor), 37 Alan Pya Pagoda Road, Dagon Township, Yangon

Web: www.lincolnmyanmar.com