



# **Outreach Seminar on Dual-Used Good Control; Overview of Current Myanmar Export Control System**

**Department of Trade  
Ministry of Commerce**

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# Regulatory Environment on dual-use goods

## ❖ Chemical Law

- Prohibited list, restricted list and substances,
- central supervisory Board (scrutinize, permit or refuse the business licensing )
- business who has license can apply import /export license

## ❖ Fertilizer Law and Pesticide Law

- importer and exporter shall have related registration and then apply license with recommendation by fertilizer committee and Registration Board of pesticide

## ❖ Atomic energy Law 1998 (Ministry of Education)

utilization, production, storage, distribution, transportation, **importation and exportation** for nuclear material, radioactive material or irradiation apparatus

– Environmental



# The Export and Import Law (2012)

## Chapter III (supervising and administering in respect of export and import matters)

4. The Ministry may carry out the followings in respect of the matters of export and import:
  - (a) determining the category and criteria of export and import goods;
  - (b) determining the restricted goods, prohibited goods and banned goods for export and import;
  - (c) determining the method to be exported and imported goods and other necessary conditions;
  - (d) issuing permit and determining conditions relating to permit for export and import goods;



## Determining the prohibited export/import items as per the Export and Import Law

According to the law, the Ministry determines the prohibited export/import items.

### ❖ Prohibited Export Items;

Diamond, Petroleum (crud oil), Ivory , elephant, horse and rare animals , Arms and ammunitions , Antiques,  
(prohibited **products as per existing laws, including the atomic energy law, communication law, Arms Act, etc;**

### ❖ Prohibited Import Items

liquor, beer , cigarette and **prohibited items as per existing laws and regulations.**



# Import Control by Licensing

According to the trade liberalization pillar, Negative List for import and export announced to be consistent with WTO Import Licensing Agreement considering on national security, human, animal and environment protection

- **Import Negative List**

- ❖ About 40 % of HS Code has to be apply import licensing
  - chemical, dual use products and other hazard products are in the list of negative with non auto-licensing system.
  - Non auto-licensing system - the goods shall have to control according to relevant laws and regulations and international conventions



## Export Control by Licensing

- ❖ Export, Negative list was announced in February 2018.
- ❖ 30 % of HS Code 2017 Version which are subject to control the goods concerned security, natural resources and food security
  - ❖ Chemical substances
  - ❖ Raw material of natural resources
  - ❖ Telecommunication items
  - ❖ arms and ammunitions
  - ❖ Nuclear Reactors and parts
  - ❖ other waste and scrab



# Transit Trade and Re-Export

## ❖ Transit

- Registered exporter/importer can carry out transit trade
- Need to get export/import license
- shall be made through the designated ports and posts
- Allow for all commodities which are permitted to import or export  
By Myanmar and other neighbouring countries

## ❖ Re-export

- Registered exporter can carry out re-export
- To get re-export License
  - To get business license of region or state municipal committee
  - recommendation from relevant agency
- Allow for certain items such as oil, tyre, cotton, etc.





# License System

- ❖ Export/import licenses and permits are issued by the Department of Trade (DOT) under the Ministry of Commerce at Yangon and Mandalay branch offices and border trade posts.
- ❖ To apply export/import license
  - Pro-forma Invoice or Sale contract
  - Exporter/importer registration
  - Recommendation (if required)



# Certain Items Needed Recommendation

Commodity	Ministry / Department
Precursor	Central Committee for Drug Abuse Control
Fertilizer and Pesticides	Department of Agriculture, Ministry of Agriculture and Irrigation
Sodium Cyanide	Ministry of Resources and Environment, Department of Mine
Chemical substances	Ministry of Industry



# Border Trade Posts



## MYANMAR-CHINA BORDER

- MUSE
- CHINSHWE HAW
- KANPITETI
- LWEJEL

## MYANMAR-THAILAND BORDER

- MYAWADDY
- TARCHILATE
- KYAWTHAUNG
- MYEIK
- MAWTAUNG
- HTEEKHEE
- MAE SAE

## MYANMAR-INDIA BORDER

- TAMU
- RHI

## MYANMAR-BANGLADESH BORDER

- SITTWE
- MAUNGDAW



## Trade Liberalization Measures

- ❖ Reduction of unnecessary or redundant documents & restrictive export/ import items
- ❖ Establish the Negative List for export/import licensing
- ❖ Fully online licensing system
- ❖ Data information of license and permit link with Myanmar Automatic Cargo Clearance System (MACCS)
- ❖ National Trade Portal & Trade Repository Website



# Implementation Stages on Dual-Used Trade Control Mechanism

## ❖ Drafting the Trade Law

- ❖ Included the clause “ Ministry of Commerce shall administer on trading activities of strategic goods”

## ❖ Cooperating with EU

- ❖ 3 times for Awareness Workshop under EU Outreach Programme 2015-2017 on Export Control of Dual-Use Goods
- ❖ 2 times capacity building workshop on the national dual-use trade controls legal framework of Myanmar under EU P2P Programme 2017-2018 on Export Control of Dual-Used goods
- ❖ To establish Export Control List by getting assistance from EU P2P



*Thank You All*