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Food and Agricultural Import Regulations and
Standards - Narrative

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Report Highlights:

This is the first FAIRS Report for Burma. The regulatory framework for food regulations and standards is established under the National Food Law of 1997. The law calls out for the creation of the Myanmar Food and Drug Board Authority (MFDBA) and provides MFDBA with the statutory authority for regulating the wholesomeness and quality of the production, sale, advertisement, and trading of food. In addition, it is the responsible body for drafting regulations and standards to meet the aforementioned activities. However, the MFDBA has yet to prescribe any regulations or standards; as such it relies on Codex. Nonetheless, as Burma opens up it is expected that its regulatory regime will change accordingly.

General Information:

Section I. Food Laws

The National Food Law of 1997 (Appendix II) establishes the framework for regulating the production, sale, and trade of food and food products in order for these to meet the required wholesomeness and quality standards. It also calls for the establishment of the Myanmar Food and Drug Board Authority (MFDBA), which is headed by the Minister of Health and includes other public sector officials and experts in the fields of food science, toxicology, microbiology, and food technology.

MFDBA's sets out directives and regulations for the production, storage, distribution, inspection, labeling, advertising, and sale of food. It also is responsible to classify foods as "controlled foods", and for approving food additives. However, it's yet to issue any specific directives and /or regulations, and defers to Codex for most of its standards.

In 1995 the Food and Drug Administration (FDA) was formed under the Department of Health. Food and drug administration division is responsible for registration and licensing of drugs and food, quality control of registered drugs, processed food, imported food and food for export. FDA has two divisions (Food Division and Drug Division). Each division has an Enforcement and Laboratory section. FDA implements the control work, laid down by MFDBA.

Burma is an active participant in the ASEAN Codex Committee. Food control activities in Burma are conducted in line with the National Food Law and Public Health Law and also comply with Codex guidelines and standards.

Food Administration Division controls locally produced food. Food imported and food to be exported should be in accordance with National Food Law and in line with international recognized procedures.

Under the National Food Law, all foods need product recommendation from the Food and Drug Administration, Department of Health for importation and exportation. Consignments arriving at the Burma port of entry are allowed to be distributed only after being assessed and issued with a health certificate by the Department of Health. The Food Administration Division not only assesses the documents related to the status of Good Hygienic Practice of Manufacturing plants from abroad (such as: factory registration, product specification, certificate of analysis etc.), but also analyzes imported food to check whether it complies with its specification or international standards.

Apart from FDA, Department of Agriculture, Department of Trade and Department of Customs are also responsible for controlling import and export food.

Under the Animal Development and Health Law (Appendix III), the Ministry of Livestock Breeding and Fisheries is responsible for the inspection of imported meat and meat products.. However, before meat and meat products can be imported, the importer must obtain an import permit or license from the Ministry of Commerce. In addition to the import permit, Each shipment must be accompanied by a health certificate, and the declaration of the shipment's contents. If the shipment passes the inspection for wholesomeness and quality, the office of the Director General of Livestock Breeding and Veterinary Department will issue a certificate of recommendation, which will allow the shipment to be released. The importer is responsible to pay for the inspection fee, the certificate of recommendation, and any

expenses deemed necessary by the Director General.

The Plant Pest Quarantine Law (Appendix IV) gives statutory authority to the Ministry of Agriculture and Irrigation (MOAI) to issue import certificates for the import of plants and plant products before applying for an import license or permit from the relevant authority (Ministry of Commerce). MOAI is also responsible for the inspection of such products and their authorization to enter the country. Importers must apply for an the Plant Quarantine Certificate from the Myanmar Agricultural Service, pay for the fees ascribed to the certificate, the inspection fee and/or for the diagnosis of the sample. If the certificate is issued, then the importer must apply for an Import Permit with the Ministry of Commerce.

Section II. Labeling Requirements:

Burma follows Codex guidelines and the ASEAN Common Principles and Requirements (Appendix 2) for the Labeling of Prepackaged Foods. All foods must be labeled and imported products must have the labels in Burmese or a label in Burmese must be affixed with the name and address of the local importer and/or distributor and the country of origin.

Section III. Packaging and Container Regulations:

There are no regulations on the size or weight of imported food containers. However, under the ASEAN Consultative Committee on Standard and Quality of Product – Prepared Foodstuff Product Working Group, recommendations have been put in place for the harmonizing standards based on available international standards and to have harmonized standards for the following products: lead, cadmium, chromium(6) bisphenol A, chloroethene, and formaldehyde for SML

Section IV. Food Additives Regulations:

Although under the Food Law, the Drug and Food Board Authority is responsible to regulate additives, it has not issued a specific list of those allowed to be used in food. As such, it defers to Codex standards for food additives.

Section V. Pesticides and Other Contaminants:

Burma defers to Codex MRL standards for pesticide residues in food, veterinary drugs, as well as for contaminants.

Pesticide Registration

Pesticide registration is regulated by the Pesticide Law (State Law and Order Restoration Council Law No. 10/90 (Appendix 3)). The Pesticide Law calls for a formation of the Registration Board (Board) under the guidance of the Myanmar Department of Agriculture. The Board's role is to test pesticides' or active ingredients' labeling claims as well as their bio-efficacy on the crops. In order to apply for pesticide registration, the applicant must submit an application form to the

Pesticide Board specifying the type of permit sought: experimental registration, provisional registration, full registration, or special use permit.

Section VI. Other Regulations and Requirements:

(Product Registration, Testing, Certification, Special Documentation or Conformity Assessment Requirements)

1) The (Importers and Exporters) Registration Order 1954: Stipulates that all entities that want to conduct import/export activities need to register with the Directorate of Trade, Ministry of Commerce. The registration can be for a term of one or two years with a fee of kyats 50,000 to 100,000, respectively. The following entities are allowed to register:

- A Burmese citizen, an associate citizen or a naturalized citizen.
- Partnership firms
- Limited companies or joint venture corporations, formed under the Companies Act 1958 or Special Company Act 1950
- Cooperative societies, registered under the Cooperative Law, 1970

2) The Control of Imports and Exports (Temporary) Act: Under this Act the Directorate of Trade and the Department of Border Trade of the Ministry of Commerce are responsible for issuing import licenses, establishing their validity period, prescribe a fee for the import license at a rate not to exceed 5 percent of the consignment, and establish the conditions under which the license can be re-issued and its fee. Currently, the import fee structure is the following:

CIF Import Value	Import License Fee
Up to kyat 10,000	kyat 250
kyat 10,001 to 25,000	kyat 625
kyat 25,0001 to 50,000	kyat 2500
kyat 50,001 to 100,000	kyat 2500
kyat 100,001 to 200,000	kyat 5,000
kyat 200,001 to 400,000	kyat 10,000
kyat 400,001 to 1,000,000	kyat 20,000
kyat 1,000,001 and above	kyat 50,000

Section VII. Other Specific Standards:

None.

Section VIII. Copyright and/or Trademark Laws

Burma has no trademark per se; however trademark infringement is governed under the Burma Merchandise Marks Law. This antiquated act dates to 1898 and stipulates what constitutes a “trade description” and the “type of false trade descriptions” which include the misleading use of trademark or part of a trademark. It covers the penalties associated for the intentional use of a “false trade description” i.e. trademark infringement. Trademark registration is governed under the Registration Act No. 16, specifically by Direction 13 of the Burma Registration Act which states that: “Trade marks may be registered under the Section 18(f) of the Registration Act, in Register Book 4, by means of a declaration of each trade mark. The declaration shall contain the name of the company, individual or firm represented in a special or particular manner and the signature of the applicant for registration or some predecessor in his business. A trade mark should have one or more invented words and may be registered in respect of particular goods or classes of goods.”

The Burma Copyright Act sets out the legal provisions of what constitutes a copyright, the period that the copyright is protected, and remedies on copyright infringement. However, it does not provide for a registration procedure and does not prescribe copyright of other country to be recorded or enforced in Burma.

Section IX. Import Procedures:

Prior to import food into the country, the importer has to submit the following documents to the Myanmar FDA in order to get the FDA certificate:

- Health Certificate
- Certificate of Origin
- Certificate of Analysis (Ingredient List)
- Manufacturing License

The certificate fee is about \$30/item. Once the importer receives the “FDA certificate”, the importer has to present the certificate to the Ministry of Commerce in order to receive the Import License or Permit to be eligible to import that specific product into the country.

The product inspection at the port will be made as per terms and conditions of the import license and distribution can only be made upon receipt of the certificate that the product is fit for human consumption, issued by the National Health Laboratory.

Appendix I: Government Regulatory Agency Contacts:

Food and Drug Administration

Food and Drug Administration,
Department of Health,
Ministry of Health,
Office Number (No.) (47), Nay Pyi Taw
Tel: +(95)-67-431134
Fax: +(95)-67-431134

Website: www.moh.gov.mm

Myanmar Agriculture Service

Ministry of Agriculture and Irrigation

Office No. (15 (43)

Nay Pyi Taw, Myanmar

Tel: (+95) 67-410007

Fax: (+95) 67-410138

Website: <http://mas.moai.gov.mm/>

Ministry of Livestock & Fisheries

Office No.(36)

Nay Pyi Taw, Myanmar

Tel: (+95) 67-408049

Website: www.livestock-fisheries.gov.mm/

Plant Protection Division

Myanmar Agriculture Service, Ministry of Agriculture and Irrigation

Bayintnaung Road, West Gyogone

Insein P.O. 11011

Yangon, Myanmar

Tel: (+95) 01 644214 / 640344

Fax: (+95) 01 644019

Website: www.moai.gov.mm

National Plant Protection Organization (NPPO) Contact Point

Plant Protection Division

Bayintnaung Road

West Gyogone

Insein P.O. 11011

Yangon, Myanmar

Tel: (+95) 01 644214 / 640344

Fax: (+95) 01 667991

Website: www.ppagriserve.com.mm

WTO-SPS Contact Point

Directorate of Investment and Company Administration (DICA)

Ministry of National Planning and Economic Development

Office No. (1) (32)

Nay Pyi Taw , Myanmar

Tel: (+95) 67- 407342, 407147

Fax: (+95) 67- 407027, 407434

Website: www.dica.gov.mm

Appendix II. The National Food Law

The National Food Law

(The State Law and Order Restoration Council Law No. 5/97)

The 9th Waning Day of Tabodwe, 1358 M.E. (3 rd March, 1997)

The State Law and Order Restoration Council hereby enacts the following law:

CHAPTER 1 TITLE AND DEFINITION

1. This Law shall be called the National Food Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:-

(a) **Food** means edible thing that human beings can readily eat or drink, ingredient included therein or food additives except drug. This expression also includes thing determined as food by the Ministry of Health by notification from time to time;

(b) **Board of Authority** means the Myanmar Food and Drug Board Authority formed under the National Drug Law and supplemented under section 4 of this Law;

(c) **Controlled Food** means food determined as controlled food by the Board of Authority from time to time;

(d) **Food Additive** means the ingredient used in the production and preparation of food, or ingredient for color, odor and taste in the food, determined by the Board of Authority;

(e) **Food differing from Standards** means the food which is not in conformity with the specifications in respect of the relevant food, or food which is lower or higher than the minimum or maximum standards, prescribed by the Board of Authority;

(f) **License** means a permit granted by the relevant Government Department or organization under any existing law for production of food.

(g) **Unhygienic-Condition** means the condition which may cause injury or danger to the health of the consumer due to contamination of food with dirt and filth.

(h) **Production** means the operations to be carried out in the manufacture of food for the purpose of sale. This expression also includes the performance of any stage or all stages in the operations carried out in processes:

(i) **Quality Assurance** means the warranty that food is of genuine quality, free from danger and hygienic for the consumer;

(j) **Labeling** means the act of displaying labels on the container, bottle, pack, outer package or any packing material in which the food is contained;

(k) **Advertising** means carrying out measures to inform the public directly or indirectly in order to promote distribution and sale of the food;

(l) **Primary Laboratory** means the laboratory prescribed by the Board of Authority, by notification to analyze samples of the food;

(m) **Appellate Laboratory** means the Laboratory specified by the Board of Authority by notification in order that a final and conclusive decision may be made in respect of analysis of samples of food after reanalysis of samples, when a problem arises with respect to analysis of food

from primary laboratory or when either party is dissatisfied and files an appeal.

CHAPTER II AIMS

3. The aims of this Law are as follows:-

- (a) to enable the public to consume food of genuine quality, free from danger and hygienic;
- (b) to prevent the public from consuming food that may cause danger or are injurious to health;
- (c) to supervise production of controlled food systematically;
- (d) to control and regulate the production, import, export, storage, distribution **and** sale of food systematically.

CHAPTER III FORMATION OF THE BOARD OF AUTHORITY

4. In order to carry out measures relating to food contained in this Law, the Government shall supplement the following persons as members in the Myanmar Food and Drug Board of Authority:-

- (a) Director-General, Development Affairs Department, Ministry of Progress of 'Border Areas and National Races and Development Affairs;
- (b) A representative each from the following organizations:-
 - (1) Yangon City Development Committee,
 - (2) Mandalay City. Development Committee;
- (C) An expert each relating to the following subjects:
 - (1) Food Science,
 - (2) Food Microbiology,
 - (3) Food Industrial Technology,
 - (4) Toxicology.

5. The non-governmental member of the Board of Authority is entitled to such remuneration as may he prescribed by the Ministry of Health.

CHAPTER IV FUNCTIONS AND DUTIES OF THE BOARD OF AUTHORITY

6. The functions and duties of the Board of Authority formed under section 4 are as follows:

- (a) laying down the policy relating to the production, storage, distribution and sale of food;
- (b) determining good production practices with respect to quality assurance of food;
- (c) laying down the policy relating to the inspection, control and laboratory analysis of food;
- (d) laying down the policy relating to labeling and advertising of food;
- (e) determining the kinds of controlled food and food additives;
- (f) determining detailed criteria and standards for food, differing from standards;
- (g) co-coordinating with the relevant Ministries with respect to import and export of food for the safety of consumers;
- (h) determining primary laboratories and appellate laboratories;
- (i) forming committees in respect of matters relating to expertise and determining the functions and duties of such committees;
- (j) supplementing functions and duties of the State/Divisional, District, Township Food and Drug Supervisory Committees formed under section 5 sub-section (1) of the National Drugs Law 10 enable supervision of matters, relating to food.

7. A Government department or organization that produces food shall coordinate with the Board

of Authority prior to the production.

8. The Board of Authority may delegate any department or organization to carry out its functions and duties.

CHAPTER V APPLICATION FOR LICENCE

9. A person desirous of producing controlled food shall apply for a license to the Government department or organization which is authorized to issue the license, only after obtaining recommendation from the Department Health.

10. The Department of Health may in respect of the production of controlled food scrutinize as to whether or not it is in conformity with the stipulations and may issue or refuse to issue the recommendation.

11. A person desirous of producing **food** other than controlled food shall apply for the license to the relevant Government department or organization that is authorized to issue the same in accordance to the existing laws.

12. The relevant Government department or organization which is authorized to issue the license shall determine the conditions of the license, tenure, license fees and license extension fees.

CHAPTER VI TEMPORARY REVOCATION SUBJECT TO A TIME LIMIT AND CANCELLATION OF LICENCE

13. The Township Food and Drug Supervisory Committee may pass a temporary or permanent prohibitory punishment on the person who commits any of the following acts:-

(a) production, storage or sale of food under unhygienic conditions;

(b) causing a person who has contracted food-borne infection or who is a carrier of the germs of the said infection to enter or work on the premises for production, storage or sale of food.

14. If a person who has obtained a license violates or is considered to have violated any order, directive, condition or any condition of the license issued by the relevant Government department or organization, the relevant department or organization which is authorized to issue the license may revoke the license temporarily subject to a time limit or cancel it.

15. The Board of Authority may direct the relevant State/Divisional, District and Township Food and Drug Supervisory Committees to seize the food produced and distributed by a person whose license has been cancelled due to infringement of any condition relating to quality assurance.

CHAPTER VII APPEAL

16. A person dissatisfied with a decision made by the authorized Government department or organization in respect of the refusal to grant license, temporary revocation subject to a time limit or cancellation of license may file an appeal to the relevant Minister or the Chairman of the Yangon City Development Committee within 60 days from the date of such decision.

17. The decision of the relevant Minister or the Chairman of the Yangon City Development Committee shall be final and conclusive.

CHAPTER VIII QUALITY ASSURANCE, LABELLING AND ADVERTISEMENT

18. A person who produces, imports, exports, stores, distributes or sells food shall strictly abide by the order, directive and conditions issued by the relevant Government department or organization or Board of Authority in respect of quality assurance of food, labeling and advertisement.

CHAPTER IX ASSIGNING OF RESPONSIBILITY AS INSPECTORS

19. The Ministry of Health:

(a) shall assign responsibility' as Food Inspectors to the staff subordinate to it in order to carry out inspection of food and inspection as to whether or not there is observance of good production practices:

(b) shall assign responsibility .as Food Inspectors to suitable staff in coordination with the relevant Development Committee, in Yangon City Development Areas and Mandalay **City** Development Areas and in coordination with the relevant Ministry in **other** areas;

(C) shall determine the duties and powers of the Food Inspector.

20. (a) The Food Inspector shall submit his findings on inspection to the relevant Township Food and Drug Supervisory Committee

(b) The Township Food and Drug ,Supervisory Committee after scrutinizing the report of the Food Inspector:-

(1) shall, if infringement of the provision of sub-section (a) or (b) of section 13 is found. Pass any relevant administrative punishment;

(2) shall, if infringement of the prohibition contained in section 22, section 23, section 24 or section 25 is found, take action under this Law;

(3) shall. it cause to take administrative action arises, submit to the relevant Government department or organization which is authorized to issue license.

CHAPTER X PROHIBITION

21. No one shall fail to abide by any order passed under section 13.

22. No one shall produce import, export, store, distribute or sell the following food:-

(a) food that may be poisonous, dangerous or injurious to the health of the consumer;

(b) food wholly or partly substituted or adulterated so as to affect or endanger the nature, substance or quality of the food;

(c) food in which food additive is used in excess of the prescribed limit;

(d) food containing agricultural chemicals in excess of the maximum permissible level determined by the authority concerned;

- (c) food containing substance prohibited or not allowed by the authority concerned;
- (d) food containing putrid, deteriorated substance or substance unfit for human consumption;
- (g) food differing from standards;
- (h) food, on the label of which property not included in it is wrongly stated;
- (i) food, which does not include the information to be stated- as determined by the relevant Government department or organization which is authorized to issue the license.

23. No one shall produce controlled food without a license.

24. No one shall without a license export, store, distribute or sell controlled food produced.

25. No one who produces, imports, exports, stores, distributes or sells food shall fail to abide by the order, directive and conditions issued by the relevant Government department or organization or the Board of Authority in respect of the following:

- (a) quality assurance;
- (b) labeling;
- (C) advertisement

CHAPTER XI OFFENCES AND PENALTIES

26. Whoever violates the provision of section 21 shall, on conviction, be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyat 10,000 or with both.

27. Whoever after conviction for failing to abide by any provision of section 21, fails continuously to abide by the same, shall be punished with a further fine of kyat 500 for each day during which the failure continues.

28. Whoever violates any provision of section 22 shall, on conviction:-

- (a) if it is an offence relating to food contained in sub-section (a), sub-section (h), sub-section (C), sub-section (d), sub-section (e) or sub-section (f) be punished with imprisonment for a total term which might extend to **3** years or with fine which may extend to kyat 30,000 or with both;
- (b) if it is an offence relating to food contained in sub-section (g), sub-section (h), or sub-section (i), be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyat 10,000 or with both;
- (c) the exhibits involved in the offence shall also be liable to be confiscated.

29. Whoever violates the provision of section 23 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years or with a fine which may extend from a minimum of kyat 5,000 and a maximum of kyat 50,000 or with both. In addition, the exhibits involved in the offence shall also be liable to be confiscated.

30. Whoever violates the provision of section 24 shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend from a minimum of kyat 1,000 to a maximum of kyat 30,000 or with both. In addition, the exhibits involved in the offence shall also be liable to be confiscated.

31. Any person who produces, imports, exports, Stores, distributes or sells food and who violates the provision of section 25, shall on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend from a minimum of kyat 1,000 to a maximum of kyat 3,000 or with both.

CHAPTER XII MISCELLANEOUS

32. (a) In areas other than the Yangon City Development Area and Mandalay City Development Area the Township Food and Drug Supervisory Committee may carry out inspection of food.

(b) In Yangon City Development Area and Mandalay City Development Area, the Township Food and Drug Supervisory Committee shall carry out the inspection of food, in co-ordination with the relevant Health Department of the Yangon City Development Committee or the Mandalay City Development Committee.

33. The provisions of this Law shall not apply to food brought into or taken out of the country together with a person for personal consumption.

34. In instituting legal proceedings under this Law, prior sanction of the Ministry of Health or the organization or person delegated with powers for this purpose shall be obtained.

35. The Government department or organization which is authorized to grant permission to import or export food for commercial purpose shall only grant permission to the person who can submit a certificate of recommendation of the Department of Health.

36. The orders, directives and conditions issued by the Government department or organization which is authorized to issue licence shall be deemed to be the orders directives and conditions issued under his Law.

37. The orders relating to the inspection of food issued under the National Drug Law **and** the orders relating to the standardization of food issued under any existing law may continue to be applicable in so far as they are not inconsistent with this Law.

38. the purpose of carrying out the provisions of this Law:

(a) the Ministry of Health may issue such rules and procedures as may be necessary, with the approval of the Government;

(b) the relevant Government department: or organization or Board of Authority may issue such order and directives as may be necessary.

Than Shwe

Senior General, Chairman, The State Law and Order Restoration Council

Appendix III: Animal Health and Development Law

The State Law and Order Restoration Council

Animal Health and Development Law

(The State Law and Order Restoration Council Law No. 17/93)

The 12th Waxing Day of Tazaungmon, 1355 (25 November, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

CHAPTER I TITLE AND DEFINITION

1. This Law shall be called the Animal Health and Development Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Animal** means domestic animal bred by man or captured for a certain purpose. This expression also includes the semen, ovum or embryo of the animal;
 - (b) **Animal Product** means milk, egg or any part of an animal;
 - (c) **Animal Feed** means feed sold on a commercial scale for the purpose of feeding animals and which is scientifically, prepared or conventionally mixed or without preparation or mixing;
 - (d) **Infectious Disease** means any animal disease notified as a contagious disease by the Ministry;
 - (e) **Recommendation Certificate** means a certificate issued under section; 8 sub-section-{b } of this Law;
 - (f) **Ministry** means the Ministry of Livestock Breeding and Fisheries;
 - (g) **Minister** means the Minister for Livestock Breeding and Fisheries;
 - (h) **Department** means the Livestock Breeding and Veterinary Department;
 - (i) **Director General** means the Director General of Livestock Breeding and Veterinary Department.

CHAPTER II OBJECTIVES

3. The objectives of this Law are as follows:
 - (a) to carry out animal health and development work;
 - (b) to promote livestock development;
 - (c) to prevent outbreak of contagious disease in animals and to control the outbreak systematically when it occurs;
 - (d) to inspect imported animal, animal product and animal feed;
 - (e) to issue recommendation of certificate concerning animal, animal product and animal feed for export;
 - (e) to protect animals by law from being ill-treated.

CHAPTER III ANIMAL HEALTH AND DEVELOPMENT

4. The Department shall for the purpose of animal health and development carry out the following functions:
 - (a) disseminating technical knowhow to those desiring to raise animals under modern technology;
 - (b) carrying out works for obtaining improved breed animals suitable for Myanmar;
 - (c) supervising importation of improved breed animals;
 - (d) carrying out research on vaccines that protect animals from contagious diseases and producing the vaccines;
 - (e) carrying out research on utilizing natural vegetation crops in the country for animal feed;
 - (f) inspecting of imported animal product and animal feed for standard quality, the presence of harmful pathogens or toxins.

CHAPTER IV
INSPECTION OF ANIMAL FEED FOR DOMESTIC SALE

- 5.** The Director General may:-
- (a) inspect animal feed for domestic sale in the prescribed manner;
 - (b) prohibit further sale of animal feed if it is found that the animal feed for sale is harmful to animals;
 - (c) make a list of animal feed sellers,
- 6.** A person who sells animal feed shall, in respect of the animal feed he sells:
- (a) submit for inspection by the Department;
 - (b) abide by the-prohibition made- by the Department in accordance with the Law.

CHAPTER V
INSPECTION OF ANIMAL, ANIMAL PRODUCT AND ANIMAL FEED FOR EXPORTATION

- 7.** A person exporting animal, animal product or animal feed may, on desiring a recommendation certificate apply to the Department in the prescribed manner.
- 8.** The Director General shall, in respect of the application for recommendation certificate:
- (a) Inspect in the prescribed manners, an animal if it is free from contagious disease, animal product or animal feed if it IS of standard quality and free from harmful pathogens or toxins;
 - (b), issue recommendation certificate if it is, found to be in conformity with the prescribed stipulations,
- 9.** (a) The applicant for the recommendation certificate shall pay the prescribed fees;
- (b) Examination fee, recommendation certificate fee and other expenses shall be as determined by the Director General.

CHAPTER VI
INSPECTION OF IMPORTED ANIMAL, ANIMAL PRODUCTS AND ANIMAL FEED

- 10.** A person importing animal, animal product or animal feed -shall submit to inspection by the Department.
- 11.** The Department shall, with the approval of the Ministry establish Inspection Stations in required regions for inspection of imported animal, animal product or animal feed;
- 12.** The Director General, in respect of the imported animal, animal product or animal feed:-
- (a) shall inspect in the prescribed manner an animal if it is free from contagious disease, animal product or animal feed if it is of standard quality and free from harmful pathogens or toxins;
 - (b) may prohibit the animal from being transported into the country, may temporarily detain the animal, may allow retransportation or destruction if found to be infected with contagious disease;
 - (c) may prohibit the animal product or animal feed being transported into the country, may temporarily detain the animal, may allow retransportation or destruction, if, on inspection, it is found that it is not of the standard and quality and if it contains harmful pathogens or toxins;

(d) shall issue recommendation certificate if, on inspection In accordance with clause (a), the animal is found to be free from contagious disease, the animal product or animal feed is found to be of standard quality and free from harmful pathogens or toxins.

13. (a) A person importing animal, animal product or animal feed shall pay the prescribed fees;
(b) Inspection fee, recommendation certificate fee and other expenses shall be as determined by the Director General,

CHAPTER VII PREVENTION AND CONTROL OF CONTAGIOUS DISEASE

14. The Ministry shall notify the contagious diseases of animals from time to time;

15. The Department:

- (a) shall lay down necessary preventive measures to the effect that no contagious disease occur in animals;
- (b) shall make arrangement to eradicate the disease in the contagious disease affected areas and to prevent spreading of disease to other regions;
- (c), shall notify the Disease free Zone In accordance with the prescribed manners;
- (d) may issue necessary order 01- directive for prevention or control of contagious disease.

16. The owner of an animal or a person who has in his possession an animal shall report promptly to the employee in charge of the Department of either a village tract or a township or a person designated for this purpose by the Ministry, if he knows the occurrence of contagious disease in the animal or finds symptoms of contagious disease in the dead animal.

17. A veterinarian shall report promptly to the nearest employee of the Department if he finds that the animal he treats is suffering from contagious disease,

CHAPTER VIII PREVENTION OF CRUELTY TO ANIMAL

18. The Director General:

- (a) shall carry out .educative measures to prevent man from willfully ill-treating the animal;
- (b) may prescribe the maximum weight of load to be carried by or load to be drawn by a certain species of animal:
- (c) shall carry out educative measures regarding the methods to be observed by the public in respect of transporting, binding or keeping of animals:
- (d) shall take measures for treatment of ill-treated animals at the Veterinary Centre established by the Department;
- (e) shall prescribe the expenses payable by the owner of an animal or a person who has an animal in his possession for treatment, feeding and taking care of the animals at the Veterinary Centre.

CHAPTER IX APPEALS

19. A person dissatisfied with the decision or order made under this Law by any officer of the Department may appeal to the Director General within 60 days of the receipt of such

decision or order.

20. A person dissatisfied with the decision or order made by the Director General may appeal to the Minister within 30 days of the receipt of such decision or order.

21. The decision of the Minister shall be final.

CHAPTER X OFFENSES AND PENALTIES

22. If a person who sells animal feed commits any of the following act, he shall on conviction be punishable with fine which may extend to kyat 5,000 or with imprisonment for a term which may extend to 6 months or with both:-

- (a) refusing to submit for inspection by the Department of the animal feed for safe;
- (b) selling animal feed prohibited by the Department from further sale.

23. If a person who imports animal, animal product or animal feed commits any of the following acts, he shall on conviction be punishable with fine which may extend to kyat 5,000 or with imprisonment for a term which may extend to 6 months or with both:

- (a) refusing to submit for inspection by the Department of imported animal, animal product or animal feed;
- (b) transporting into the country, distributing, selling of imported animal, animal product or animal feed without obtaining a recommendation certificate issued by the Department.

24. If the owner of an animal or a person who has an animal in his possession fails to comply with any of the following acts, in respect of the animal, he shall, on conviction, be punishable with fine which may extend to kyat 5,000 or with imprisonment for a term up to 6 months or with both:

- (U) failing to comply with the order or directive issued by the Department regarding control of contagious disease;
- (b) failing to report to the concerned knowingly of the outbreak of contagious disease;
- (c) failing to report to the concerned knowingly of the contagious disease symptom in the dead animal.

25. Whoever commits any of the following acts in respect of the animal shall on conviction be punishable with fine which may extend to kyat 1,000:-

- (a) causing to work cruelly or causing to carry or draw more than the prescribed weight;
- (b) willfully ill-treating;
- (c) unnecessarily maiming;
- (d) willfully keeping it without food and water;
- (e) neglecting to give proper- treatment and care though being sick or wounded;
- (f) letting to stray in public place through being suffering from contagious disease or wounded.

26. The Court shall on conviction under section 22 or section 23, impose punishment as prescribed for the relevant offence and in addition pass orders for confiscation or destruction of exhibits in respect of which the offence has been committed.

27. The Ministry may delegate the authority to inspect animal product or animal feed for

exportation or importation and to issue recommendation certificate, which is to be performed under this Law, to any appropriate Government department' or organization.

CHAPTER XI MISCELLANEOUS

- 28.** The Ministry may exempt Government department or any organization from payment of inspection fee, recommendation certificate fee and other expenses payable under this Law.
- 29.** A Government department which has the authority to issue import license or permit for importation of animal, animal product or animal feed shall obtain the opinion of the Department prior to the issuance of such license or permit.
- 30.** The Director General may delegate the powers conferred on him under this Law to any officer of the Department.
- 31.** Inspection work on animal, animal product, or animal feed under this Law shall be done:
- (a) without affecting the smooth and steady flow of trade;
 - (b) without delay in inspection.
- 32.** The People's Police Force shall render necessary assistance when the personnel of the Department are taking action against offences under this Law.
- 33.** For the purpose of carrying out the provisions of this Law:
- (a) the Ministry may, with the approval of the Government, issue such rules and procedures as may be necessary;
 - (b) the Ministry or Department may issue such orders and directives as may be necessary.
- 34.** The following Acts are hereby repealed:
- (a) The Livestock Importation Act, 1898;
 - (b) The Glanders and Farcy Act, 1899;
 - (c) The Dourine Act, 1910;
 - (d) The Prevention of Cruelty to Animals Act, 1930;
 - (e) The Animal Pests Act, 1939.

(Sd) Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council

Appendix IV: Plant Pest Quarantine Law
State Law and Order Restoration Council Law No. 8/93
(16 June 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

CHAPTER I TITLE AND DEFINITION

1. This Law shall be called the **Plant Pest Quarantine Law**.

2. The following expressions contained in this Law shall have the meanings given hereunder:
- **Plant** means the cultivable plant and propagative parts thereof. Such expression also includes seed, tuber, corm, bulb, root or stem part of the plant;
 - **Plant Product** means any unprocessed material of plant origin or even though processed which by the nature and that of the processing method may create a risk for the spread of pests. Such expression also includes tuber, corm, bulb, grain, fruit or vegetable for consumption;
 - **Non-plant Product** means any material which is not a product of plant and which is contaminated with pest constituting risk of spread. This expression also includes imported materials which have been prescribed for the purpose of this Law by the Ministry for inspection;
 - **Pest** means insects, arachnids, rats, moles, snails, weeds that destroy crops, food or commodities or those interfering with human being or animal. Such expression also includes other pests that cause plant disease and living organisms prescribed by the Myanmar Agriculture Service;
 - **Quarantine Pest** means pest dangerous to plant but not yet in existence in Myanmar and even those in existence but not widely spread yet that needs to be controlled;
 - **Beneficial Organism** means an organism which benefits the agriculture by causing disease to or parasitize its eggs or by predateding the pest. Such expression also includes insects, arachnids, fungi, bacteria, viruses, nematodes and various kinds of edible mushrooms which in one way or another benefits agriculture and other organisms prescribed by the Myanmar Agriculture Service;
 - **Transit Camp** means a camp being stationed for the purpose of temporary storage of plant, plant product, pest, beneficial organism or soil from the arriving carrier to Myanmar before being transferred to the outgoing carrier destined to any foreign country;
 - **Import Certificate** means the certificate issued by the Myanmar Agriculture Service for the purpose of importing from abroad, plant, plant product, pest, beneficial organism or soil;
 - **Phytosanitary Certificate** means an internationally recognized certificate issued by the Myanmar Agriculture Service after phytosanitary inspection in accordance with the model prescribed in the 1951 International Plant Protection Convention.
 - **Ministry** means the Ministry of Agriculture;
 - **Minister** means the Minister for the Ministry of Agriculture;
 - **Managing Director** means the Managing Director of the Myanmar Agriculture Service.

CHAPTER II OBJECTIVES

3. This Law shall be implemented in accordance with the objectives given hereunder:
- a. to prevent quarantine pests from entering into Myanmar by any means;
 - b. to suppress effectively the spread of quarantine pests;
 - c. to carry out, if necessary, disinfestation, disinfection treatment of plant or plant product to be

exported and the issuance of phytosanitary certificate;

CHAPTER III IMPORT AND EXPORT

4. Plant, plant product, pest, beneficial organism or soil:
 - a. shall be imported by a person on application for an import certificate from the Myanmar Agriculture Service before obtaining license or permit from the department or organization concerned;
 - b. when on arrival by importing or when brought personally shall be subject to inspection by the Myanmar Agriculture Service;
 - c. shall be subject to payment of fees as prescribed for import certificate and to payment of inspection fees by the person who imports or brings along with him.
5. A person, who has been permitted to export plant or plant product, if desirous of obtaining phytosanitary certificate or disinfestation or disinfection treatment may apply to the Myanmar Agriculture Service after payment of the prescribed fees.
6. In re-exporting plant, plant product, pest, beneficial organism or soil through transit camp to abroad:
 - a. the Myanmar Agriculture Service has the right to inspect;
 - b. if quarantine pests are found while inspecting under sub-section a, the Myanmar Agriculture Service has the right to carry out disinfestation or disinfection treatment. The person so concerned shall incur the costs;
 - c. if desirous of obtaining phytosanitary certificate, application may be made to the Myanmar Agriculture Service after payment of the prescribed fees.

CHAPTER IV INSPECTION CAMPS

7. In order to carry out inspection works under this Law, the Myanmar Agriculture Service shall establish inspection camps at the following places:
 - a. Yangon International Airport;
 - b. Yangon Port;
 - c. Myanmar Posts and Telecommunications; Foreign Mail Service;
 - d. Transit Camp.
8. The Ministry may extend the establishment of pest inspection camps.

CHAPTER V THE DUTIES AND POWERS OF THE MANAGING DIRECTOR

9. The duties and Powers of the Managing Director are as follows:
 - a. prescribing methods of inspection in respect of plant, plant product, pest, beneficial organism, non-plant product or soil imported from abroad as to whether they are infested or infected with quarantine pests;

- b. prescribing conditions relating to the temporary custody in the transit camp, transferring from one vehicle to another of plant, plant product, pest, beneficial organism or soil for re-export;
 - c. prescribing necessary measures for inspection in accordance with the requirements of the receiving country in respect of plant, plant product, pest, beneficial organism or soil for re-export;
 - d. prescribing necessary measures for the effective suppression of quarantine pest in case of outbreak of such pests in the country;
 - e. permitting or refusing after scrutinizing the applications for import certificate made in respect of plant, plant product, pest, beneficial organism or soil;
 - f. making arrangements for carrying out disinfestation or disinfection treatments;
 - g. permitting or refusing after scrutinizing the applications for phytosanitary certificate;
 - h. issuing order preventing the transportation from one place to another within the country of plant, plant product, pest, beneficial organism or soil that is infested or infected with quarantine pest;
 - i. imposing administrative penalty;
 - j. carrying out duties as are assigned by the Minister.
10. The Managing Director:
- a. shall assign the duty of Inspector General and Inspectors to the suitable personnel from the Myanmar Agriculture Service;
 - b. shall prescribe the duties and powers of the Inspector General and the Inspectors;
 - c. may assign his powers to the Inspector General or any officer of the Myanmar Agriculture Service;
 - d. may assign on suitable officers of the Myanmar Agriculture Service the power to impose administrative penalty.

CHAPTER VI PROHIBITION AND PENALTY

11. No person shall, without obtaining the import certificate, import plant, plant product, pest, beneficial organism or soil.
12. No person, who imports plant, plant product, pest, beneficial organism or soil with import certificate or who brings along with him from abroad, shall fail to submit to inspection and control of the Myanmar Agriculture Service.
13. An importer of non-plant product which has been prescribed by the Myanmar Agriculture Service for inspection shall not fail to submit to inspection.
14. No person shall, knowingly transport from one place to another within the country, plant, plant product, beneficial organism or soil which has been declared to be infested or infected with quarantine pest by the Myanmar Agriculture Service.
15. No person shall violate any provision of the rules, procedures, made under this Law.
16. A person who violates any of the provisions contained in section 11 or section 12 shall be liable to

the following administrative penalty:

- a. in the case of a first offence, imposition of a fine which may extend from a minimum of kyats 1,000 to a maximum of kyats 5,000;
- b. in the case of a subsequent offence, imposition of a fine which may extend from a minimum of kyats 5,000 to a maximum of kyats 10,000.

17. A person who violates the provisions contained in section 13, section 14 or section 15 shall be liable to the following administrative penalty:

- a. in the case of a first offence, imposition of a fine which may extend from a minimum of kyats 500 to a maximum of kyats 3,000;
- b. in the case of a subsequent offence, imposition of a fine which may extend a minimum of kyats 3,000 to a maximum of kyats 5,000.

18. In respect of the administrative penalty imposed under section 16 or section 17 may require the exhibits involved in the offence to be destroyed or after payment of prescribed fee may require them to be disinfested or disinfected.

CHAPTER VII APPEAL

19. A person dissatisfied with the order or decision made by the Managing Director under this Law may appeal to the Minister within 60 days from the date such order or decision was made.

20. The decision of the Minister shall be final.

CHAPTER VIII MISCELLANEOUS

21. The respective government department or government organization shall, in respect of plant, plant product, pest, beneficial organism, soil or non-plant product on arrival from abroad:

- a. promptly inform the Myanmar Agriculture Service for inspection;
- b. permit an importer to take delivery only when it has been found to be free from pest on inspection by the Myanmar Agriculture Service.

22. The inspection work under this Law shall be done:

- a. without affecting the smooth and steady flow of trade;
- b. without delay in inspection.

23. Any organization recognized by the Pesticide Registration Board formed under the Pesticide Law may carry out the disinfestations or disinfection treatment under this Law.

24. The Ministry may exempt any government department or government organization from complying with any of the provisions of this Law apart from the inspection of plant, plant product, pest or soil.

25. The government department or the government organization that is authorized to issue import license or permit in respect of plant, plant product, pest, beneficial organism or soil imported from abroad may issue the license or permit only on submission of the import certificate granted by Myanmar Agriculture Service.

26. The Myanmar Agriculture Service may recover the fine payable under this Law as if it were arrears of land revenue.

27. For the purpose of carrying out the provisions of this Law:

- a. the Ministry may, issue rules and procedures as may be necessary, with the approval of the government;
 - b. the Ministry and the Myanmar Agriculture Service may issue orders and directives as may be necessary.
28. The Insects and Pests Act, 1914 is hereby repealed.

(signed) Than Shwe
Senior General
Chairman, The State Law and Order Restoration Council

Appendix V: Pesticide Law

PESTICIDE LAW **State Law and Order Restoration Council Law No. 10/90** **(11 May 1990)**

The State Law and Order Restoration Council hereby enacts the following law:

CHAPTER I **TITLE AND DEFINITIONS**

1. This law shall be called the **Pesticide Law**.
2. The following expressions contained in this law shall have the meanings given hereunder:
 - a. **Pest** means insects, arachnids, organisms causing plant diseases that interfere with or destroy crops, food, human beings, animals and other things. Such expression also includes destructive interfering rodents, moles, snails, and weeds etcetera;
 - b. **Pesticide** means chemicals used in preventing and controlling insects, arachnids, organisms causing plant diseases etcetera contained in sub-section a;
 - c. **Active ingredient** means the biologically active part of the chemical present in the pesticide formulation;
 - d. **Label** means printed matters and direction for use on or attached to containers or packages containing pesticides;
 - e. **Registration Board** means the Pesticide Registration Board formed under this Law;
 - f. **Experimental Registration** means a use permit, issued by the Registration Board for specified application on a limited area, for a maximum period not exceeding 2 years in order to determine the efficacy of a pesticide and the use patterns suitable for the local agricultural practice;
 - g. **Provisional Registration** means a use permit, issued by the Registration Board for crops and applications given on the label, for a maximum period not exceeding 5 years;
 - h. **Full Registration** means a use permit, issued by the Registration Board for crops and applications given on the label, for a maximum period not exceeding 10 years;
 - i. **Special Use Permit** means a permit, issued by the Registration Board as emergency use, for a maximum period not exceeding 1 year for applying any pesticide considered inevitable for the control and prevention of occurrence of any unexpected pest incidence;

- j. **Managing Director** means the Managing Director of the Myanmar Agriculture Service;
- k. **Manager** means State and Division Manager or Township Manager of the Myanmar Agriculture Service;
- l. **Inspector** means the person to whom duties have been assigned by the Managing Director for the inspection and or verification of compliance with the provisions of this law as to proper use, safe handling and percent active ingredients of pesticides;
- m. **License** means a permit issued by the Managing Director or the respective Managers to a person desirous to engage in any type of pesticide business permitted under this Law;
- n. **Certified Pesticide Applicator** means a person recognized by the Registration Board as being qualified in the use of highly toxic pesticide.

CHAPTER II FORMATION OF REGISTRATION BOARD

- 3. The Government shall form a Registration Board with suitable citizens. In forming such a Board, the Chairman and the Secretary shall be specified concurrently.
- 4. The Myanmar Agriculture Service shall undertake the official function of the Registration Board.

CHAPTER III DUTIES AND POWERS OF THE REGISTRATION BOARD

- 5. The Registration Board shall direct the Myanmar Agriculture Service to analyze and test pesticides or any active ingredient received as samples as to conformity with the content of ingredient as claimed on the label; and to undertake bio-efficacy trials on crops for determining effectiveness in practical use.
- 6. The Registration Board after evaluation of the applications for registration of formulated pesticides or active ingredients to be imported into the country may have the right either to accept or reject the applications.
- 7. The Registration Board shall prohibit the use of any registered pesticide in the event of one or any of the following conditions. If necessary, the registration or license may be withdrawn:
 - a. data, obtained either in the Union of Myanmar or abroad indicates that the pesticide is harmful to human beings, animals, crops and environment;
 - b. finding on re-checking that it has not met the quality specification upon which the registration was based on;
 - c. on being requested to discontinue the use by the applicant who may be either the foreign manufacturing company or the local formulator.
- 8. The Registration Board may in emergencies issue a special use permit for a maximum period not exceeding 1 year for applying any pesticide considered inevitable for the control and prevention of any occurrence of unexpected pest incidences.
- 9. The Registration Board, based upon international recommendations, may issue safety guidelines in the manufacture, formulation, handling, use, transportation, storage and sale of pesticides.
- 10. The Registration Board may seek advice from specialists concerning analysis of pesticide and bio-efficacy trials on cultivated crops as required under section 5.
- 11. The Registration Board shall treat the data submitted for foreign or local pesticide products or active ingredients as confidential proprietary data.

CHAPTER IV
APPLICATION FOR REGISTRATION AND PAYMENT OF FEES

12. Any person desirous of importing formulated pesticides and active ingredients or export of the same must have one of the following registration/use permit. An application in the prescribed form shall be submitted to the Registration Board.
- a. experimental registration;
 - b. provisional registration;
 - c. full registration;
 - d. special use permit;
13. An applicant for registration under section 12 shall send to the Registration Board the application together with a sample of chemically analyzed formulated pesticide or active ingredient in the prescribed quantity and weight, and instructions for use.
14. A person desirous of engaging in pesticide formulation and sale in the country from imported active ingredient shall, for the purpose of obtaining a license, apply to the Managing Director in the prescribed application form.
15. A person desirous of engaging in re-packing and sale of imported pesticides, within the country, shall for the purpose of obtaining a license, apply to the State or Division Manager in the prescribed application form.
16. Other than the license holders under section 14 or section 15, a person desirous of selling pesticide shall, for the purpose of obtaining a license, apply to the respective Township Manager in the prescribed application form.
17. A person, obtaining a registration on application made under section 12, shall pay the prescribed registration fees according to the procedure laid down by the Registration Board.
18. A person obtaining a license on application under section 14, section 15 or section 16 shall pay the prescribed license fee according to the procedure laid down by the Managing Director.
19. Any person desirous of importing into the country or exporting from the country any pesticide or active ingredient shall pay the analytical fees prescribed by the Registration Board in foreign currency and in accordance with the procedure laid down.

CHAPTER V
DUTIES AND POWERS OF THE MANAGING DIRECTOR

20. The Managing Director:
- a. may after scrutiny, issue or refuse a license with respect to the application of a person desirous of formulating and selling pesticide in the country;
 - b. may suspend or withdraw the license if the holder of a license under sub-section a is found to have contravened one or any of the conditions stipulated in the license;
 - c. may administer as deemed necessary the remaining stock of pesticide in possession of the license holder in case the license is suspended or withdrawn under sub-section b;
 - d. may confiscate, dispose, or administer as may be deemed necessary the pesticide and exhibits in cases where action is being taken for contravention of any of the provisions prescribed in this

Law;

- e. may direct the managers from time to time as may be necessary on matters concerning experimental use of pesticide on cultivated crops or on the sale of pesticide;
- f. shall carry out the duties assigned by the Registration Board from time to time.

**CHAPTER VI
DUTIES AND POWERS OF THE MANAGERS**

- 21. State or Division Managers:
 - a. may scrutiny, issue or refuse a license with respect to the application made under section 15;
 - b. shall from time to time inspect and supervise the functions of the Township Managers under his jurisdiction, concerning matters relating to the handling and use, sale, and storage of pesticides;
 - c. may suspend or withdraw a license issued under sub-section a for contravention of any of the conditions stipulated in the license;
 - d. shall carry out the duties assigned by the Managing Director from time to time.
- 22. Township Managers:
 - a. may after scrutiny issue or refuse the license with respect to the application made under section 16;
 - b. may suspend or withdraw a license issued under sub-section a for contravention of any of the conditions stipulated in the license;
 - c. may inspect the stocks of pesticides in possession of the sellers in his Township and take samples;
 - d. shall take legal action against anyone who engages in the sale of pesticides in contravention of the provisions of this Law and seize the stocks (exhibits) as provided under the Law;
 - e. shall personally conduct and supervise the bio-efficacy trial of pesticides in his township when directed by the Registration Board or the Managing Director;
 - f. shall inspect and supervise the performance of the inspectors from time to time;
 - g. shall inspect the user's compliance to directives of the Registration Board or the Managing Director in the disposal of empty containers and packing materials;
 - h. shall carry out the duties assigned by the Managing Director from time to time.

**CHAPTER VII
DUTIES AND RIGHTS OF THE PERSON DEALING WITH REGISTERED PESTICIDE**

- 23. The person dealing with import into the country or export from the country of registered pesticide:
 - a. has rights to do business within the duration of registration period;
 - b. shall pay the registration fees and analytical fees payable;
 - c. shall comply with the conditions stipulated in the registration certificate;

- d. shall comply with regulations and directives prescribed by the Registration Board from time to time;
- e. shall obtain the permission of the Directorate of Trade in respect of import into the country and export from the country;
- f. shall apply for renewal on expiry of the registration period, if desirous of continuing business.

CHAPTER VIII
DUTIES AND RIGHTS OF THE PERSON HOLDING LICENCE
TO FORMULATE AND SELL PESTICIDE

24. The person holding license for formulation and selling of pesticides:
- a. has rights to do business within the duration of the license;
 - b. shall pay the license fees, analytical fees payable;
 - c. shall formulate in conformity with the quality standard specified at the time of the application for license;
 - d. shall describe in the directions for use the name of the pesticide, type of pests applicable, hazard class, dosage rate and safety precautions;
 - e. shall affix on the containers, or bottles, or packages of solids of the pesticide for sale, the approved label furnished at the time the license was applied for;
 - f. shall comply with conditions stipulated in the license;
 - g. shall comply with the conditions and directives prescribed by the Myanmar Agriculture Service from time to time;
 - h. shall apply for renewal on expiry of the license if desirous of continuing business.

CHAPTER IX
DUTIES AND RIGHTS OF THE LICENCE HOLDER FOR SELLING PESTICIDE

25. A person holding a license to sell pesticide:
- a. has rights to do business within the duration of the license;
 - b. shall pay the license fees payable;
 - c. shall affix the license in the shop conspicuously;
 - d. shall not falsely advertise for sale, nor in order to lower the potency of pesticide offered for sale, mix or modify with any other substances;
 - e. shall comply with the conditions stipulated in the license;
 - f. shall sell highly hazardous pesticide only to a person able to produce a purchase permit issued by the Managers concerned;
 - g. shall submit to inspection when the Manager or Inspector comes for inspection;

- h. shall keep a record of purchase and sale of pesticides;
- i. shall apply for renewal on the expiry of license if desirous of continuing business.

CHAPTER X
CONDITIONS FOR COMPLIANCE BY THE USER

26. The user of pesticides:
- a. shall follow use instructions shown on the label;
 - b. shall obtain a purchase permit from the respective Manager when the use of highly hazardous pesticide is required, and hire a certified applicator for its application;
 - c. shall follow pesticide safe handling instructions published by the Myanmar Agriculture Service from time to time;
 - d. shall not keep pesticides in close proximity of foodstuffs, nor within easy reach of children;
 - e. shall comply with the directives of the Registration Board or Managing Director regarding the disposal of empty containers, wrappers and packages of pesticides;
 - f. shall comply with educational directives published from time to time by the Myanmar Agriculture Service concerning the use of pesticides in the storage of harvested crops or in cultivated fields.

CHAPTER XI
DUTIES AND POWERS OF THE INSPECTOR

27. The Inspector shall perform the following duties:
- a. inspecting the sale and use of pesticides in the area within his jurisdiction or in a specified area assigned to him;
 - b. taking action in accordance with the procedures against any person contravening any prohibition contained in this Law;
 - c. administering in accordance with the procedures regarding pesticides and exhibits seized in taking action under sub-section b;
 - d. administering in accordance with the procedures to prevent the re-use of empty containers, packing materials of pesticide;
 - e. to carry out the duties assigned by the Township Managers from time to time.
28. The powers of the Inspectors are as follows:
- a. inspecting as to compliance with the provisions of this Law;
 - b. inspecting according to procedures the conformity with the methods of packing, storage, distribution and sale of pesticides as stipulated in the license;
 - c. inspecting of conformity with the use of pesticides for crops in accordance with the instructions described in the table;

- d. inspecting the records of purchase and sale of pesticides;
- e. having the right to collect sample of pesticides for analysis;
- f. reporting to the Township Manager on findings of unauthorized cases of selling pesticide and to comply with the directions given by him.

CHAPTER XII APPEALS

- 29.
- a. Any person not satisfied with the order or decision made by any manager under this Law may appeal to the Managing Director within 30 days of the receipt of such order or decision;
 - b. Any person not satisfied with the order or decision made by the Managing Director under subsection a may appeal to the Minister for Agriculture and Forests within 30 days of the receipt of such order or decision;
 - c. The decision of the Minister for Agriculture and Forests shall be final.

CHAPTER XIII PROHIBITIONS

- 30. No person shall without a permit, import pesticide into the country or export from the country.
- 31. No person shall without a license engage in the formulation and sale of pesticides.
- 32. No person shall without a license engage in the re-packing and sale of pesticides imported into the country.
- 33. No person shall without a license sell pesticides.
- 34. A license holder shall not sell pesticides without label containing the name of the pesticide and use instructions.
- 35. No person shall use pesticide except for purposes of preventing the danger of outbreak or controlling pests, in crops or foodstuffs or beverages for immediate consumption by the public. In addition, no person shall use the pesticides to catch or kill land or aquatic animals.
- 36. No person shall employ children of 16 years and under, pregnant women, or nursing mothers in handling or in the use of pesticides.
- 37. No person shall use pesticides contrary to the use instructions.
- 38. No person shall use in the storage of crops, pesticide other than the one prescribed by the managers concerned and in the manner directed by him.
- 39. No person shall transport or offer for sale pesticide along with foodstuffs.
- 40. No license holder shall contravene any condition stipulated in the license.

CHAPTER XIV OFFENCES AND PENALTIES

- 41. Whoever is found guilty of contravening any of the provisions of sections 30, 31, 32, 33, 35, or 36 shall be liable to punishment with a fine which may extend to Kyat 10,000 or with imprisonment for a term which may extend to 1 year or with both. In addition, the exhibits involved in the offence shall also be confiscated.
- 42. Whoever is found guilty of contravening any of the provisions of sections 37, 38 or 39 shall be

liable to punishment with a fine which may extend to Kyat 5,000 or with imprisonment for a term which may extend to 3 months or with both. In addition, exhibits involved in the offence shall also be confiscated.

43. A license holder found guilty of contravening any of the provisions of section 34 or 40 shall be liable to punishment with a fine which may extend to kyat 5,000 or with imprisonment for a term which may extend to 3 months or with both. In addition, the exhibits involved in the offence shall also be confiscated.

CHAPTER XV MISCELLANEOUS

44. If it is necessary for the welfare of the state or the people, the Minister for Agriculture and Forests:

- a. may suspend, withdraw, terminate or cancel the registration issued by the Registration Board or the licence issued by the Managing Director or the Manager;

- b. may amend or alter the orders or decisions of the Registration Board, the Managing Director or the Manager.

45. The Ministry of Agriculture and Forests may give a decision concerning the definitions expressed in section 2, sub-section a, sub-section b or sub-section c where clarification is needed.

46. Offences prosecuted under this law are defined as cognizable offences.

47. The offences prosecuted under section 42 or section 43 may be tried in a summary way.

48. The analytical report of the Myanmar Agriculture Service concerning the pesticide exhibited in offences tried under this law shall be conclusive evidence for that offence.

49. The users and sellers of pesticides shall comply with the directive of the Registration Board regarding the continued use or sale of the pesticides which are in use on the date this law is enacted.

50. In order to implement the provisions prescribed in this law the Ministry of Agriculture and Forests:

- a. may with the approval of the government, issue necessary procedures;

- b. may issue necessary orders and directives.

(signed) Saw Maung
Senior General

Chairman, The State Law and Order Restoration Council