



*CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED*

**Government of the Republic of the Union of Myanmar**

**Ministry of Energy**

**Notification No. 40/2024**

**1386, 4<sup>th</sup> Waning Day of Nayon**

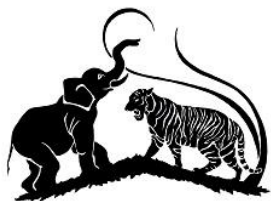
**(25 June 2024)**

Exercising the powers conferred by section 54 (b) Petroleum and Petroleum Products Law, the Ministry of Energy has issued the following notification to ensure that petroleum and petroleum products meet the specified quality standards for use by the public and to comprehensively and quickly conduct quality testing in the private sector.

## **Chapter 1**

### **Title and definitions**

1. This notification shall be known as the Notification for Licensing Businesses that Test the Quality of Petroleum and Petroleum Products.
2. The expressions contained in this notification shall have the same meanings as in the Petroleum and Petroleum Products Law. Furthermore, the following expressions shall have the following meanings:
  - (a) “**Law**” means the Petroleum and Petroleum Products Law.
  - (b) “**Testing devices**” means devices used in a laboratory to test the quality of petroleum and petroleum products.
  - (c) “**Testing chemicals**” means chemicals that laboratories use when testing the quality of petroleum and petroleum products.
  - (d) “**Protective equipment**” means protective equipment such as laboratory suits, gloves and glasses used by petroleum and petroleum products quality testers to ensure occupational safety;
  - (e) “**Test certificate**” means the certificate issued by the testing officer after the quality of petroleum and petroleum product samples were tested and results obtained.
  - (f) “**Department**” means the Ministry of Energy’s Petroleum Products Supervision and Inspection Department.

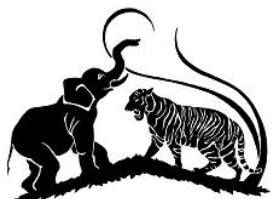


- (g) **“Testing business license”** means a license issued by the Ministry to operate a petroleum and petroleum products testing and petroleum and petroleum products quality inspection business.
- (h) **“Applicant”** means a company or organisation that wishes to acquire a testing business license.
- (i) **“License holder”** means a company or organisation that has acquired a testing business license (Grade-A) or a testing business license (Grade-B).

## Chapter 2

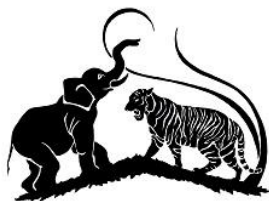
### License application, issuance and terms

3. When applying for a testing business license, the applicant shall apply to the Department with the following information and evidence:
  - (a) Name, address (copy of the registration certificate in case of a company or organisation);
  - (b) in case of a foreign company, copy of the certificate of incorporation showing that it is registered in Myanmar;
  - (c) the location where the petroleum and petroleum products quality testing will be conducted and its area [= size] and the layout plan and detailed design drawings of the laboratory building;
  - (d) the types of petroleum and petroleum products that can be tested;
  - (e) the testing devices, testing methods and testing chemicals used for testing the quality and standards of petroleum and petroleum products;
  - (f) the amount of capital and the estimated time until business commencement;
  - (g) structure of the staff to be assigned to the laboratory;
  - (h) evidence of past work (if any).
4. After reviewing the application upon its receipt for completeness of the information and evidence to be submitted according to para. 3, the Department:
  - (a) Shall, if the application is complete and meets the requirements, notify the applicant within 1 month that he may commence with the installation of the testing devices to set up the laboratory;



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- (b) Shall, if the application is incomplete, notify the applicant with an explanation to submit within 1 month what is missing;
  - (c) Shall, if there is no re-submission by the applicant within the time specified in sub-clause (b), notify the applicant that the testing business license application is cancelled.
- 5. The applicant may commence with the installation of the testing devices to set up the laboratory only after receipt of the notice according to para. 4 (a).
- 6. If the applicant submits evidence that the establishment of the laboratory is completed and he has obtained for the laboratory ISO 9001 issued by the International Organization for Standardization, the Department shall conduct a field inspection with a team assigned by the Department.
- 7. The field inspection team shall verify whether the following particulars are met and submit its findings to the Ministry through the Department:
  - (a) Whether there is a complete set of testing devices and testing chemicals that can test for the prescribed quality and standards of petroleum and petroleum products and render correct test results;
  - (b) whether the chemicals used in the laboratory are laboratory testing chemicals for quality testing of international standard (analytical reagent grade) or laboratory testing chemicals specified in the test method (reagent grade);
  - (c) other particulars determined by the Ministry from time to time.
- 8. The Ministry shall review the submission according to para. 7 and if satisfactory issue a 1-year testing business license (Grade-B) to the applicant upon payment of the prescribed fee.
- 9. If the holder of a testing business license (Grade-B) acquires ISO/IEC 17025 certification issued by the International Organization for Standardization, the Ministry shall if satisfactory issue a 2-year testing business license (Grade-A) upon payment of the prescribed fee.
- 10. The license holder shall carry out business according to the relevant laws, rules, orders and directives.
- 11. The license holder:
  - (a) Shall, regarding sampling, obtain the petroleum and petroleum products sample to be tested for quality according to Myanmar standards, harmonised standards in the ASEAN region, international standards or internationally accepted standards.



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- (b) Shall, regarding the testing method and plan,
  - (1) when testing samples, test according to Myanmar standards, standards set uniformly in the ASEAN region, international standards or internationally accepted standards.
  - (2) use testing devices that are consistent with the testing methods.
  - (3) arrange for air vents, ventilation fans and a room cooling system (air conditioning system) to maintain a suitable temperature and the specified humidity for the testing devices to be used when conducting the test.
  - (4) provide a refrigerator for samples, reagents and standard quality solvents that must be kept cold.
  - (5) install a shower system and hand-wash basins so that eyes may be washed quickly if testing chemicals entered them.
  - (6) keep flammable liquids, reactive corrosive materials and testing chemicals in a suitable storage room with sufficient space.
  - (7) refrain from placing high-pressure gas cylinders inside the laboratory building and place them outside the building. If there is a desire to keep them inside the building, they shall be kept in accordance with the regulations and terms specified internationally for safety.
- (c) Regarding safety and security:
  - (1) Shall arrange for personal protective equipment for all laboratory staff to ensure occupational safety.
  - (2) Shall arrange for necessary supervisory measures to ensure the safety of visitors to the laboratory and those coming from outside for maintenance.
  - (3) Shall ensure that it is determined in advance what to do in case of a spillage of laboratory chemicals. Shall arrange for instructions on emergency prevention and treatment to be written down and displayed in an easily visible place.
  - (4) Shall develop a laboratory safety manual.
  - (5) Shall install a gas leakage early warning system (alarm system) and a combustible gas detector.



- (6) Shall keep solid and liquid wastes in suitable garbage bins and, to prevent environmental pollution, dispose of waste after treatment as directed by the relevant municipal development committee or municipal development group and the Department of Environmental Conservation.
- (7) Shall comply with the Fire Department's fire safety requirements.

## **Chapter 3**

### **Testing and license renewal**

12. The holder of a testing business license (Grade-B) may test the quality of imported fuels only after obtaining the Ministry's approval.
13. The holder of a testing business license (Grade-A) may test the quality of petroleum and petroleum products from within the country and abroad.
14. To make laboratory tests more accurate, samples may be sent to other laboratories that have a testing business license.
15. A license holder wishing to renew the term of the testing business license shall apply to the Ministry through the Department 30 days before the term expires.
16. The Ministry may by issuing a notification delegate to a license holder the authority of a sample taker who shall obtain samples as prescribed of petroleum and petroleum products that will be imported or exported and the authority of a testing officer who shall test petroleum and petroleum products and issue certificates of the results of such tests.

## **Chapter 4**

### **Issuance of test certificates**

17. The testing officer shall issue the test certificate to the business owner within 24 hours after receiving the sample from the laboratory.
18. The following particulars shall be fully stated in the test certificate:
  - (a) The quality testing laboratory's name, address and petroleum and petroleum products quality testing business license number;
  - (b) the name of the person entrusted with the quality testing;
  - (c) the quantity and type of the petroleum and petroleum products sample tested for quality;



- (d) the import or product license number issued by the relevant ministry and date of issue in relation to the petroleum and petroleum products tested for quality;
  - (e) the name or location of the ship, petroleum storage tank, pipeline, barrel, etc. from where the sample was taken;
  - (f) the name of the person having taken the sample and the date and time of the sampling;
  - (g) the date and time when the laboratory received the sample;
  - (h) the date and time of issue of the test certificate and the name and signature of the testing officer;
  - (i) information which attributes were tested, test results and testing methods;
  - (j) whether the quality standards set by the Ministry are met.
19. The license holder shall be entitled to the fee specified by the Ministry regarding the testing of petroleum and petroleum products.
20. The testing officer shall issue a copy of the test certificate if the relevant person pays the fee specified by the Ministry for the issuance of a copy of the test certificate.
21. If the petroleum or petroleum products owner or his representative is not satisfied with the test result in the test certificate issued by the testing officer and submits *[a request]* to the Ministry for further testing according to section 23 and 26 of the Law, the Ministry's testing officer shall proceed according to sections 27 and 28 of this Law.

### **Chapter 5 Prohibitions**

22. Except for government departments and government organisations exempted by the Ministry, nobody shall establish and open a petroleum and petroleum products laboratory testing business without a testing business license.
23. Except for government departments and government organisations exempted by the Ministry, nobody shall do laboratory testing or publish laboratory results for petroleum and petroleum products without a testing business license.



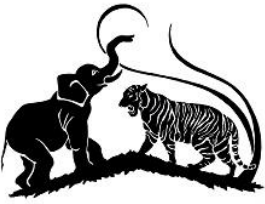
## Chapter 6 Miscellaneous

24. The license holder shall make records of his operations and submit them to the Department within 7 days from the beginning of each month.
25. The license holder shall strictly comply with the terms of the testing business license issued by the Ministry.
26. The Ministry shall supervise and guide petroleum and petroleum products testing businesses as necessary.
27. When Myanmar standards or uniform standards in the ASEAN region are set, the license holder shall comply with these standards instead of international standards.
28. When applying for a testing business license for a business under this notification and doing business, the Environmental Conservation Law, the Myanmar Investment Law and other applicable laws, rules, regulations, terms, orders, directives and procedures shall be complied with.
29. A laboratory established for the purpose of conducting research or a laboratory intended for personal use or a laboratory not intended for commercial purposes shall not be subject to this notification.
30. This notification supersedes and repeals the Licensing Notification for Testing the Quality of Petroleum and Petroleum Products issued by the Ministry of Electricity and Energy with notification no. 273/2019 dated 20 June 2019.

Ko Ko Lwin  
Union Minister

Letter no. MOE: 1/1 (Notification) (3630) 2024

Date: 24 June 2024



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

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