



**Dear Readers,**

Welcome to a new edition of our newsletter.

### **1. Overseas employment agencies**

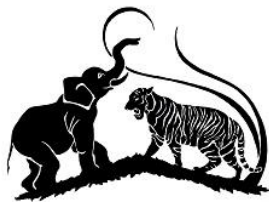
On 8 September 2023, the Ministry of Labour under the SAC announced guidelines for overseas employment agencies.

These guidelines cover the procedures for obtaining an overseas employment agency license (this part is reproduced below, in an English translation, as we understand that this is what our international readership is most interested in), changes of the particulars of license holders, requirements for obtaining an area representative license, minimum number of workers that an agency has to send abroad for being eligible for license renewal, maximum fees that an agency may charge, basic wages that workers abroad may hope to receive, detailed steps for dispatching workers to various countries, steps for signing labour contracts, conditions for attendance in overseas employment guidance courses, particulars required to request overseas worker identification cards (OWICs), and other items.

Please contact us if you wish to receive an English translation (free of charge, but please state the name of your company as we wish to keep out freeloader competitors).

#### **Things to know about overseas employment agencies and points to comply with** *[Excerpt]*

3. Criteria for applying for a new overseas employment agency license:
  - (a) The agency license applicant shall be a Myanmar national. (Foreigners may not be included in the list of directors)
  - (b) application letter, signed by the managing director of the company that applies for the overseas employment agency license and submitted to the department;
  - (c) minutes of the meeting of the company's board of directors that appointed the managing director;



- (d) company registration certificate from the Directorate of Investment and Company Administration, Ministry of Investment and Foreign Economic Relations;
- (e) company profile from the application for registration at the Directorate of Investment and Company Administration;
- (f) resumes of the directors included in the company profile (passport photo taken within the last 6 months in Myanmar dress / signature); copy of the citizenship scrutiny card; copy of the household list; original police station endorsement and original ward endorsement, issued within 1 month);
- (g) when sending Myanmar workers abroad, the managing director and the board members of the company need to have fully developed experience, knowledge, and reflective thinking ability, so the age range shall be between 25 and 75 years, and they shall submit a doctor's certificate that they are in good health and can travel anywhere;
- (h) the educational qualification of the managing director and board members shall be at least a university degree;
- (i) submission of a savings book in the sole name of the managing director in which at least MMK 100 million are collected as well as an updated bank account statement, after having deposited/withdrawn a small amount at nearby banks either with or without mobile banking, to ensure that there are not less than MMK 100 million in the bank books;
- (j) when submitting proof of ownership concerning immovable property in the sole name of the managing director worth at least MMK 100 million, complete documentation, a contract made by a notary, and a photo of a special power, all pertaining to the house/apartment shall be enclosed, as well as proof of tax payment from the Internal Revenue Department, or proof of valuation of the property by the municipal development committee. (Submission of only the land ownership is not allowed)



- (k) to maintain MMK 100 million, and to submit an updated bank account statement to the department every month for a period of 6 months from the date of the inspection by the department and the date on which the overseas employment agency license was granted;
  - (l) after the 6 month period, the deposit may be used; at the time of applying for license renewal, to enclose a bank account statement and the savings book showing MMK 100 million; to submit the bank book without delay if so requested due to requirements on the part of the department;
  - (m) if the company's office is rented, the lease agreement shall extend to a period of at least 2 years, and in case of private ownership, proof of ownership has to be submitted; to submit furthermore photos of the office and the office equipment;
  - (n) after the department inspected and approved the office of the overseas employment agency, not to move the office during the term of the license;
  - (o) 6 sets of copies of all documents above.
4. Procedures for issuing a new overseas employment agency license:
- (a) Verification at the Ministry of Home Affairs of the background of the directors applying for a foreign employment agency license; verification of the company's tax status;
  - (b) depending on the opinion of the Ministry of Home Affairs, verification of the immovable property, bank account, and company office of the agency license applicant by the director or deputy director in the relevant region or state and submission of an inspection report;
  - (c) submission of the inspection report to the ministry for verification by the overseas employment agency license verification group led by the deputy minister;

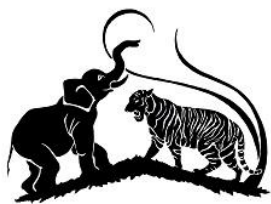


- (d) deciding whether to allow or not allow after verification by the overseas employment agency license verification group, on the date approved by the ministry;
  - (e) companies that have received approval from the overseas employment agency license verification groups shall first pay the license fee of MMK 300,000 and a security deposit of MMK 25,000,000 and then be issued with a new overseas employment agency license with a term of 1 year.
5. Particulars to be submitted when applying for an overseas employment agency (Thailand) license:
- (a) All particulars in para. 3;
  - (b) copy of an overseas employment agency license that is at least 1 year old;
  - (c) list of workers dispatched within 1 year of the license term, grouped by country;
6. If the application for an overseas employment agency (Thailand) license is verified and approved in accordance with para. 4 above, the license fee of MMK 100,000 and a security deposit of MMK 5,000,000 shall first be paid and then the overseas employment agency (Thailand) license shall be issued with a term of 1 year.

*[The above is an unofficial translation of a part of guidelines for overseas employment agencies published on the webpage of the Ministry of Labour under the SAC on 8 September 2023.]*

## **2. Reshuffling of important committees and commissions**

On 18 and 19 September 2023, the SAC reshuffled important committees and the Myanmar Investment Commission as follows. Readers will be aware of recent press reports about the background. We have reproduced below in English translation the respective announcements as published on the Facebook page of “Public Voice News Agency.”



Republic of the Union of Myanmar

State Administration Council

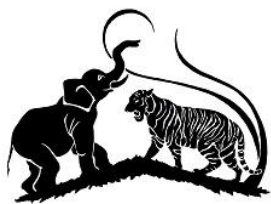
Order No. 83/2023

1385, 4<sup>th</sup> Waxing Day of the Tawthalin

(18 September 2023)

### Reorganisation of the Foreign Exchange Supervisory Committee

1. The Foreign Exchange Supervision Committee has been reorganised with the following persons in order to carry out the functions required to stabilise the foreign exchange rate and efficiently use foreign currency for the economic development of the Republic of the Union of Myanmar:
  - (a) General Mya Tun Oo  
Deputy Prime Minister and Union Minister,  
Ministry of Transport of Communications  
Chairman
  - (b) U Win Shein  
Deputy Prime Minister and Union Minister, Ministry  
of Planning and Finance  
Member
  - (c) Lieutenant-General Nyo Saw  
Advisor to the Chairman of the State Administration  
Council  
Member
  - (c) U Aung Naing Oo  
Union Minister, Ministry of Commerce  
Member
  - (d) Daw Than Than Swe  
Governor  
Central Bank Myanmar  
Member
  - (e) Dr. Kan Zaw  
Union Minister, Ministry of Investment and Foreign  
Economic Relations  
Secretary



2. The duties of the Foreign Exchange Supervisory Committee are as follows:
  - (a) Reviewing and permitting the use of foreign currency needed for importing machinery required for investment activities in the country and by manufacturing businesses, commercial vehicles, and production equipment and raw materials;
  - (b) reviewing and permitting the use of foreign currency needed for the purchase and import of goods that are essential for the livelihoods of people: fuel, pharmaceuticals, cooking oil, fertilisers, pesticides, and construction materials that cannot be purchased locally;
  - (c) reviewing and permitting the use of foreign currency needed by citizens going abroad for medical treatment, on educational trips, on religious trips, or for other social reasons;
  - (d) reviewing and permitting the use of foreign currency required for the import of general goods, repayment of foreign loans and interest, payment of service fees, and remittance of profits from investments;
  - (e) reviewing and permitting the use of foreign currency for luxury goods that have to be imported when needed for society;
  - (f) supervising foreign currency transactions in domestic and foreign investment activities in the country, manufacturing businesses, export/import businesses, and services businesses including education and health;
3. The Foreign Exchange Supervisory Committee shall furthermore carry out other duties as may be assigned in addition to foreign exchange supervisory duties.
4. Order no. 81/2023 dated 6 September 2023 of the State Administration Council is revoked by this order.

By order



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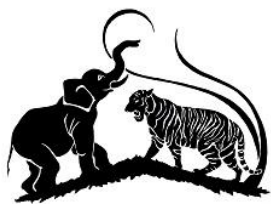
NEWSLETTER 128 - 21 September 2023

Aung Lin Dwe  
Lieutenant General  
Secretary

Republic of the Union of Myanmar  
State Administration Council  
Notification No. 204/2023  
1385, 3rd Waxing Day of the Tawthalin  
(18 September 2023)

## Reorganisation of the Myanmar Investment Commission

1. In exercising the authority conferred by section 7 Myanmar Investment Law, the Myanmar Investment Commission has been reorganised as follows:
  - (a) General Mya Tun Oo  
Deputy Prime Minister and Union Minister,  
Ministry of Transport of Communications  
Chairman
  - (b) Union Minister  
Ministry of Investment and Foreign Economic  
Relations  
Vice Chairman
  - (c) Union Minister and Union Attorney General  
Ministry of Legal Affairs  
Member
  - (d) Lieutenant-General Nyo Saw  
Advisor to the Chairman of the State Administration  
Council  
Member
  - (e) Union Minister  
Ministry of Natural Resources and Environmental  
Protection  
Member



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

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(f)	Deputy Minister Ministry of Industry	Member
(g)	Deputy Minister Ministry of Commerce	Member
(h)	Vice Governor Central Bank of Myanmar	Member
(i)	Permanent Secretary Ministry of Agriculture, Livestock and Irrigation	Member
(j)	Director General Internal Revenue Department, Ministry of Planning and Finance	Member
(k)	Director General Directorate of Investment and Company Administration Ministry of Investment and Foreign Economic Relations	Secretary

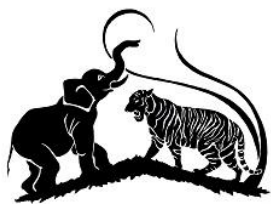
2. Notification no. 116/2023 dated 5 July 2023 of the State Administration Council is revoked by this notification.

By order

Aung Lin Dwe  
Lieutenant-General  
Secretary

Republic of the Union of Myanmar  
State Administration Council  
Order No. 84/2023





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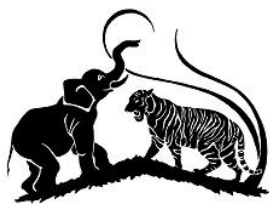
## NEWSLETTER 128 - 21 September 2023

1385, 5<sup>th</sup> Waxing Day of the Tawthalin  
(19 September 2023)

### Reorganisation of the Central Committee for Ensuring Smooth Flow of Trade and Goods

1. Due to the nationwide state of emergency since 1 February 2021, the Central Committee for Ensuring Smooth Flow of Trade and Goods has been reorganised with the following persons to ensure that there are no delays or difficulties in domestic and foreign trade:

- |     |  |          |
|-----|--|----------|
| (a) | General Mya Tun Oo<br>Deputy Prime Minister and Union Minister,<br>Ministry of Transport of Communications | Chairman |
| (b) | U Win Shein<br>Deputy Prime Minister and Union Minister, Ministry<br>of Planning and Finance               | Member   |
| (c) | Lieutenant-General Nyo Saw<br>Advisor to the Chairman of the State Administration<br>Council               | Member   |
| (d) | U Aung Naing Oo<br>Union Minister, Ministry of Commerce  | Member   |
| (e) | U Aung Kyaw Tun<br>Deputy Minister, Ministry of Transport and<br>Communications                            | Member   |
| (f) | Lieutenant General Ni Lin Aung<br>Deputy Minister<br>Ministry of Home Affairs                              | Member   |
| (g) | Deputy Minister<br>Ministry of Agriculture, Livestock and Irrigation                                       | Member   |
| (h) | U Win Shein  | Member   |



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Deputy Minister, Ministry of Labour

(i) U Zaw Myint Naing Member  
Vice Governor, Central Bank of Myanmar

(j) Colonel Win Tint Member  
Minister of Security and Border Affairs  
Government of Yangon Region

(k) Dr. Thi Thi Myint Member  
Director General, Ministry of Legal Affairs

(l) Deputy Minister, Ministry of Commerce Secretary

2. The duties of the Central Committee for Ensuring Smooth Flow of Trade and Goods are as follows:

- (a) In order to ensure the recovery of trade and businesses, establishing policies on key processes to ensure that operations at all seaports, airports, and border trade stations are accurate and speedy, and setting standard operating procedures (SOP) and coordinating them;
- (b) coordinating and assisting so that trade policies and processes enable business owners to operate with clarity, ease, accuracy and swiftness;
- (c) organising and assigning tasks to One Stop Service Committee groups and streamlining traditional processes for quick and smooth trade activities;
- (d) controlling the import of non-essential commodities and preventing the illegal import of goods in order to avoid causing a trade deficit that directly affects the economy of the country;
- (e) supervising and controlling banking operations to make them systematic, correct, fast, and smooth for legal cash flows related to trade;
- (f) arranging and implementing with vigour so that illegal trade does not occur;



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- (g) coordinating and supervising as necessary the activities of the working committee for smooth trade processes.
1. Order no. 42/2023 dated 5 July 2023 and order no. 81/2023 dated 6 September 2023 of the State Administration Council is revoked by this order.

By order

Aung Lin Dwe  
Lieutenant General  
Secretary

We hope that you have found this information useful.

Sebastian Pawlita  
Managing Director

Nyein Chan Zaw  
Director



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

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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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