



Dear Readers,

Welcome to a new edition of our newsletter.

1. Entire education sector open to 100% foreign investment

Myanmar Investment Commission Notification No. 7/2018 dated 20 April 2018 (<https://tinyurl.com/y7r3ozmu>) officially opens the entire education sector to private investment. Myanmar investors, joint ventures between Myanmar and foreign investors and foreign investors alone may open basic education schools (kindergartens, primary, middle and high schools), technical, vocational and training schools, higher education schools (universities and colleges) and “subject-based schools” (preparatory classes for entrance exams, on-the-job training, language schools and schools teaching specific subjects).

It should be noted that the term “foreign investor” explicitly not only refers to private investors, but also to foreign government organisations.

Please contact sebastian@lincolnmyanmar.com or nyeinchanzaw@lincolnmyanmar.com for more information.

2. Standard criteria for electricity and oil and gas-related investments

On 9 April 2018, the Ministry of Electricity and Energy published a list of documents and information that have to be submitted to the Ministry when applying for its approval of the following investments (<https://tinyurl.com/ycd95bf2>):

- Electricity production with a capacity of more than 30 MW;
- other electricity production if the electricity is to be fed into the national grid;
- substations and transformers connected to the national grid;
- installation of offshore supply bases;
- import, storage and distribution of LPG;
- construction and operation of refineries, LPG plants, fertiliser plants and petrochemical plants;
- exploration of oil and natural gas;
- installation and operation of pipelines for oil and natural gas;



- import and installation of oilfield testing equipment.

3. Standard criteria for investments in agriculture

On 20 April 2018, the Ministry of Agriculture, Livestock and Irrigation published a list of criteria that investors have to fulfill if they intend to invest in the following businesses (<https://tinyurl.com/ycampcb7>):

- Aquaculture;
- import and export of various marine and aquatic products;
- import of raw feed, medicines and larvae for fish farms;
- transport and storage of aquatic products;
- “marine/aquatic products repair factory” (we are not really sure what this would be);
- production of ice for aquatic products;
- marine fishing with a foreign vessel; marine fishing in a joint venture; coastal fishing; offshore fishing;
- manufacturing and distribution of veterinary biological products or veterinary drugs;
- livestock farming with an investment in excess of USD 5 million or Ks. 6 billion;
- breeder farms and hatcheries for poultry;
- genetic research, genetic conservation and distribution, import, production and marketing of animal breeds;
- laboratory services to test the safety of animal feeds and animal products or to diagnose animal diseases;
- research and surveillance of animal health;
- import, production, domestic distribution and re-export of seeds;
- manufacturing, storage, distribution and export of agricultural pesticides, fertilisers and hormones;
- production, distribution and export of paddy;



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- laboratory services to test seeds, pesticides or fertilisers;
- production of seasonal crops.

4. Mines Rules issued

The Ministry of Natural Resources and Environmental Conservation issued new Mines Rules on 13 February 2018. We have in the meantime purchased the book (which contains, apart from the Rules, all the forms to go with them) from the Ministry and scanned in the Rules (<https://tinyurl.com/yae6rwkm> - 34 MB, text in Myanmar). As there is little interest in investing in the mining sector, we will probably not prepare an English translation anytime soon, but will be happy to reply to specific questions from readers concerning the Rules and the legal and tax framework of the mining sector in general.

An English translation of the Mines Law in its current form can be found here: <https://tinyurl.com/ycnl9jfw>

5. “Foreign insurance companies to be allowed to operate in Myanmar”

We have heard this regularly since 2013, but maybe this time it’s for real...? <https://tinyurl.com/y9pn4g5h>

6. Our services related to intellectual property

In this newsletter, we would like to introduce our services related to intellectual property. Please do not hesitate to request a fee proposal; we are sure that we can offer you a good deal.

Our services comprise in particular:

- Registration of declarations of ownership for trademarks, patents and design with the Registration of Deeds Office;
- publishing cautionary notices;
- registration of trademarks with the Customs Department to help customs intercept counterfeit goods;
- stopping infringements through negotiations, with the help of the police or the court;
- assisting clients with registering/re-registering their intellectual property rights after the enactment of new legislation on trademarks, industrial designs, patents and copyright (currently pending in parliament).

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A full list of our services can be found in our brochure: <https://tinyurl.com/y83qvwro>

7. Electricity and energy news

- (a) **Asia AVA Gas, a Myanmar/Singapore joint venture, to build LPG facilities in Yangon for USD 60 million:** <https://tinyurl.com/yd6666uw>
- (b) **Great Hor Kham Public Co., Ltd. to sign PPA for 20 MW hydropower plant in Shan State; to list at the Yangon Stock Exchange:** <https://tinyurl.com/y7enwn5r>
- (c) **Long article on power generation:** <https://tinyurl.com/y7n9o3hg> (Of note, only approx. USD 88 million seem to be allocated for power generation in the 1 April to 30 September 2018 budget - can this be correct? -, hydropower projects are indefinitely delayed due to insufficient budget allocation and all plans to raise tariffs seem to have been postponed until after 2020.)
- (d) **State-owned Myanma Petrochemical Enterprise plans to build first modern oil refinery in Myanmar:** <https://tinyurl.com/y7j9lkcb> (The refinery will have a capacity of 2 million tons per year and use oil from the South East Asia Crude Oil Pipeline operated by China National Petroleum Corporation. The plans are apparently to call for a tender to implement the project as a public private partnership.)
- (e) **Ministry of Electricity and Energy reviewing terms and conditions of production sharing contracts before calling new tenders for oil and gas blocks:** <https://tinyurl.com/ycjvhedp> (We suppose that the intention is to make the terms and conditions less onerous for investors.)
- (f) **IKM Subsea signs drilling contract with PTTEP in Myanmar:** <https://tinyurl.com/y7w7t4qq>
- (g) **PETRONAS to begin drilling development wells in Tanintharyi:** <https://tinyurl.com/y9xxrr4x>

8. Market access and other news

- (a) **ADB sees positive economic prospects for Myanmar:** <https://tinyurl.com/ycnet948>
- (b) **Mixed development project near Shwedagon Pagoda makes progress:** <https://tinyurl.com/y7p6nc4m>



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- (c) Myanmar/Thai joint venture to manufacture oxygen, nitrogen and argon in the Thilawa SEZ: <https://tinyurl.com/y7enwn5r>
- (d) Fraser & Neave returns to Myanmar beer market: <https://tinyurl.com/y8zonl6v>
- (e) Senior NLD adviser lobbying US and EU to refrain from imposing fresh sanctions on the military: <https://tinyurl.com/yc6ftf9d>
- (f) Oway Group receives private equity investment: <https://tinyurl.com/ybuosm79>
- (g) New Myanmar-China economic zone in the works: <https://tinyurl.com/yaoqbbd4>

9. Tenders

- (a) **Social Security Board:** “Social Security Board information system” encompassing an employer and employee registration process, contribution collection process, provision of medical services process and a benefit and claims management process (extension of the deadline): <https://tinyurl.com/ycwmo4fm>
- (b) **Myanmar Railways:** Purchase of 100 rail coaches (Korean companies only): <https://tinyurl.com/yb5fjujw>
- (c) **Department of Highways:** Environmental and social impact assessment and resettlement action plan for a road rehabilitation project in Chin State: <https://tinyurl.com/ya8qa94w>
- (d) **Mandalay City Development Committee:** Construction of a new water treatment plant and associated pipelines: <https://tinyurl.com/y7h7e3lu>
- (e) **Ministry of Health and Sports:** Purchase of non-control items, machinery, equipment, office equipment: <https://tinyurl.com/y9vqnlmv>

We hope that you have enjoyed reading our newsletter and found it useful.

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