

LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Government of the Republic of the Union of Myanmar
Ministry of Commerce
Minister's Office
Notification No. 38/2020
4th Waxing Day of Nayone, 1382
(25th May 2020)

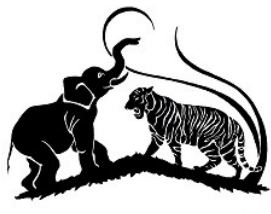
The Ministry of Commerce hereby issues this notification according to the authority conferred by section 13(b) Export and Import of Goods Law.

Order amending the list of goods that are prohibited from being imported

1. The list of goods that are prohibited from being imported according to the Export and Import of Goods Law is hereby amended as follows -
 - (a) Beer;
 - (b) cigarettes;
 - (c) other goods that are restricted or prohibited according to a law in force.
2. Notification No. 8/2013 dated 4th February 2013 issued by the Ministry of Commerce is repealed by this notification.

Dr. Than Myint
Union Minister

Letter no. and date: *[omitted]*



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The Ministry of Commerce hereby issues the following procedures according to 13(b) Export and Import of Goods Law.

Chapter 1 Name and definitions

1. The following procedures shall be called Procedures to Permit the Import of Liquor from Abroad.
2. The terms contained in these procedures shall have the meanings given hereunder -
 - (a) **“Liquor import registration certificate”** means the registration certificate issued by the Department of Trade for the import of liquor with its specified terms and conditions.
 - (b) **“Relevant ministry”** means the Ministry of the Office of the Union Government; Ministry of Commerce; Ministry of Planning, Finance and Industry; Ministry of Health and Sports.

Chapter 2 Objectives

3. The objectives of these procedures are as follows -
 - (a) Sale and enjoyment of quality products;
 - (b) control of illegal imports;
 - (c) complete collection of taxes for the country;
 - (d) supply of the local market as needed.

Chapter 3 Companies eligible for the import of liquor and import permit procedure

4. A company applying for permission to import liquor from abroad -
 - (a) shall be a Myanmar company incorporated according to the Myanmar Companies Law;

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- (b) shall have an exporter/importer registration certificate;
 - (c) shall have one director holding an FL-11 license (license for the wholesale vend of foreign alcoholic liquor);
 - (d) shall be in an exclusive distributorship or exclusive dealership with one or more than one foreign liquor manufacturer;
 - (e) shall have premises for distribution or a warehouse permitted by the relevant District General Administration Department.
5. A company fulfilling the qualifications in paragraph 4 shall apply for a liquor import registration certificate and an import license with the Department of Trade under the Ministry of Commerce in order to be permitted to import liquor from abroad.

Application for a liquor import registration certificate

6. When applying for a liquor import registration certificate -
- (a) A company wishing to import ready-to-drink liquor from abroad shall apply with the following documents -
 - (1) Application letter on stationary with the company's letterhead (which shall include the company's name and registration number);
 - (2) original FL-11 license (license for the wholesale vend of foreign alcoholic liquor) in the name of one of the company's directors;
 - (3) original and copy of the exclusive distributorship agreement or exclusive dealership agreement with the foreign liquor manufacturer;
 - (4) if the applicant is not a director of the company, power of attorney and copy of the registration certificate *[we suppose that this refers to the authorised person's ID]*
 - (5) information with regard to the liquor to be imported -
 - (aa) alcohol content;
 - (bb) product name, type, brand, ingredients and container type;
 - (cc) manufacturing year and age;



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- (dd) country of origin, name and address of the manufacturing company;
- (6) liquor storage certificate or distribution license issued by the relevant District General Administration Department;
- (7) address of the liquor warehouse and shops.
- (b) A company wishing to import rectified spirit shall apply with the following documents -
 - (1) Application letter on stationary with the company's letterhead (which shall include the company's name and registration number);
 - (2) original FL-4 (license to compound, blend, flavour or colour) and FL-5 (bottling) licenses in the name of one of the directors of the company;
 - (3) if the applicant is not a director of the company, power of attorney and copy of the registration certificate *[we suppose that this refers to the authorised person's ID]*;
 - (4) information with regard to the rectified spirit -
 - (aa) Alcohol content;
 - (bb) product name, type, brand, characteristics and container type;
 - (cc) country of origin, name and address of the manufacturing company;
 - (5) address of the manufacturing and bottling plant.
- 7. The liquor import registration certificate is valid for 1 year.
- 8. Any person wishing to extend the term of a liquor import registration certificate shall apply for renewal at least 3 months prior to expiry as specified in paragraph 6.

Application for an import license

- 9. A license to import liquor shall be applied for with the following documents -
 - (a) Application letter on stationary with the company's letterhead (which shall include the company's name and registration number);
 - (b) original pro-forma invoice or original sales contract (complete information with regard to the liquor to be imported shall be provided);



- (c) liquor import registration certificate (original and copy);
 - (d) sample where the name of the importer company is shown on the bottle;
 - (e) FDA recommendation (original);
 - (f) if the applicant is not a director of the company, power of attorney and copy of the registration certificate *[we suppose that this refers to the authorised person's ID]*.
10. The term of the liquor import license is as specified by the Ministry of Commerce.

Chapter 4

Terms and conditions with regard to the liquor import permit

11. Liquor from abroad shall only be imported through Yangon Port and Yangon Airport.
12. The minimum CIF value is USD 8 per litre.
13. The company holding a liquor import registration certificate -
- (a) shall display the liquor type, net volume, alcohol contents, name of the importer company and address of its registered office or main business premises on the container;
 - (b) shall affix tax seals (which read "tax paid") as administered by the Internal Revenue Department within 21 days before the liquor is moved from the Customs Department's warehouse;
 - (c) lists of incoming, outgoing and remaining goods shall be inspected by the relevant departments;
 - (d) the liquor shall only be stored at licensed premises or warehouses permitted by the District General Administration Department.

Payment of applicable taxes

14. A company permitted to import liquor shall pay applicable taxes as specified in the relevant laws, rules, procedures and guidance.
15. A company applying for permission to import liquor shall pay liquor import registration fees, renewal fees, fees for amending the registration certificate and import license fees as specified by the Ministry of Commerce.



Distribution and opening of shops

16. A company permitted to import liquor shall comply with the relevant laws, rules, guidance, orders, directives and procedures with regard to transportation, distribution and sale of liquor and the opening of liquor shops.

Chapter 5

Inspections and taking action

17. A company permitted to import liquor may be inspected by the relevant ministry from time to time for compliance with the directives issued for the import, distribution and sale of liquor.
18. If the company permitted to import liquor violates any of the terms in this procedure, the permission to import liquor may be suspended or the liquor import registration certificate may be revoked.

Chapter 6

Miscellaneous

19. The import of liquor for duty free shops and hotels shall be permitted in separate procedures issued by the Ministry of Commerce.
20. The terms and conditions for foreign liquor import permits may be amended from time to time.

Dr. Than Myint
Union Minister

Letter no., date, distribution list: *[omitted]*



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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