



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Government of the Republic of the Union of Myanmar
Ministry of Commerce
Notification No. 51/2023
1385, 4th Waxing Day of Second Waso
(21 July 2023)

The Ministry of Commerce has issued this order in exercise of the authority delegated by the Union Government according to section 4(c) Essential Supplies and Services Law.

Chapter 1
Title and definitions

1. This order shall be known as the Online Sales Business Registration Order.
2. The following expressions in this order shall have the following meanings:
 - (a) **“Online sales business”** means a business providing and selling goods or services online [literally, “through an online system”].
 - (b) **“Registration certificate”** means the online sales business registration certificate issued by the Department according to this order.
 - (c) **“Registration certificate holder”** means a company, economic organisation or individual that or who has obtained a registration certificate and engages in an online sales business.
 - (d) **“Ministry”** means the Ministry of Commerce of the Government of the Republic of the Union of Myanmar.
 - (e) **“Department”** means the Department of Trade of the Ministry of Commerce.
 - (f) **“Digital payment”** means any payment that can be made using any electronic system, digital method or medium that is officially permitted by the Central Bank of Myanmar.

Chapter 2
Application for a registration certificate

3. Anyone wishing to engage in an online sales business shall fill in the application form specified by the Department and apply online to the Department for a registration certificate.



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4. If the person applying for a registration certificate according to clause 3 is a company or economic organisation, it shall meet the following criteria:
 - (a) Being a company or economic organisation established under the Myanmar Companies Law, the Special Company Act, the Cooperative Society Law, or any other law in force;
 - (b) being a company or economic organisation that has an official website under its own name;
 - (c) being a company or economic organisation that is able to show the place where the online sales business is conducted.

5. If the person applying for a registration certificate according to clause 3 is an individual, he shall meet the following criteria:
 - (a) Residing in the Republic of the Union of Myanmar;
 - (b) being 18 years or older;
 - (c) being able to comply with the specifications in this order;
 - (d) not being careless;
 - (e) not being blacklisted by any relevant government department or government organisation;
 - (f) being able to show the place where the online sales business is conducted.

6. When applying for a registration certificate according to clause 3, the following shall be submitted:
 - (a) In case of a company or economic organisation, a colour photograph of the person responsible in this company or economic organisation, or in case of an individual, a colour photograph of this individual;
 - (b) In case of a company or economic organisation, a copy of the citizenship scrutiny card of the person responsible in this company or economic organisation, or in case of an individual, a copy of the citizenship scrutiny card of this individual;
 - (c) confirmation from the relevant government department or government organisation or from the relevant ward or village tract administrator that the business is actually located at the address entered in the application form;

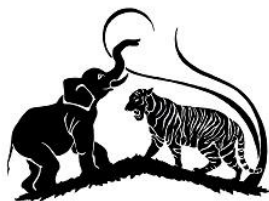


- (d) list of the types of goods or services to be sold online; information and guarantees related to such goods or services;
- (e) concerning goods to be sold online, information indicating the country from which they are imported or information indicating local production;
- (f) evidence in this regard if there is any evidence that a relevant government department or government organisation approved the goods or services.

Chapter 3

Issuance of the registration certificate

- 7. The Department shall do the following concerning an application for a registration certificate:
 - (a) Reviewing the information in the application form and the submitted evidence;
 - (b) inspecting the situation on the ground in coordination with the Department of Consumer Affairs.
- 8. The Department shall notify the applicant of the rejection of the application in any of the following cases:
 - (a) The goods or services to be sold are:
 - (1) goods or services that are prohibited or restricted by any law or that violate any law;
 - (2) goods or services that may affect the safety of the public;
 - (3) goods or services which may be assumed to be unsafe or not secure;
 - (4) goods or services which may be assumed to lack understandable and correct information for consumers and an understandable and correct guarantee for consumers;
 - (5) goods or services that lack permission to be sold, or are prohibited from being sold, in the market by a relevant government department or government organisation.
 - (b) In the application for a registration certificate, the information filled in the application form is not complete and correct.



- (c) In the application for a registration certificate, evidence to be submitted together with the application form according to clause 6(d), (e) and (f) is omitted or misrepresented.
9. An applicant whose application for a registration certificate was rejected for goods referred to in clause 8(a)(3), (4) and (5) may revise these points and re-apply to the Department within 30 days.
10. If, upon review of the application according to clause 3, the Department finds that there is no conflict with the particulars in clause 8, it shall notify the applicant for a registration certificate to pay the registration fee and the online service charge.
11. The applicant for a registration certificate shall pay by digital payment as specified by the Department the registration fee and the online service charge within 2 weeks from the date of receipt of the notice according to clause 10.
12. Upon receipt of the registration fee and the online service charge, the Department shall issue the registration certificate online to the applicant.
13. The registration certificate is valid for 2 years from the date of issuance.

Chapter 4

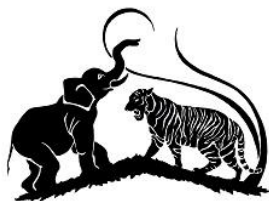
Application for amendment and application for renewal

14. A registration certificate holder wishing to amend anything with regard to information about the goods or services included in the original application or other things presented in the original application shall fill in the application form specified by the Department, pay the online service charge, and apply online to the Department.
15. The Department shall review the application according to clause 14 and if it meets the criteria, approve any point to be amended and make the revision online.
16. The registration certificate holder shall apply for renewal of the registration certificate 60 days before its expiry.
17. If the registration certificate holder does not apply for renewal, the registration certificate shall be deemed to have automatically become void on the date of its expiry.

Chapter 5

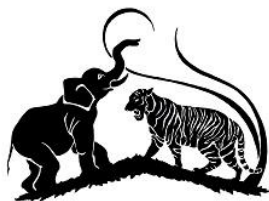
Duties of a registration certificate holder

18. A registration certificate holder:



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- (a) Shall take responsibility for and solve issues concerning goods or services sold.
- (b) Shall provide a sales receipt for the goods or services sold.
- (c) Shall provide understandable and correct information and guarantees concerning the goods or services sold.
- (d) Shall be responsible and accountable for ensuring that the goods or services sold are of a quality that matches the price of the goods or services sold.
- (e) Shall determine the conditions and the period of time during which goods sold may be returned if a consumer wishes to return them for non-conformity with the information and guarantees provided, and shall implement what has been so determined.
- (f) Shall refrain from selling goods or services that were not in the list of goods or services to be sold submitted in the application for the registration certificate.
- (g) Shall refrain when selling goods or services from conduct that disparages a consumer or damages a consumer's reputation.
- (h) Shall provide understandable and correct information regarding the means by which the consumer shall pay for the goods or services sold.
- (i) Shall, before the sale, inform the consumer in advance of the method and terms of delivery of the goods, allow the consumer to choose, and deliver the goods sold accordingly.
- (j) Shall keep confidential a consumer's personal information or information that the consumer does not wish to be disclosed, unless disclosure is required by law or according to the instructions of a government department or government organisation.
- (k) Shall refrain from inciting, preaching, organising, encouraging and rallying via the online sales business for politics or to undermine public peace and security.
- (l) Shall neither directly nor indirectly transfer the registration certificate to someone else.
- (m) Shall sell in a transparent manner.
- (n) Shall strictly comply with the regimen and specifications set by the relevant government department or government organisation concerning food, pharmaceuticals, medical devices or cosmetics.



- (o) Shall comply with the regimen and specifications issued by the Ministry and the Department from time to time.

Chapter 6

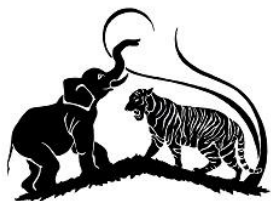
Rights of a registration certificate holder

19. A registration certificate holder shall have the following rights:
- (a) Right to recover his reputation if a loss suffered by a consumer was not caused by his goods or services;
 - (b) right to protect and defend himself according to the law in a consumer complaint;
 - (c) right to submit legal claims concerning his business;
 - (d) when selling goods or services, right to receive payment in accordance with the agreed price;
 - (e) right to sell online under the name shown in the registration certificate.

Chapter 7

Suspension or cancellation of the registration certificate

20. If the Department finds that a registration certificate holder has violated any of the conditions in clause 18, it may make any of the following orders:
- (a) Suspension of the registration certificate for a limited period of time;
 - (b) cancellation of the registration certificate.
21. A person not satisfied with an order made by the Department may appeal in writing to the Ministry within 30 days.
22. The Ministry may confirm, modify or cancel the order made by the Department according to clause 20. The decision of the Ministry is final and conclusive.
23. During the period of suspension according to clause 20 or if the registration certificate was cancelled according to clause 20, the online sales business shall not be conducted.



Chapter 8 Miscellaneous

24. The Department shall determine the application form, registration certificate form, registration fee and online service charge.
25. The Department may if necessary notify the relevant government department or government organisation of the order cancelling the registration certificate according to clause 20(b).
26. Anyone engaging in an online sales business without a registration certificate issued according to this order shall be prosecuted according to section 5 Essential Supplies and Services Law.
27. If a relevant government department or government organisation notifies the Department with plausible evidence that a registration certificate holder does not comply with the law when conducting an online sales business, the Department shall cancel the registration certificate.
28. If the Department believes that a registration certificate holder has engaged in any illegal conduct regarding the online sales business, it shall notify the relevant government department or government organisation in a timely manner so that this department or organisation may take action.
29. The Department shall, regarding the business of online sales, display a list of the registration certificate holders in the Department's online registration system to inform the public.
30. The Department shall submit the registration fee and the online service charge to the Union treasury.

(Signature)

Aung Naing Oo
Union Minister

Letter No. Sa Ka-11/2-18/2023(22)

Date: 21 July 2023

Distribution list: *[Omitted]*



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CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Government of the Republic of the Union of Myanmar

Ministry of Commerce

Notification No. 50/2023

1385, 4th Waxing Day of Second Waso

(21 July 2023)

Order designating the business of online sales as an essential service business

The Ministry of Commerce has issued this order in exercise of the authority delegated by the Union Government according to section 4(c) Essential Supplies and Services Law.

1. The Ministry of Commerce has designated the business of online sales as an essential service business according to section 4(c) Essential Supplies and Services Law.
2. Nobody shall engage in an online sales business without having applied for a registration certificate.
3. Starting 6 months from the date of issuance of this notification, those found to be engaging in an online sales business without a registration certificate will be prosecuted according to section 5 Essential Supplies and Services Law.

(Signature)

Aung Naing Oo

Union Minister

Letter No. Sa Ka-11/2-18/2023(24)

Date: 21 July 2023

Distribution list: *[Omitted]*



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Government of the Republic of the Union of Myanmar

Ministry of Commerce

Notification No. 49/2023

1385, 4th Waxing Day of Second Waso

(21 July 2023)

Delegation of Authority

The Ministry of Commerce has authorised the Department of Trade to issue notifications, orders and directives regarding the business of online sales according to section 11(b) Essential Supplies and Services Law.

(Signature)

Aung Naing Oo

Union Minister

Letter No. Sa Ka-11/2-18/2023(24)

Date: 21 July 2023

Distribution list: *[Omitted]*



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Republic of the Union of Myanmar
Union Government
Delegation of Authority
Notification No. 5/2023
1385, 2nd Waning Day of First Waso
(4 July 2023)

The Union Government has designated the business of online sales as an essential service business and delegated authority to the Ministry of Commerce to issue prohibition orders, regulation orders, supervision orders, prevention orders, and orders for necessary action according to section 4(c) Essential Supplies and Services Law.

By order
Zaw Than Thin
Secretary
Union Government



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:

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