



Dear Readers,

Welcome to a new edition of our newsletter.

1. Online Sales Business Registration Order

(a) Online Sales Business Registration Order and related notifications

As reported in a previous newsletter, the Union government under the SAC designated online sales as an essential service on 4 July 2023.

On 21 July 2023, the Ministry of Commerce 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](#) starting 6 months from now.

Please contact us if you wish to receive English translations of the three notifications (for a fee).

(b) Definition of “online sales business”

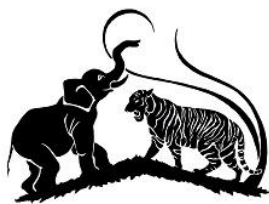
“Online sales business” is defined as “a business providing and selling goods or services through an online system.” Whether this is limited to typical online shops where customers order and pay by mouse clicks, or whether this encompasses all businesses that advertise their goods or services on their own website (like our [homepage](#)) is not clear. We are inclined to think that it is the former.

(c) Department in charge; forms and fees

The Department of Trade is in charge of the registration procedure. It does not seem to have determined yet the relevant forms and the government fees, but one should expect this to happen soon.

(d) Main eligibility criteria

The applicant may be a company, economic enterprise or an individual (Myanmar national only). A company or economic enterprise must designate a person responsible for the online sales business; this person must be a Myanmar national.



Online sales businesses are required to prove the existence and address of their physical location with a recommendation letter from the relevant government department or the ward or village tract administrator. Furthermore, the Department of Trade is supposed to conduct ground checks in coordination with the Department of Consumer Protection when reviewing the merits of a registration certificate application.

Among others, applicants have to submit a list of the types of goods or services to be sold online; information and guarantees related to such goods or services; name of the country of origin of the goods; and government approvals (if any).

The Department of Trade may reject the application if, among others, it deems the goods or services to be unsafe, to lack understandable and accurate information and guarantees, or to lack permissions required for their sale.

(e) Validity of the registration certificate

A registration certificate is valid for 2 years; an application for renewal may be filed 60 days prior to its expiry.

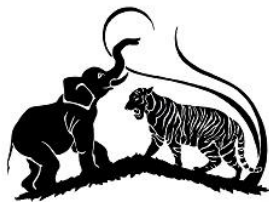
(f) Duties and rights of a registration certificate holder

The Registration Order contains a long list of duties and a much shorter list of rights of a registration certificate holder.

Among others, a registration certificate holder must ensure that the price of the goods or services matches the quality; enable the return of goods if they do not match information and guarantees given; only sell goods or services listed in the registration certificate application; understandably explain the means of payment; inform consumers in advance of the method and terms of delivery, allow them to choose, and deliver accordingly; and keep confidential personal information of consumers.

(g) Penalties

The Department of Trade may temporarily suspend or cancel for good the registration certificate of a non-compliant certificate holder. Furthermore, non-compliance with any of the notifications may be punished with imprisonment from 6 months to 3 years and a fine not exceeding MMK 500,000 according to section 5 Essential Supplies and Services Law.



2. **Foreigners may export “environmentally friendly goods”**

Ministry of Commerce Notification 48/2013 dated 20 July 2023 ([Burmese text](#)) states in connection with the export of goods permitted to foreigners and joint ventures:

“An export license will be granted in accordance with the prescribed procedures for the export of environmentally friendly goods such as fuel pellets made from by-products such as rice husk and sawdust.”

We hope that you have found this information useful.

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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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