



**Dear Readers,**

Welcome to a new edition of our newsletter.

### **1. Online sales business registration certificates to be issued only after on-site inspection**

The Union government under the State Administration Council (“SAC”) declared “online sales” an essential service on [4 July 2023](#).

On [21 July 2023](#), the Ministry of Commerce under the SAC issued three notifications that (i) prescribe procedures for “online sales business registration certificates” and (ii) threaten anybody operating an online sales business without registration certificate with prosecution under the Essential Supplies and Services Law after a 6 month grace period.

On [5 September 2023](#), the Ministry of Commerce published e-commerce guidelines.

The [registration system](#) went live on 2 October 2023, and registration fees were introduced starting from [1 January 2024](#).

An online sales business registration certificate is valid for 2 years.

On 27 November 2024, the Department of Trade announced that applications for online sales business registration certificates filed from 21 December 2024 and applications for renewal filed from 1 January 2025 would only be approved after an on-site inspection.

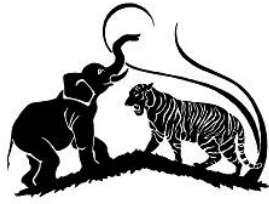
Businesses wishing to apply for the issuance or the renewal of a certificate without going through the hassle of an on-site inspection and delays potentially caused thereby should do so before 21 December 2024 (new application) or 1 January 2025 (renewal).

*CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED*

**Announcement that from 1 January 2025, applications for online sales business registration certificates will only be approved after an on-site inspection**

Date: 27 November 2024

Regarding the application for online sales business registration certificates, it is hereby announced that, because the Department of Trade will from 1 January 2025 issue online



sales business registration certificates only after the Department of Consumer Affairs has conducted an on-site inspection, the following applicants will receive their registration certificates only after the on-site inspection:

- (1) New applications submitted during a preparatory period set from 21 December to 31 December 2024, and new applications and applications for renewal submitted from 1 January 2025;
- (2) applications for registration that were turned down by the Department in 2024 due to incomplete data and that are submitted again on or after 21 December 2024.

Department of Trade

## 2. Reshuffling of the MIC's proposal assessment team

The Myanmar Gazette dated 15 November 2024 carried news that the MIC reshuffled its proposal assessment team.

*CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED*

Republic of the Union of Myanmar

**Myanmar Investment Commission**

**Notification No. 15/2024**

1386, 12<sup>th</sup> Waning Day of Thadingyut

(29 October 2024)

### **Reorganisation of the Proposal Assessment Team**

1. The Myanmar Investment Commission of the Republic of the Union of Myanmar hereby reorganises the Proposal Assessment Team with the following persons according to rule 149 Myanmar Investment Rules to assist the Commission in reviewing investment applications and to screen proposals according to the relevant sector:

(a) Daw Aye Sandar Lwin

Team Leader



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Deputy Director General  
Department of Investment and Company Administration  
Ministry of Investment and Foreign Economic Relations

- |     |   |        |
|-----|---|--------|
| (b) | Daw Ei Ei Khaing<br>Director<br>Internal Revenue Department<br>Ministry of Planning and Finance   | Member |
| (c) | U Tet Htun Aung<br>Director<br>Customs Department<br>Ministry of Planning and Finance   | Member |
| (d) | U Aung Khaing Soe<br>Director<br>Department of Environmental Conservation<br>Ministry of Natural Resources and Environmental Conservation | Member |
| (e) | Daw Myint Myint Kyi Swe<br>Director<br>Department of Electric Power<br>Ministry of Electric Power   | Member |
| (f) | U Kyaw Kyaw Nyunt<br>Director<br>Industrial Supervision and Inspection Department<br>Ministry of Industry                                 | Member |
| (g) | U Soe Naing<br>Director<br>Department of Labour<br>Ministry of Labour   | Member |
| (h) | Daw Aye Aye Maw   | Member |

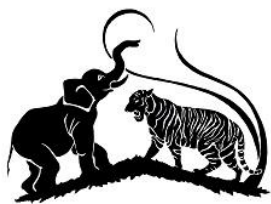


Director  
Department of Trade  
Ministry of Commerce

- (i) Daw Moe Thidar Member  
Director  
Department of Urban and Housing Development  
Ministry of Construction

2. The Proposal Assessment Team shall perform the following duties according to rule 64 Myanmar Investment Rules:

- (a) Verifying whether the investor is acting and investing in accordance with the laws of the Union;
- (b) verifying whether the investment business is a business that requires a permit;
- (c) verifying whether the proposal is in conformity with the Myanmar Investment Law;
- (d) verifying whether the investor complies with environmental protection policies and human rights, and verifying whether, in carrying out investment activities, natural resources are used with effective technology and a waste management strategy;
- (e) verifying whether the investor, associates and the holding company are able to contribute money to the investment business;
- (f) verifying whether the investor, associates and the holding company have a good character a good reputation in the business world;
- (g) verifying whether there is, because of the proposed investment, an impact on national development, security, economic, social and cultural policy objectives announced by the Union government or a government of a Region or State, and verifying compliance with these policies;
- (h) verifying whether the amount of electricity to be consumed is appropriate



depending on the nature of the business and verifying the availability of electricity for the proposed business;

- (i) verifying equipment, spare parts and construction materials to be imported from abroad;
- (j) verifying whether prices and salary rates in the proposal are appropriate;
- (k) verifying employment opportunities;
- (l) verifying tax and customs duty matters.

3. Notification No. 8/2023 dated 6 October 2023 issued by the Myanmar Investment Commission of the Republic of the Union of Myanmar on the reorganisation of the Proposal Assessment Team is repealed by this notification.

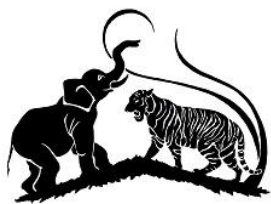
General Mya Tun Oo  
Chairman  
Myanmar Investment Commission

### **3. Working committee to prepare an MoU with China on a “joint venture security company” established**

The Myanmar Gazette dated 8 November 2024 published an SAC notification that establishes a working committee to prepare a memorandum of understanding with China to establish a “joint venture security company”, as proposed by China. The notification is silent on the timeline, but its text suggests that there are issues to overcome in terms of national sovereignty and how to address potentially undesirable conduct on the part of the company. We are therefore not sure if the company’s establishment is imminent.

*CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED*

Republic of the Union of Myanmar  
**State Administration Council**  
**Notification No. 174/2024**

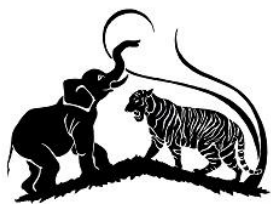


1386, 5<sup>th</sup> Waning Day of Thadingyut  
(22 October 2024)

**Establishment of a working committee for the signing of a memorandum of understanding to establish a Joint Venture Security Company between Myanmar and China, as proposed by China**

1. A working committee for the signing of a memorandum of understanding to establish a Joint Venture Security Company between Myanmar and China, as proposed by China, has been established with the following persons:

(a)	Deputy Minister Ministry of Home Affairs	Chairman
(b)	Permanent Secretary Ministry of Home Affairs	Member
(c)	Deputy Police Commissioner 2 Myanmar Police Force Ministry of Home Affairs	Member
(d)	Deputy Director General Telecommunications Department Ministry of Transport and Communications	Member
(e)	1 senior officer Office of the Judge Advocate General Ministry of Defence	Member
(f)	Head of Department Transnational Crimes Department Myanmar Police Force Ministry of Home Affairs	Member
(g)	Deputy Permanent Secretary Ministry of Planning and Finance	Member

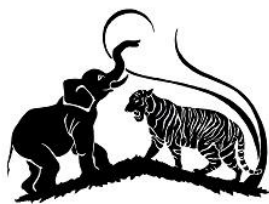


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- |     |  |           |
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| (h) | Deputy Director General<br>Political Affairs Department<br>Ministry of Foreign Affairs                       | Member    |
| (i) | Deputy Permanent Secretary/Deputy Director General<br>Ministry of Investment and Foreign Economic Relations  | Member    |
| (j) | Deputy Director General<br>Legal Advisory Department<br>Ministry of Legal Affairs                            | Member    |
| (k) | Deputy Director General<br>Immigration Department<br>Ministry of Immigration and Population                  | Member    |
| (l) | Deputy Director General<br>Department of Labour<br>Ministry of Labour  | Member    |
| (m) | Deputy Director General<br>Department of Trade<br>Ministry of Commerce                                       | Member    |
| (n) | Head of Department<br>Crime and Legal Affairs Department<br>Myanmar Police Force<br>Ministry of Home Affairs | Secretary |

2. The duties of the working committee for the signing of a memorandum of understanding to establish a Joint Venture Security Company between Myanmar and China, as proposed by China, are as follows:
- (a) Examining whether the state's sovereignty might be infringed;
  - (b) examining whether there are benefits for the state and the public;
  - (c) examining whether there is consistency with the policies set by the state;



- (d) examining whether there are particulars that will support the defence and security sector and not harm it;
  - (e) examining whether there are any conflicts with the constitution and laws in force;
  - (f) examining whether contingency measures are or should be included for unforeseen circumstances;
  - (g) examining whether there are any particulars that could harm Myanmar politically, economically or socially;
  - (h) examining whether provisions should be added to allow for the dissolution of the company after its establishment when the memorandum of understanding is terminated, even though the memorandum of understanding is signed for a fixed period of time;
  - (i) regarding arms and special equipment (including communication devices and other controlled items), examining whether particulars should be added on how to allow their import and control their use;
  - (j) examining whether particulars should be added on how to take action, how to communicate, etc., if the company after its establishment violates laws in force, culture, and customs of the state, including security issues and technical issues;
  - (k) examining whether a point should be added that terms [*literally, "disciplines"*] issued by the relevant ministry from time to time regarding security must be complied with;
  - (l) examining compliance with the "Guidelines for the Conclusion of Agreements" issued by the former Office of the President in Notification No. 41/2018.
3. The working committee's work ends when the memorandum of understanding is signed.

By order





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Aung Lin Dwe  
General  
Secretary

#### 4. Tourist visas on arrival

The Ministry of Hotels and Tourism under the SAC [announced](#) that from 21 October 2024, visitors from Japan, South Korea and Macao can obtain tourist visas on arrival. Tourist visas on arrival are also available for visitors from Hong Kong, Mainland China, and India.

#### 5. Seminar for NGOs and INGOs

We are pleased to announce a seminar for NGOs and INGOs on the following topics:

- Setting up associations in Thailand and elsewhere - how legal would this be, and would it solve any problems?
- DICA registration
- Corporate bank accounts
- Money transfers and the Central Bank's crackdown on hundi operators; legal solutions
- Investigation of the cash flow of associations under the Counter-Terrorism Rules

**Date and time:** Tuesday, 17 December 2024, 2:30 pm to 4:00 pm

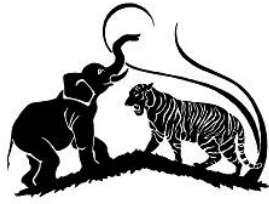
**Venue:** Online

**Costs:** Free

**Language:** English

**Registration:** Please send an e-mail to [info@lincolnmyanmar.com](mailto:info@lincolnmyanmar.com), stating your organisation's name and the name(s) of the participant(s)

**Suggesting a topic:** If you wish us to discuss a particular topic at the seminar, please do not hesitate to include this in your registration e-mail; we will be happy to amend the agenda.



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We hope that you have found this information useful.

Sebastian Pawlita  
Managing Director

### About Lincoln Legal Services (Myanmar) Limited

Our firm covers all legal and tax areas and provides any compliance work that investors and anybody else with business interests in Myanmar might be interested in. 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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