



CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED
For further information, please contact sebastian@lincolnmyanmar.com

The Republic of the Union of Myanmar

Myanmar Investment Commission

Notification no. 26/2016

13th Waxing of Ta-paung, 1377

(21 March 2016)

Amended classification of types of economic activities

1. In exercising the power conferred under sub-section (b), section 56 of the Foreign Investment Law, the Republic of the Union of Myanmar, Myanmar Investment Commission, with the approval of the Union Government, announces - out of the related economic activities contained in chapter 2 of the Foreign Investment Law - the list of the types of prohibited economic activities, the list of the types of economic activities that may be done in a joint venture with Myanmar citizens and the list of the types of economic activities allowed under specifically stipulated conditions -

List of prohibited economic activities

No.	Type of economic activity
1	Manufacturing of, and related services with regard to, arms and ammunition for the national defense;
2	Activities which destroy mangrove forests, religious conservation areas, places for ritual worshipping, pasturelands, farms and fields, or water resources
3	Management and conservation of natural forests;
4	Prospecting, exploration and production of jade/gem stones;
5	Mid-scale and small scale production of minerals;
6	Administration of electric power systems;
7	Inspection work related to electric power;
8	Air navigation services;
9	Excavation of minerals including gold in rivers and water ways;
10	Navigation services;
11	Combining print media and broadcasting media without the approval of the



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12	Union Government; All printing and publishing business related to periodical magazines and journals in national ethnical language including the Myanmar language.
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List of economic activities permitted in a joint venture with citizens

No.	Type of Economic Activities
1	Manufacturing and domestic distribution of biscuits, wafers, various kinds of noodles, vermicelli, thin wheat noodles, and other cereal products
2	Manufacturing and domestic distribution of various kinds of sweet snacks including candy, cocoa and chocolate
3	Manufacturing, canning and domestic distribution of foodstuffs except milk and dairy products
4	Manufacturing and distribution of beverages produced from barley and barley fermentation
5	Producing, refining, bottling and distributing alcohol and non-beverages
6	Manufacturing and distributing ice made with purified water
7	Purified water business
8	Manufacturing and distributing various kinds of ropes
9	Manufacturing and domestic distribution of various kinds of goods such as enamel products, containers, spoons, knives and forks
10	Manufacturing and domestic distribution of various kinds of plastic products
11	Packaging business
12	Manufacturing and domestic distribution of raw hides, various kinds of leather, leather products including shoes and handbags except synthetic leather
13	Manufacturing and distributing various kinds of paper including smoked paper [<i>i.e. paper exposed to smoke so that it burns less easily, e.g. used for paper balloons</i>], wax paper, toilet paper, and manufacturing of pulp [<i>for papermaking</i>] and paper-based materials
14	Manufacturing and distributing chemical products based on domestic resources (excluding oil and natural gas, petroleum products)
15	Manufacturing and distributing flammable solids, liquids, gases and aerosols (acetylene, gasoline, propane, hair sprays, perfume, deodorant, insect spray), excluding oil and natural gas and petroleum products
16	Manufacturing and distributing oxidizing agents (oxygen, hydrogen peroxide), compressed gases (acetone, argon, hydrogen, nitrogen, acetylene)
17	Manufacturing and distributing caustic chemical products (sulphuric acid, nitric acid)



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18	Manufacturing and distributing various kinds of industrial chemical gases (gases, liquids, solids)
19	Pharmaceutical raw material production business
20	Mid-scale and small-scale production of electricity
21	Establishing international golf clubs and resorts
22	Business of establishing, selling and leasing residential buildings and condominiums
23	Constructing and selling office and business buildings
24	Establishing and selling residential buildings within an industrial zone
25	Establishing and constructing low-cost housing
26	Domestic air transport service
27	International air transport service

List of economic activities permitted under specific conditions

(a) List of economic activities permitted in a joint venture with citizens and a recommendation from the relevant ministry

No.	Type of economic activities
(1)	(2)
1.	To acquire the opinion and the remarks of the Ministry of Livestock, Fisheries and Rural Development
1.	Production of bees and bee products
2.	Manufacturing of fishing nets
3.	Construction of jetties for off-loading fish and markets for fish auctions
4.	Research work relating to live stock and fisheries
5.	Marine fisheries business
6.	Production of preserved fishery products
7.	Importing, exporting, cultivation of animals and fish species
8.	Cultivation of fresh water or marine fish and prawns
2.	To acquire the opinion and the remarks of the Ministry of Environmental Conservation and Forestry
1.	National parks
2.	Business activities relating to the reduction of carbon emission



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	<ol style="list-style-type: none">3. Extraction (logging) in reserved forests (reserved forest, protected public forest)4. Business of distributing, selling and reproducing imported genetically modified organisms5. High technology research for the forestry sector and commercial business activities such as the production and maintenance of good quality, valuable or scarce species and tree tissue cultures6. Development of high technology, research and human resources in the forestry sector7. Extraction of natural resources in forest land and forest-covered land under the administration of the government8. Production of plants or wildlife animals for business, marketing and distribution within the country or abroad after importing and breeding them
3.	<p>To acquire the opinion and the remarks of the Ministry of Industry</p> <ol style="list-style-type: none">1. Manufacturing and marketing of beverages, aerated water and other soft drinks2. Production of monosodium glutamate (MSG)3. Manufacturing of pharmaceuticals used in medical treatment, blended with any kind of controlled chemicals
4.	<p>To acquire the opinion and the remarks of the Ministry of Transport</p> <ol style="list-style-type: none">1. Transport services for passengers and goods by water vessels2. Establishing and opening nautical institutes and training schools3. Dockyard services4. Inland water transport and related services on lands owned by the Inland Water Transport Department
5.	<p>To acquire the opinion and the remarks of the Ministry of Communications and Information Technology</p> <ol style="list-style-type: none">1. Domestic and international postal services



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6.		To acquire the opinion and the remarks of the Ministry of Health 1. Private hospital business 2. Private clinic business 3. Private diagnostic services 4. Private pharmaceutical and medical equipment production 5. Research on producing vaccines, and testing samples 6. Opening private universities of medicine and universities and training schools related to medical education 7. Trading of raw materials for traditional medicine 8. Cultivation and production of traditional herbs 9. Research and laboratory analyses concerning traditional medicine 10. Manufacturing of traditional medicine 11. Traditional hospital business
7.		To acquire the opinion and the remarks of the Ministry of Information 1. Publishing of periodical newspapers in a foreign language 2. Broadcasting of FM radio programs 3. Direct To Home (DTH) 4. DVB-T2 5. Cable TV 6. Production of movies 7. Showing of movies

(b) List of economic activities that are only allowed in a joint venture and subject to other restrictions

No.	Type of economic activity	Restriction
(1)	(2)	(3)
1.	Importing/exporting, transporting, storing and marketing of petroleum, natural gas and other	Allowed in a joint venture with the Ministry of Energy



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		petroleum products; construction, installation and provision of storage tanks, jetties for loading/off-loading oil, pipelines and related equipment and buildings required in order to carry out the above businesses	
	2.	Import, manufacturing and erection of machinery, equipment and spare parts required in order to carry out exploration and testing of petroleum and natural gas by geological, geophysical or geochemical methods, and related businesses	Allowed in a joint venture with the Ministry of Energy
	3.	Import, manufacturing and erection of machinery, equipment and spare parts required in order to carry out drilling/ production/laboratory analyses of petroleum and natural gas, and related businesses	Allowed in a joint venture with the Ministry of Energy
	4.	Import, manufacturing and erection of machinery, equipment and spare parts required in order to transport petroleum and natural gas or to construct pipeline networks, and related	Allowed in a joint venture with the Ministry of Energy



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	businesses	
5.	Import, manufacturing and erection of machinery, equipment and spare parts required in order to construct, manufacture or install all kinds of offshore platforms	Allowed in a joint venture with the Ministry of Energy
6.	Construction and installation of all kinds of new petrochemical factories, renovating old factories by investment and carrying out the functions <i>[of the factories]</i>	Allowed in a joint venture with the Ministry of Energy
7.	Manufacturing of cigarettes	At least 50% of the tobacco used must be local tobacco in the first 3 years or, alternatively, at least 50% of the raw materials must be purchased from proceeds of the export of local tobacco. 90% of the products must be exported. In the investment proposal, a table of the plan to use local raw materials and a table of the plan to export products must be submitted. The opinion and the remarks of the Ministry of Industry must be acquired.
8.	Production and distribution of explosive chemicals (TNT, nitro-glycerin, ammonium nitrite)	Allowed in a joint venture with the government



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9.	Production and distribution of auto-inflammable liquids and solids (titanium powder), chemicals which release heat by themselves (potassium sulfide), chemicals which de-ionize easily due to heat, and things which are inflammable and release gas when getting in contact with water (calcium phosphide)	Allowed in a joint venture with the government
10.	Domestic distribution and export of crop products after importing and cultivating the required input crops	The production of value-added goods shall be allowed. Foreign share participation shall be allowed up to 49% only. Domestic trade and export shall be allowed based on the production of the joint venture company. Any export of paddy through sea trade or border trade shall not be allowed.
11.	E-lottery business	To acquire the opinion and the remarks of the Ministry of Finance. Allowed in a joint venture with the government.
12.	Reclaiming and establishing new satellite towns	To acquire the opinion and the remarks of the Ministry of Construction. Allowed in a joint venture with the government.
13.	Urban rehabilitation and	To acquire the opinion and the



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	development	remarks of the Ministry of Construction. Allowed in a joint venture with the government.
14.	New construction of railways/stations/buildings	Allowed only in a joint venture or BOT scheme with Myanma Railways To acquire the opinion and remarks of the Ministry of Rail Transportation. To acquire the approval of the Union Government.
15.	Operation and maintenance of trains	Allowed in a joint venture or through a BOT scheme or through a lease with the relevant department. To acquire the opinion and remarks of the Ministry of Rail Transportation.
16.	Construction, production and maintenance of railway engines/passenger coaches/carriage, wagons and engine spare parts	Allowed in a joint venture or through a BOT scheme or through a lease with the relevant department. To acquire the opinion and remarks of the Ministry of Rail Transportation.
17.	Setting up of fibre- optic cables, construction of tower pillars and construction of engine rooms on land owned by the Ministry of Rail Transportation	Allowed in a joint venture or through a BOT scheme or through a lease with the relevant department. To acquire the opinion and remarks of the Ministry of Rail Transportation.



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18.	Special use of land and buildings owned by the Ministry of Rail Transportation for commercial activities	Allowed in a joint venture or through a BOT scheme or through a lease with the relevant department. To acquire the opinion and remarks of the Ministry of Rail Transportation.
19.	Transportation of goods and passengers by railway or truck	To acquire the approval of the Union Government. Allowed in a joint venture with the relevant department or organization (government department or private entity). To acquire the opinion and remarks of the Ministry of Rail Transportation.
20.	Motor vehicle inspection, training how to drive a motor vehicle, training how to repair engines and maintenance activities	Allowed in a 50:50 joint venture. To acquire the opinion and remarks of the Ministry of Rail Transportation.
21.	Generation of electric power to be used in railway businesses	Allowed in a joint venture or through a BOT scheme or through a lease with the relevant department. To acquire the opinion and remarks of the Ministry of Rail Transportation.

2. Business activities which are not contained in this notification may be carried out as 100% foreign-invested business except business believed by the Commission to require permission of the relevant ministry.
3. Services which are not categorized as investment may only be performed with the permission of the relevant ministry.



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- Notification no. 49/2014 dated 14.8.2014 issued by the Myanmar Investment Commission is repealed by this notification.

U Zay Yar Aung
Chairman
Myanmar Investment Commission

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Dated on – 21st March, 2016

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