Chapter 7

ASEAN Trade Facilitation Indicators II: Myanmar

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Ministry of Commerce

1. Overall Trade Facilitation Environment

1.1. Introduction

The Government of Myanmar has been undertaking economic reforms – including those related to trade policies and trade facilitation measures – to reintegrate the country into the global economy and to promote sustainable growth. As a result, Myanmar's trade volume has increased since fiscal year (FY) 2013, except for FY2021 (Figure 7.1). However, Myanmar's international trade did increase in the first part of FY2022 (World Bank, 2022). Myanmar's trade as a proportion of gross domestic product has also grown from around 42.00% in FY2014 to 53.15% in FY2021, peaking at 62.45% in 2018 (WTO, 2020).[1]

Figure 7.1. Trade Volume of Myanmar, Fiscal Year 2012–13 to Fiscal Year 2022–23
($ million)
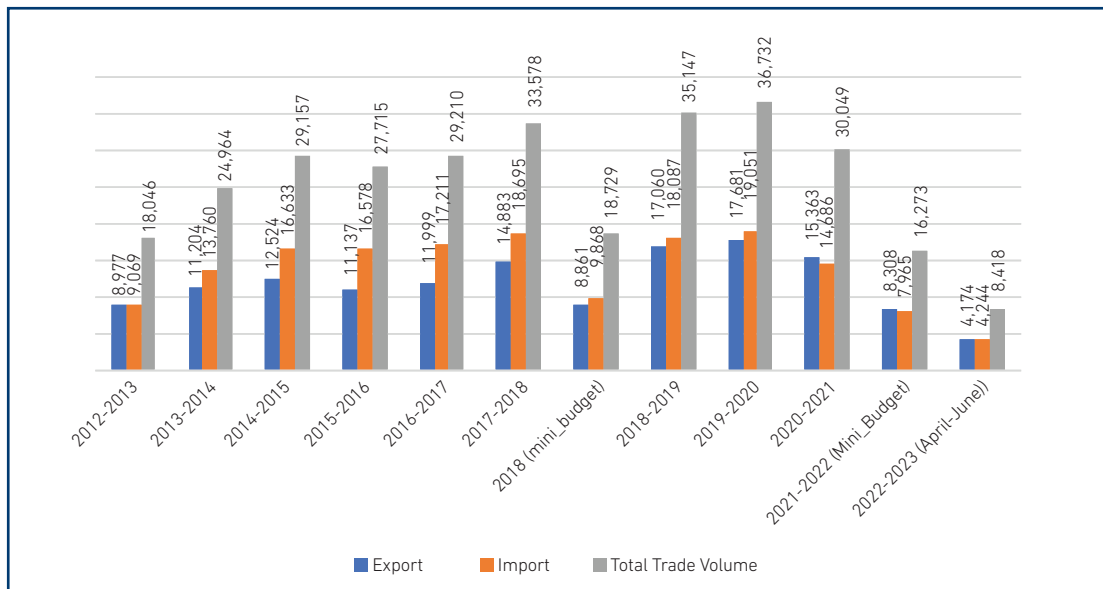
Source: Government of Myanmar, Ministry of Commerce, https://www.commerce.gov.mm/

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[1] Trading Economics, Myanmar – Trade (% Of GDP), https://tradingeconomics.com/myanmar/trade-percent-of-gdp-wb-data.html (accessed 8 September 2022).

1.2. Trade Facilitation

Myanmar recognises that trade facilitation will increase imports and exports, thereby achieving its economic goals. In this context, consecutive governments since 2011 have made continuous efforts to reform the trade sector and to strengthen regional and international cooperation and linkages. Myanmar's efforts to improve the trade facilitation environment are reflected in the reports of its second World Trade Organization (WTO) trade policy review, and the second *Association of Southeast Asian Nations (ASEAN) Seamless Trade Facilitation Indicators (ASTFI II) Survey* conducted in 2020 (WTO, 2020). According to these reports, significant improvements since 2018 include: (i) full operationalisation of the National Trade Repository (NTR); (ii) strengthening stakeholder consultations in drafting trade-related laws, rules, regulations, and policies; (iii) availability of pre-arrival processing for all transport modalities; (iv) notifications of non-tariff measures (NTMs) to WTO and ASEAN; (v) full operationalisation of the ASEAN-Wide Self-Certification programme; (vi) launch of an online portal, TradeNet2.0, for export/import license application and e-payment; (vii) restructuring of the National Committee for Trade Facilitation (NCTF) and the establishment of four associated working groups; (viii) improvement of transparency by uploading Myanmar's NTMs into the ASEAN Trade Repository in English since 2019 (ATR, 2023);[2] and (ix) liberalisation of import and export licensing requirement for some tariff lines. Myanmar also conducted its second ASEAN Trade in Goods (ATIGA) gap assessment in 2020 to ensure the timely and full implementation of the ATIGA (ITC and ARISE+ Myanmar, 2020). According to the assessment, Myanmar has made significant progress in ATIGA implementation and trade facilitation over the past 5 years.

The development of the private sector has been prioritised in Myanmar, as it is the country's engine of economic growth. The Private Sector Development Committee was formed with members from both the private sector and government agencies in 2016, and formal consultation meetings have been organised regularly. In addition, each regulatory agency has been working closely with the private sector, for example, by inviting them to formal consultation meetings on proposed laws and regulations and to help identify barriers to trade.

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[2] ASEAN Trade Repository, Country Myanmar, https://atr.asean.org/links/result?level=2&id_topic1=44&id_topic2=&country_code=mm&key=

1.3. COVID-19 Pandemic

Myanmar's trade facilitation efforts prompted by the COVID-19 pandemic have also been noteworthy. Several measures were introduced by relevant agencies since 2020 to mitigate the negative impacts of the pandemic on businesses and to ensure the smooth flow of essential goods and supplies into and from Myanmar. The Myanmar Customs Department (MCD) made commitments to ensure supply chain connectivity during the pandemic and has been operating customs clearances daily at all clearance sites across the country to accelerate import procedures and the rapid release of goods to help fight against COVID-19 (UNCTAD, 2020).[3]

An online licensing system was implemented to improve trade facilitation while keeping social distances during the pandemic, and export/import licenses could be applied via TradeNet 2.0 starting from December 2020. In addition, the Food and Drug Administration (FDA) established an e-submission system in 2020.[4] Thus, import recommendations, import health certificates, and export health certificates can be applied for via this portal, and laboratory fees, application assessment fees, and notification fees can be paid electronically since the beginning of 2021. Likewise, the Department of Agriculture also established an electronic application system for issuing relevant endorsements for the import and export of seeds, fertilizers, and pesticides.[5] Although other major agencies still have not fully implemented electronic systems for applications and approvals, the United Nations Economic and Social Commission for Asia and the Pacific (2021) stated that Myanmar, despite being a small economy, performs well in facilitating paperless trade and moving essential supplies within ASEAN to address the challenges posed by the COVID-19 pandemic.

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[3] MCD, 'Myanmar Customs Department Is Operating Customs Clearance at All Clearance Sites across Countries, Every Day, for Rapid Release and Clearance of Essential Items Imported into Myanmar to Treat and Combat COVID-19', https://www.maccs.gov.mm/ [in Burmese].

[4] Government of Myanmar, Ministry of Health, Department of Food and Drug Administration, E-Submission System Registration Login, https://esubmission.fda.gov.mm/

[5] Government of Myanmar, Ministry of Agriculture, Livestock, and Irrigation, Department of Agriculture, Registrations of Agricultural Input, https://mairs.doa.gov.mm/

1.4. Secondary Sources

Myanmar's implementation rate of trade facilitation measures increased significantly, from 40% in 2017, to 60% in 2019, and to 66% in 2021. However, Myanmar's implementation rate still was below the average amongst ASEAN Member States (UNESCAP and ASEAN, 2021). Moreover, the country's rank in the Logistics Performance Index slipped from 113 in 2016 to 137 in 2018, the lowest amongst the ASEAN Member States (World Bank and IFC, 2020). Although Myanmar improved its ranking in the World Bank's Doing Business reports from 171 in 2018 to 165 in 2020, the country made no progress in reducing trade costs between 2018 and 2020.[6] Table 7.1 reflects World Bank data for Myanmar regarding the time and costs associated with crossing borders.

Table 7.1. Ease of Doing Business Indicators, Myanmar, 2015–2020

Trading across Borders	2020	2018	2017	2016	2015
Cost to Trade ($)					
Cost to Import					
Border compliance	457	457	457	367	367
Documentary compliance	210	210	210	115	115
Cost to Export					
Border compliance	432	432	432	432	432
Documentary compliance	140	140	140	140	140
Time to Trade (hours)					
Time to Import					
Border compliance	230	230	232	120	120
Documentary compliance	48	48	48	48	48
Time to Export					
Border compliance	142	142	144	144	144
Documentary compliance	144	144	144	144	144

Source: World Bank, Business Enabling Environment, https://www.worldbank.org/en/programs/business-enabling-environment/doing-business-legacy

Myanmar still has room to enhance efforts to improve trade facilitation and to reduce trade costs, particularly full operationalisation of a national single window (NSW), implementation of a transit system, publication of dwell-time information, implementation of an authorised economic operators scheme, and coordination of domestic border agencies (i.e. customs, immigration, and quarantine) at the operational level and with neighbouring countries.

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[6] World Bank, Business Enabling Environment, https://www.worldbank.org/en/programs/business-enabling-environment/doing-business-legacy

2. Results from the ASEAN Seamless Trade Facilitation Indicators (ASTFI II) Survey

The ASTFI II survey was conducted during the second half of 2020 with government agencies on seven components: (i) transparency and information on laws, regulations, and procedures; (ii) communication with and active engagement of the private sector; (iii) release and clearance formalities; (iv) import/export formalities and coordination; (v) cross-border coordination and transit facilitation; (vi) transport facilitation; and (vii) e-commerce. The results of the survey are summarised below.

2.1. Transparency and Information

Myanmar has made significant progress in improving the transparency of information on laws, regulations, and procedures. The NTR has been updated with all trade-related information in both English and Burmese.[7] The NTR contains all nine prescribed elements and a database, at a product-specific level, for all free trade agreements. It is linked to the ASEAN Trade Repository as well; the ASEAN Trade Repository also provides links to relevant pages of Myanmar's National Trade Portal. Information on the export and import formalities of other agencies is accessible via their established websites as well as the NTR. In addition to the official websites, MCD and other agencies provide updated information through Facebook.[8] MCD also maintains websites that contain all customs-related information, except procedures for transhipments.[9] The information – except the laws and procedures for transit[10] – is available in English and Burmese. It would be more effective and efficient if the websites contained all customs-related information both in English and Burmese.

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[7] Myanmar National Trade Portal, https://www.myanmartradeportal.gov.mm/en

[8] Commercial News, Facebook, https://www.facebook.com/mocommerce; Ministry of Natural Resources and Environmental Conservation-Forestry, Facebook, https://www.facebook.com/MONRECForestryMyanmar; Food and Drug Administration, Myanmar, Facebook, https://www.facebook.com/myanmarfda; Maccs, Facebook, https://www.facebook.com/profile.php?id=100011606079051; Government of Myanmar, Ministry of Transport and Communications, Department of Communications, https://www.ptd.gov.mm/ServicesDetail.aspx?id=W5nELJRP5rSRnlRkB5nA8A%3d%3d

[9] MCD, https://www.customs.gov.mm; and MCD, Myanmar Automatic Cargo Clearance System (MACCS), https://www.maccs.gov.mm/

[10] MCD, Myanmar Automatic Cargo Clearance System (MACCS), Transit, https://www.maccs.gov.mm/Transit

MCD established the Customs Contact Centre with an operational help desk to respond to queries of exporters and importers.[11] Although the help desk is operational, the service is provided only during traditional office hours. MCD needs to provide 24/7 help desk services for local and foreign enquiries. In addition, customs-related information must be provided in English on the MCD website to improve transparency and to implement World Customs Organization Transparency and Predictability Guidelines.

2.2. Communication with and Active Engagement of the Private Sector

Myanmar performs well under this component. The NCTF, established in 2016 and restructured in 2019, comprises representatives from relevant government agencies and the private sector. It conducts regular meetings every 6 months as well as those on an as-needed basis.

In addition to the NCTF, the Private Sector Development Committee, formed in 2016, comprises members from the private sector and government agencies. Formal consultations with stakeholders, including micro and small and medium-sized enterprises (SMEs), are organised regularly by the Private Sector Development Committee. In addition, different government agencies organise stakeholder consultations in which private sector representatives help identify barriers to trade.

2.3. Release and Clearance Formalities

Despite progress since 2018, release and clearance formalities can be improved in Myanmar. Myanmar has implemented best practices in pre-arrival processing, self-certification, and appeals and review mechanisms. Pre-arrival processing is available, and a release decision is issued before arrival for all transport modalities (i.e. air, sea, and land). The ASEAN-Wide Self-Certification scheme has been fully operational since 2020. Appeals and review mechanisms are in place within the judicial authority.

Electronic payments have improved. Since 2020, traders can pay duties, taxes, and fees electronically for exports or imports to MDC and some other agencies. Advance rulings are available only for classification and valuation. However, these are not published online, and traders cannot request nor receive them online. Advanced rulings for origin are also not available.

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[11] MCD, Myanmar Automatic Cargo Clearance System (MACCS), Hot Line, https://www.maccs.gov.mm/Hot%20 Line; and MCD, FAQs, https://www.customs.gov.mm/FAQs

Time-release studies are conducted sporadically and only with the assistance of development partners; their results are published on an ad-hoc basis. However, under an ASEAN trade transaction cost study, Myanmar was able to conduct time-release studies twice, in 2019 and 2021, and has published them online.[12] Furthermore, MCD conducted a time-release study in 2021 by utilising World Customs Organization online software, without any technical and financial assistance from development partners. This demonstrates the capacity development of MDC in improving transparency, a main pillar of trade facilitation.

The early release of goods without payment is allowed based on a completed manifest and declaration submissions with a guarantee. If MCD allowed the early release of goods without payment based on a provisional manifest or declaration submissions without a guarantee, Myanmar's implementation for early release of goods would be regarded as a best practice.

Strengthening cooperation between MCD and relevant government agencies is required for consolidating risk management. Although MCD and other agencies perform risk management according to best practices, the procedure is still not integrated. The target rate of inspections by different regulatory agencies also varies. MCD implements post-clearance audits in compliance with best practices. However, other agencies still need to implement post-clearance audits for improving trade facilitation. Simplified or expedited clearance is available only for air cargo, not for land and sea cargo. Temporary admission is available only for certain goods, with total conditional relief from duties and taxes granted. This is not in full compliance with the Admission Temporaire–Temporary Admission (ATA) and Istanbul conventions. Although an authorised economic operator programme was launched in 2018 and standard operating procedures were adopted in 2019, the programme is not yet applicable in Myanmar, and mutual recognition agreements have not been established. The publication of dwell-time studies should be prioritised, as these have not been completed in Myanmar.

2.4. Import/Export Formalities and Coordination

Myanmar's performance under this component is impressive. Until the end of 2020, MCD and other agencies in charge of more than 50% of the trade volume allowed traders to attach digital copies of required documents to declaration submissions/their applications. However, some agencies were not ready to accept digital copies. Thus, Myanmar must establish a fully functional NSW, which will help MCD and other agencies implement paperless trade, thereby reducing trade costs.

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[12] MCD, Time Release Study (TRS), https://www.customs.gov.mm/Time%20Release%20Study%20(TRS)

Although an NSW has not been established in Myanmar, an NSW routing platform has been implemented to connect with the ASEAN Single Window. Myanmar joined ASEAN Single Window live operations to exchange ATIGA Form-D and the ASEAN Customs Declaration Document in December 2019. Therefore, the exchange of documents with NSWs of other ASEAN Member States is fully operational. Coordination amongst border agencies (i.e. customs, immigration, and quarantine) has been set up but only at major ports on an ad-hoc basis. Myanmar, therefore, must ensure that institutional arrangements for border agency coordination are available and functional and cover all agencies at the operational level to improve trade facilitation.

2.5. Cross-Border Coordination and Transit Facilitation

Myanmar's performance under this component is relatively weak. Coordination with border agencies of neighbouring countries exists, but not all agencies are involved. Only two of four quarantine agencies (i.e. the Department of Agriculture and Department of Fisheries) and the Department of Immigration have set up transborder institutional arrangements (e.g. one-stop border control, exchange programmes, and joint border committees) with their counterparts from Thailand. MCD and the Livestock Breeding and Veterinary Department have set up transborder institutional arrangements but only on an ad-hoc basis.

In terms of border-crossing operational coordination with neighbouring countries, Myanmar has made some progress. MCD; departments of Immigration, Agriculture, and Fisheries; and the Livestock Breeding and Veterinary Department have been aligning working hours with neighbouring country authorities. Other agencies need to enhance their efforts to implement the other two border-crossing coordination components (i.e. development of common facilities and joint controls with neighbouring country authorities) for seamless trade.

MCD has made progress in implementing the ASEAN Customs Transit System (ACTS) starting with Phase A (pilot test) with Thailand in 2021 (WTO, 2020). Myanmar needs to make an effort towards the full implementation of the ACTS, establish a computerised system for transit (i.e. a transit guarantee mechanism), and develop simplified procedures for authorised transit traders to improve seamless transit facilitation within the region.

2.6. Transport Facilitation

Transport agencies have made significant progress under this component since 2018. Myanmar has already established standard procedures for the issuance of goods vehicle cross-border permits, up to a limited number. The Department of Transport and Planning issues licenses to transport operators. Then, the Ministry of Transport and Communications issues permits for cross-border transport. Currently, cross-border transport is mutually agreed upon and implemented under the Thailand–Myanmar Initial Implementation of the Cross-Border Transport Agreement. In addition, vehicles, with applied quotas for cross-border trade, are allowed under this agreement. However, it has been suspended since March 2020 due to the COVID-19 pandemic.

Regarding electronic data interchange in the port community, Myanmar has made progress. An electronic data interchange messaging platform is in place at the main port, connecting the port regulator, operator, and all port users.

Protocols 1 (designation of transit transport routes facilities), 2 (designation of frontier post), and 4 (technical requirement of vehicles) of the ASEAN Framework Agreement on the Facilitation of Goods in Transit (AFAFGIT) have been ratified. Two out of the three protocols (i.e. 1 and 4) have been fully operationalised. Although Myanmar has ratified Protocol 2, there are no national laws nor regulations in place to implement it.

Myanmar has already ratified the ASEAN Framework Agreement on the Facilitation of Inter-State Transport (AFAFIST) and ASEAN Framework Agreement on Multimodal Transport (AFAMT). National laws and regulations are in place for both frameworks. The implementation of those frameworks is underway, and significant steps are being taken by the Ministry of Transport and Communications.

2.7. E-Commerce

Myanmar's performance under this component has improved significantly, but more efforts are needed for improving e-commerce utilisation. The Electronic Transaction Law came into effect in 2004; it includes some aspects of e-authentication and e-identification, but it is insufficient to address interoperable, mutually recognised, secure, reliable, and user-friendly e-authentication and authorisation. Other laws, such as the Consumer Protection Law, Telecommunication Law, Competition Law, Trademark Law, Myanmar Companies Law, and Foreign Exchange Management Law, cover aspects of e-commerce activities.

Myanmar is currently drafting an e-commerce law and cybersecurity bill (Myanmar Digital News, 2020; Myanmar Centre for Responsible Business, 2022). The Ministry of Commerce has also been drafting an e-commerce strategy and e-commerce guidelines to encourage e-commerce activities, protect consumers, and support Myanmar in attaining the Sustainable Development Goals. The guidelines are being drafted with the advice, feedback, and recommendations of both the private and public sectors. Once enacted, the guidelines will also allow e-commerce-related disputes to be settled in a fair and transparent manner (Myanmar Digital News, 2020).

There is a revenue framework for e-commerce, especially for low-value imports on which duties and taxes are not collected. Myanmar maintains threshold values for customs at a minimum in line with the provisions contained in the WTO Trade Facilitation Agreement.

3. Challenges in Trade Facilitation

Myanmar has made significant improvement in six of the seven components of the ASTFI II. Despite progress, the survey results suggest that there are performance gaps amongst trade-related agencies. The following challenges need to be overcome to reduce these gaps.

First, the existing – or lack of – information and communications technology infrastructure is a significant challenge faced by some major agencies. Without such infrastructure, the sharing of trade-related information, implementation of a paperless application process, adoption of e-payment systems, establishment of a computerised system for transit, full operationalisation of an NSW, and evolution of e-commerce cannot occur.

Second, financial and technical assistance supported by development partners is elusive for all trade-related agencies in Myanmar. Developing infrastructure and border control facilities at ports needs both financial and technical assistance. Targeted assistance for capacity building to implement trade facilitation measures, formulate relevant policies, and apply international best practices for cross-border transport operations are necessary to facilitate trade in Myanmar. Strengthening cooperation with other ASEAN Member States to obtain technical assistance under regional programmes may be the best way to tackle challenges.

Third, insufficient human resources and well-trained personnel with expertise in their respective fields limit the performance of MCD and other agencies in implementing trade facilitation measures. For example, enough well-trained staff are essential for updating the website of each agency with relevant information in both Burmese and English and populating the ASEAN Trade Repository with Myanmar's NTMs and relevant information. Likewise, it is difficult to provide 24/7 services at the Customs Contact Centre if there are not enough well-trained employees.

Fourth, strengthening cooperation and coordination amongst agencies is a significant challenge for improving trade facilitation. Although an institutional arrangement for border agency coordination at the major ports has been set up, it exists on an ad-hoc basis. Coordination with associated agencies of neighbouring countries needs to be strengthened for sharing common facilities and undertaking joint controls to improve trade facilitation. However, successful implementation of those programmes will depend on the strong political will of the concerned countries.

Above all, developing peace and stability along border areas remains a major challenge in improving overland trade, which is critical for reducing poverty and improving livelihoods.

4. Conclusion and Recommendations

The results from the ASTFI II highlight significant improvements in trade facilitation in Myanmar since 2018. Except for cross-border coordination and transit facilitation, noticeable progress has been made in most areas. The results of the ASTFI II also reveal Myanmar's movement towards best practices and operationalisation of ASEAN agreements and plans. Despite progress, however, there is still ample room for improvement. Based on the results of the findings in this study, below are recommendations:

(i)   Trade-related information of other agencies should be updated on a regular basis.

(ii)   The Customs Contact Centre should provide 24/7 help desk services for local and foreign enquiries.

(iii) Attracting and retaining qualified staff members and providing programmes on English proficiency and information and communications technology will help Myanmar maintain the NTR.

(iv) National-level coordination amongst agencies is crucial for full implementation of cross-border paperless trade, as some agencies have not fully implemented their e-systems for applications and approvals.

(v)   The NSW should be made operational as soon as possible, as it would help implement national-level paperless trade while improving the efficiency of the cargo clearance process.

(vi) Agencies need to strengthen coordination not only with those of neighbouring countries but also within Myanmar. The operational and functional institutional arrangements for border agency coordination in major ports should be set up, and this arrangement should be applicable for all ports.

(vii) The implementation of a transit system should be prioritised. Although MCD has been undertaking a legal review of a transit system, it still needs to overcome challenges such as lack of funding, shortage of skilled and professional staff, lack of modern and required laws and regulations, and inadequate public awareness about transit. These challenges can be overcome by enhanced cooperation and coordination amongst stakeholders and increased participation in regional cooperation programmes.

In conclusion, the agencies that participated in the survey need to make continuous efforts towards improvement in the areas where there is weakness and to undertake reforms, relying on guidance from multilateral and regional instruments such as the *2030 Agenda for Sustainable Development*, as well as WTO and regional agreements and initiatives that aim to help Myanmar become a more resilient, more prosperous, peaceful economy.

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