

Seeds to Myanmar: Opportunities and Regulations

Opportunities for doing business in Agriculture, Horticulture, Floriculture and related sectors in Myanmar are abundant. Especially export of plant propagation material, such as seeds for vegetables, seed potatoes and bulbs for flowers, offer good opportunities for Dutch companies and can be seen as key-areas to invest. Important to note is that most of the in Myanmar registered seed companies are currently already selling imported seeds. There is specifically a fast growing demand for hybrid maize and (hybrid) vegetable seeds. A small number of international companies have also started producing their own seeds in Myanmar.

The Netherlands have been active in Myanmar already for many years, with recently the start of multi-year projects and business investments to support Myanmar in capacity and institution building, vocational education and in good agricultural practices. Focus in these projects and investments lays thereby on for Dutch businesses important aspects like phytosanitary requirements and export certification, Plant Variety Protection (DUS-testing), Variety Registration (VCU testing), trade facilitation and sector specific value-chain development.

This article provides specifically information for export from the Netherlands to Myanmar of plant propagation materials, such as seeds, seed potatoes and bulbs, by describing regulations, procedures and steps for market access. The embassy regards itself not liable for commercial or other decisions based on this information.

It is in this respect important to note that laws, regulations, law enforcement, competent authorities and/or agencies (for instance the PVP-office) are all (relatively) new or in phases of getting established in Myanmar. So changes occur frequently and can need a different approach from businesses and/or specific support from the NL-embassy. This can be regarding investments for starting a business in Myanmar or for actual market access (exports) of goods from the Netherlands. Also important to note is, the Netherlands are in most cases not acting alone and do partner actively, for instance with the UPOV-office on PVP or with the WB-group on trade facilitation to become more effective. When changes occur in for instance laws, regulations, law enforcement and procedures that may impact your 'doing business on Myanmar', we will update you as soon as possible via Newsflashes on this ABB-site. Two additional observations;

1. The Myanmar Ministry of Agriculture, Livestock and Irrigation (MoALI) has adopted an Agricultural Development Strategy (ADS) that encourages and supports private sectors in the seed sector and industry for further development.
2. The Ministry of National Planning an Economic Development, via the Directorate of Investment and Company Administration (DICA), allows 100% foreign investment in the seed sector.

Export seeds, seed potatoes or bulbs from NL to Myanmar

For clarity we simplify this to the most likely options and steps for the export of seeds from the Netherlands into Myanmar:

- a. Phytosanitary exportcertificate from the Netherlands is required by Myanmar**
- b. Other certificates or guarantees needed by the importer in Myanmar**
- c. Companies that apply for PVP-protection in Myanmar**

ad a. A phytosanitary exportcertificate from NL (NVWA) is required for export to Myanmar

Information in Myanmar, whether a phytosanitary exportcertificate (in short, a 'phyto') for seeds, seed potatoes or bulbs from the NL is mandatory and what specific requirements are requested on the phyto from the competent authority in NL (NVWA), can be obtained from:

<https://www.nvwa.nl/onderwerpen/export-planten-groenten-fruit-plantaardige-producten/exportprocedures-voor-planten-groenten-fruit-plantaardige-producten/zaaizaden>

The Plant Protection Division (PPD), part of the Department of Agriculture, DOA, within MoALI and with their headquarters located in Yangon, has the position of competent authority (National Plant Protection Organization, NPPO) for law enforcement with respect to most phytosanitary related activities and has therefore knowledge of all requirements and procedures.

The required documents and procedures to apply for official import in Myanmar, or for a Myanmar phytosanitary export certificate, in case of further (re) export of consignments, can be found at: <http://ppdmyanmar.org/plant-quarantine-pq/required-documents-to-apply-the-phytosanitary-certificates-for-export-consignment/>.

Specific phytosanitary import requirements from Myanmar, this will be in most cases after a PRA, Pest Rest Analysis, has been finalized, are made officially known to the NVWA and/or NL-embassy in Yangon and can then be checked in the relevant database from NVWA (link to CLIENT Export in NL): <https://www.nvwa.nl/onderwerpen/themas/export>.

Very important to note in this respect is that PPD agreed in 2017 to allow the importation of a group of 25 vegetable seeds, including potato tuber seed and 4 kinds of fresh fruits for consumption as traditional trade. For more information about this specific group of seeds you can check: <http://ppdmyanmar.org/plant-quarantine-pq/plants-and-plant-products-that-are-allowed-importation-into-myanmar-as-of-25-7-2018/>.

Before an official export from the Netherlands into Myanmar can take place, some more steps and documents are needed, as listed in the next paragraph, however in practice they will be performed normally by the Myanmar importer. For full understanding of the

b. Other certificates or guarantees needed for imports by Myanmar authorities

The Seed Division under the Department of Agriculture (DOA), is besides being the main responsible policy body, also involved in servicing and issuing various other certificates such as:

- Variety recognition certificate
- Seed business license
- Seed testing laboratory registration certificate, in case of private companies that want to establish their own laboratory
- Import recommendation letter (issued by the PPD)

So to import seeds, the holder of a variety recognition certificate* and a seed business license**, attached with the original invoice and phytosanitary export certificate (phyto) from NVWA, can apply at the Plant Protect Division for an import recommendation letter.

**for explanation of this specific certificate, see a specific box with description in this paragraph*

*** the following three different crop groups exist for a seed business license, which has 5 years validity:*

1) Field Crops 2) Horticulture Crops and 3) Industrial Crops.

The import recommendation letter and phyto together serve to get an import permit from the Department of Trade, which is part of the Ministry of Commerce (MoC). This import permit is requested by the Myanmar Customs.

Altogether, the following documents are required to request for an import permit*** at MoC:

*** However the official name is import permit, this document can also be referred to as an import license

- Import recommendation letter from PPD
- Application form with original company's letter head
- Online license application form with 600 Myanmar Kyats (MMK) stamp from Public Information Access Centre (PIAC). Also NL companies can access this form online, but firstly have to pay a member's fees (13.000 MMK for one year at PIAC). After that they will get an user name and password for Trader Login.

<https://eservice.myanmartradenet.com/Login/>

For more information you can also check

https://myanmar.gov.mm/en/business/service/-/asset_publisher/idasset472/content/a-2

The embassy has the User Guide Book for fully online licensing system, but this is for the time being only available in Myanmar language.

- Original pro-forma Invoice/Sale Contract

In case the trade department of MoC requires to check import consignments with photo, importers must submit also clear photos of the consignments.

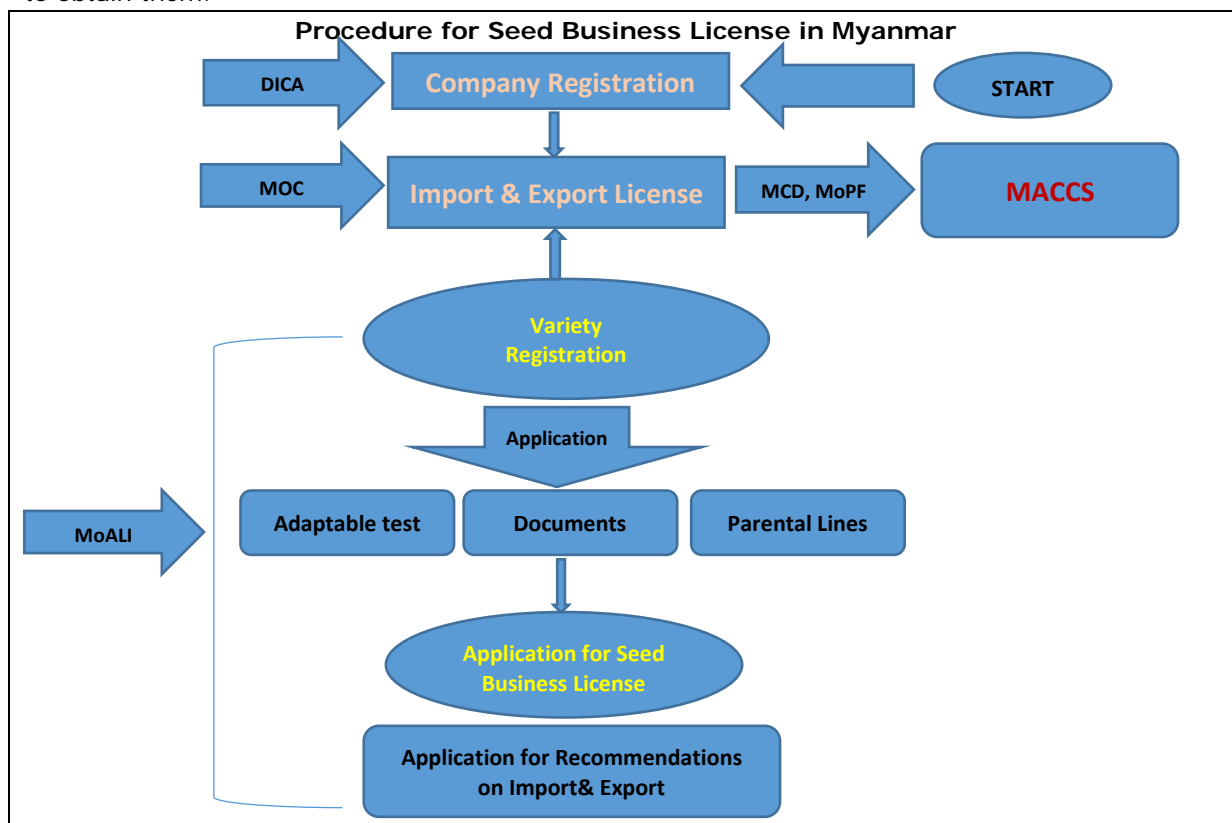
The exact procedures for obtaining an import permit can also be checked by following the following link, here you can find also information about (re)export from Myanmar: <https://www.commerce.gov.mm/en/dot/article/exportimport-procedure>

Concerning the variety registration (to get the variety recognition certificate), the following 17 priority crops require a VCU test, performed at 3 different locations. These priority crops are Paddy, Corn, Green gram, Black pea, Chick pea, Pigeon pea, Groundnut, Sunflower, Sesame, Cotton, Rubber, Watermelon, Melon, Chili, Tomato, Cabbage and Cauliflower. For all crops one season of trials suffices, only rice requires two seasons. For all other crops variety listing is required, based on reports of successfully concluded trials in similar agro- ecological conditions.

The total content of the documents (put together in a booklet) required for variety registration is currently as follows:

- Cover Page
- Introduction
- Objectives/ Purposes
- Statement of Guarantee expressing that the company will take full responsibility to settle any disputes arising from their product
- Non-GMO Certificate (can be done by the company from the exporting country)
- Endorsement for Genuine Family Line Number (Signature of representative organization from original country)
- An endorsement letter from the Original country, that they agree to official distribution in Myanmar/ allow for commercial distribution in Myanmar
- Characteristics and photos of growth stage by stage
- Sample of packaging (front/back) (Label in package must be in Myanmar language)
- Company logo
- Copy of company registration

Important note is that in the current situation, not all information requested is always available, or easily accessible. In specific cases the agricultural team of the NL-embassy can advise or assist you to obtain them.



To find more information of the Myanmar company registration, you can visit the following link to the Directorate of Investment and Company Administration (DICA): <https://www.dica.gov.mm/>

To finalize this chapter, also the Myanmar Customs Department under the Ministry of Planning and Finance plays a very important role for importing products. An online custom clearance system, Myanmar Automatic Cargo Clearance System (MACCS) has been launched on 12 November, 2016. The new system has been implemented at both the Seaport and Airport of Yangon and Myawaddy (Kayin State, at the Thai-Myanmar border). This is also part of the ASEAN Economic Community (AEC), in which Myanmar is required to implement the ASEAN Single Window Access for faster import and export customs clearance. Ever since the system was implemented, the lead-time for the custom process has yet to speed up and all required supporting documents remain the same. For the registration in the MACCS system, the agent or company still needs to be physically present at the Customs Office and complete and submit the registration form. For more information you can use the following 2 links:

<http://www.myanmarcustoms.gov.mm/>
<http://www.myanmarcustoms.gov.mm/maccs/Registration.aspx>

Variety registration, import recommendation letter, business license process, import permits, other documents, customs clearance require together still many steps and can take considerable time. As indicated before, the World Bank - group together with the Netherlands is actively working on their simplification, dematerialization and trade facilitation, for instance by realizing a 'one-stop-shop' for seed related issues.

c. Companies that want to apply for PVP-protection in Myanmar

Plant Variety Protection (PVP) is needed to protect the rights of the plant breeder/company against illegal propagation. The first PVP law in Myanmar got into force in January 2017, however the approved law was not fully in compliance with the latest standard and regulation of the international Union for Plant Breeders Rights (UPOV'91). An amended version of the PVP law passed at the UPOV council meeting of the Consultative Committee to become UPOV member and has been sent to the Union Attorney General Office in Myanmar for review. The Plant Variety Protection Office is a part of the Department of Agricultural Research (DAR), MoALI and is responsible for implementation of the PVP system. If you want to get breeder's rights for your new varieties, you can contact by the following email: pvpsection.dar@gmail.com.

