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Page: 1/8

Committee on Trade Facilitation

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NOTIFICATION OF ARRANGEMENTS AND PROGRESS IN THE PROVISION OF TECHNICAL ASSISTANCE AND CAPACITY BUILDING SUPPORT OF CATEGORY C DESIGNATIONS

COMMUNICATION FROM MYANMAR

The following communication, dated 22 August 2022, is being circulated at the request of the delegation of Myanmar for Members' information.

Myanmar hereby notifies information on the arrangements concluded and progress made in the provision of technical assistance and capacity building support of the following category C designations, as set out in Article 16 of the Trade Facilitation Agreement (WT/L/931).

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 1.1	Publication	C	31 December 2020	31 December 2025
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: Regarding the plants and plant protection, the law and related measures; including fees and charges; permits for importation of plants and plant products have been announced at the Department of Agriculture website: https://ppd.doa.gov.mm/ . Food and Drug Administration is still formulating and translating the draft GMP, GHP and HACCP standards, guidelines, and directives for food safety under ASEAN guidelines. Therefore, we require appropriate reference information for international standards.				
TACB support needs include: Technical assistances are needed on upgrading the websites (e.g., https://ppd.doa.gov.mm/) and formulating and translation the draft law, directives and guidelines/standards regarding GMP, GHP and HACCP.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 1.2	Information Available through Internet	C	31 December 2020	31 December 2025
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: Asian Development Bank (ADB) provided discussion sessions and assistance in reviewing and standardizing the orders and the orders and the internal instructions posted on Customs Department official website to be in line with the International Standards. However, it was stopped and could not continue later because the TA period of ADB for this case has ended on 31 March 2021. Regarding the Enquiry point, National TBT Enquiry Point had also been established since 2015 to reduce technical barriers in regional or international trade system but we need to upgrade the design, brochure and pamphlets in TBT website in accordance with the current timeline and situation to communicate more feasible with relevant ministries and traders. Currently, a web-based automated online application for the local food industries and business operators is implementing.				
TACB support needs include: TACB are still needed to upgrade the existing websites, and IT Staff to design; develop and maintain the content on an existing internet site (or sites), and new website.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 2.1	Opportunity to Comment and Information Before Entry into Force	C	31 December 2021	31 December 2025
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: Department of Research and Innovation (DRI) has been cooperating with Ministry of Commerce for developing strategy/Policy of TBT. According to the national food safety policy, Department of Food and Drug Administration (FDA) is developing to amend the new Food Law and directives to comply with food safety. Therefore, we are struggling to build up the capacity for food inspectors.				
TACB support needs include: TACB is needed on formulating procedures of technical and financial assistant as well as the standard operation procedure of this sector, developing the strategy/policy of TBT and human resource development.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 2.2	Consultations	C	31 December 2021	31 December 2025
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: In Myanmar, the existing domestic and regional regulations with both regional and international practices are needed to be developed so TACB is required to share the best practices with the relevant ministries involved. Myanmar is not yet developed to conduct an institutionalized programme for implementation of Good Regulatory Practice (GRP) so we need to initiate the (GRP) system in both government and private sector in compliance with ASEAN GRP Guidelines. Regarding the Food and Drugs, we are trying to set up a modernized and mutually recognized food safety inspection and certification system through a private-public partnership.				
TACB support needs include: TACB is needed to run GRP system with relevant ministries, to initiate this system with relevant ministries and get professional technical support for developing training modules that comply with international standards.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 5.1	Notifications for Enhanced Controls or Inspections	C	31 December 2024	31 December 2026
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: The trainings for Livestock, Breeding and Veterinary Department (LBVD) staffs were conducted by local experts and the budgets were supported by the Livestock, Breeding and Veterinary Department (LBVD). The 100 quarantine inspector trainings were provided by Mekong-Lancang (MLC Project) during 2021. The trainings for human resources, infrastructure and equipment training, capacity building (technical training staff) and training support, trainings of staff especially for notification procedures including the management of the formal notification system, national and international best practices still need to be performed. Nowadays, those kinds of trainings were difficult to perform due to COVID-19 situation and other circumstances like staff shortages as well as difficult for in person trainings. Therefore, it still needs to fill the gap for the Livestock, Breeding and Veterinary Department (LBVD) staffs by conducting those kinds of trainings and still need financial and technical assistance from development partners by supporting laboratory chemical/reagents and cost sharing by company. SPS's rules and regulation, notification and directives relating to the export and import of animal and animal products are issued from time to time using the official websites which need regular update. Guidelines and SOP for the notification in under each commodity is under preparation. ARISE Plus Myanmar helped to establish National Rapid Alert System for Food and Feed (NRASFF), one of the activities of Food Safety and SPS Compliance of ARISE Plus Myanmar Project. According to this project, Department of Consumer Affairs (DOCA) participated as a leading role and as an initial stage, Department of Consumer Affairs (DOCA) collected questionnaire to concerned departments. Currently, ARISE Plus Myanmar only participated in National Rapid Alert System for Food and Feed (NRASFF) Meeting. In addition, Department of Fisheries (DOF) has not yet achieved the project.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
TACB support needs include:				
TACB and financial and technical assistance are needed for improving and establishing notification system for enhanced controls and inspections. With regard to NRASFF, it is needed to organize awareness events about functioning of EU RASFF and RASFF systems in ASEAN and other regions, to perform gap analysis of public and private institutions to implement national RASFF and integrate this with ASEAN RASFF (Arise + Regional Expert), to develop SOPs for implementation of National RASFF and integration with ASEAN RASFF and to provide technical assistance on EU RASFF, on how to manage and respond to EU RASFF notifications according to the ARISE Plus Myanmar Project. Therefore, it is still required to provide TACB in the mentioned activities. It is needed to provide technical assistance on upgrading https://ppd.doa.gov.mm/ , training for One Stop Services and also workshop.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 5.3	Test Procedures	C	31 December 2024	31 December 2026
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support:				
Livestock, Breeding and Veterinary Department (LBVD) tried to pass ISO/IEC 17025:2017 for BSL II lab (Yangon and Mandalay Veterinary Diagnostic Laboratory) by the plan of 2018-2020 by cooperating with the regional accreditation body (MAB) and Singapore Accreditation Council (SAC) and has planned for Veterinary Assay Laboratory (VAL) for ISO certification in future based on the previous experiences on the way to ISO. The laboratory staffs from YVDL, MVDL and VAL were conducted the ISO trainings (like measurement uncertainty trainings) by the support of SAC in Yangon. These ISO activities are stunning now due to COVID-19 situation, staff shortage and the difficulties of the invitation of the international experts. Livestock, Breeding and Veterinary Department (LBVD) needs the international support to overcome the difficulties on the way of ISO and needs expert suggestions and trainings by the support of developing partners. In addition, Livestock, Breeding and Veterinary Department (LBVD) would like to request ISO/IEC accreditation training, human resource training, method validation training and measurement uncertainty trainings in the near future. Finally, Livestock, Breeding and Veterinary Department (LBVD) would like to request infrastructure like technical assistance and equipment. At present, the second test in the first case test result of the sample showed negative results has been conducting as a department laboratory testing procedure upon request by client. The SOP and directives are under preparation to allow the second tests. There are some validated test methods and parameters are already prepared and may need to expend testing other parameters. Laboratory test harmonization and recognition remain to be conducted. ARISE Plus Myanmar need to have technical assistance of the management and capacity building for accreditation, method validation and measurement uncertainty. In relevant sector such as Laboratory section are still required. ARISE Plus Myanmar provided technical assistance in laboratory accreditation (ISO:17025) process on food testing laboratories of Food and Drug Administration and private sectors (Proficiency testing of food testing laboratories including public and private laboratories and drawing of National Food Safety Policy). And as a result, two Food microbiology laboratories (one from public and one from private) got ISO 17025: 2017 accreditation and National Food Safety Policy was published and distributed in May 2022.				
The Pesticide Residues Laboratory (PRL) received the technical assistance by the aid of UNIDO project, namely, "Strengthening NQI for trade in the Republic of the Union of Myanmar" for preparing ISO/IEC 17025:2017 accreditation. In order to fulfil of technical requirements, UNIDO provided technical expert for pesticide analysis by means of two phases in 2017, phase 1 was from 28.8.2017 to 1.9.2017 and the last was from 30.10.2017 to 3.11.2017. The fruitful results of those two phases were PRL knew exactly how to prepare technical requirements for accreditation and how to do Quenchers methods for proficiency testing (PT). After learning from expert, PRL passed four times in PT. In this case, PRL should need to do Quality Assurance Program including method validation for seven molecules and measurement of uncertainty in future to issue its reliable test report. ARISE Plus provided training for "Implementation of ISO/IEC 17025:2017" to staff of Food Testing Laboratories. Food Microbiology Laboratory got ISO/IEC 17025:2017 and on the other hand Food Chemical Laboratory is trying to get ISO/IEC certificate.				
TACB support needs include:				
TACB and financial and technical assistance for the test procedures are needed for those valuable trainings. In testing procedures, financial and technical assistance are still needed. Some food testing laboratories are ongoing process to get accreditation. They require technical assistance on Good Document Practice. Good Laboratory Practice, internal audit, Method development, method validation, calibration hands on training on analysis using sophisticated equipment take GCMSMS, LCMSMS etc. It is needed to provide training for the identification of plant pests and diseases regarding with Plant Quarantine activities and assistance for implementation of Post Entry Quarantine.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 7.1	Pre-arrival Processing	C	31 December 2022	31 December 2025
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: In 2015, the World Bank Group (WBG) only provided technical assistance in preparing pre-arrival processing procedures. However, we need for reviewing existing laws and procedures of all trade-related agencies to be in line with International Standards and electronic submission system.				
TACB support needs include: TACB is needed on electronic submission of pre-arrival processing for trade related departments; formulating procedures regarding pre-arrival processing and reviewing existing laws and procedures of all trade-related agencies to be in line with International Standards and electronic submission system.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 7.2	Electronic Payment	C	31 December 2025	31 December 2027
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: No development partner has so far offered any assistance in the area of electronic payment.				
TACB support needs include: TACB is needed for needs assessment and gap analysis of existing laws, rules and regulations, procedures, documentation requirements and practices of trade related departments in accordance with International Standards in order to implement electronic payment.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees, and Charges	C	31 December 2022	31 December 2024
Donors: To be determined				
Progress in the provision of technical assistance and capacity-building support: According to Section 41 of the Sea Customs Act, Myanmar Customs has the power to give credit for, and keep account current of, duties and charges. However, there is no Guarantee system associated with the procedures of separation of release from the final determination of Customs duties, taxes, fees, and charges.				
TACB support needs include: TACB is needed on Installation and application of appropriate software and hardware; Training for IT staff and users of the system; formulating regulations for releasing goods by guarantee system before the payment of customs duties and taxes and training for Customs Officials regarding the application of software and guarantee systems.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 7.4	Risk Management	C	31 December 2022	31 December 2026
Donors: To be determined				
Progress in the provision of technical assistance and capacity-building support: Myanmar Customs developed the Myanmar Customs Intelligent System (MCIS) in MACCS for risk management and assessment in 2016 with technical assistance from JICA. MACCS is able to automatically distinguish the Green (without inspection), Yellow (document examination), and Red channels (document and physical examination) according to the selectivity criteria in the system. Myanmar Customs has developed Risk Management Strategy (2022-2023) with technical assistance from IMF.				
TACB support needs include: TACB and financial assistance are needed on Training for upgrading risk management system; Technical Assistance and Training supporting to specify the suitable Selectivity Criteria for Risk Categories, to lay down Regulations, Procedures and Risk Management Plan; risk identification and regulating impact assessment and Training for specify risk indicators for inspecting Passengers and vehicles.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 7.8	Expedited Shipment	C	31 December 2022	31 December 2026
Donors: To be determined				
Progress in the provision of technical assistance and capacity-building support: The Customs Department has been issued Office Instruction No. 15/2000 regarding Express Cargo to carry out the activities and Office Instruction No. 8/2017 for the minimum value (De-minimis Value) which has been set at USD50. It is necessary to develop standards for those who are entitled to expedited shipments, procedures to be followed by applicants; application Forms, and requirements.				
TACB support needs include: Technical advice in defining expedited shipment procedures, application forms, application criteria, a period for Customs decision and etc., Awareness-raising workshops for Customs and relevant agencies in relation to expedited shipments; Awareness raising and training for Customs Officers in expedited release procedures; Training for Customs Officers in overseeing expedited shippers; Technical assistance to lay down the guidelines and procedures according to international standards; Technical assistance and capacity building on designing Risk Management Guideline & SOP for the administrations at the emergent crisis among the respective departments and implementation of Risk Management Plan during the periods of long-term, middle-term and short-terms.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 7.9	Perishable Goods	C	31 December 2024	31 December 2026
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: According to Office Instruction No. (8/2015), Myanmar Customs allows making customs clearance during the special-order procedures for the perishable goods such as living things, plants, the body of the deceased, dangerous cargo, hazardous materials like Vaccines with limited temperature, and materials required for compulsory issuance. Section 72 of the Sea Customs Act and Chapter 18 of the Burma Customs Manual have already provided for the overtime customs service. Importation of perishable goods such as wet flowers and fruits by air is permitted in accordance with the Customs Department's Office Instruction No. (2/2013) APDD (Airport Direct Delivery). Myanmar Customs wants to make collaboration with developing partners for better results of this measure.				
TACB support needs include: Training and development of existing procedures consistent with international practices; Installation and application of tracking software and to review the existing procedures to be in line with International Standards				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 8	Border Agency Cooperation	C	31 December 2023	31 December 2028
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: Border cooperation such as Single Window Inspection and Single Stop Inspection in GMS CBTA will be scrutinized and implemented in accordance with the minimum requirements of the Article. The training for capacity building development of border and related agencies was provided by USAID in 2015 and the Department of Energy (DOE) of the USA in 2017 and during the period of 2019 and 2020 respectively. Myanmar needs to be engaged with developing partners for this measure.				
TACB support needs include: Enactment of the relevant procedures and regulations to guide operations; Increased institutional capacity, infrastructure, and equipment; Harmonization of different systems among the border agencies and bordering countries; Training for the staff of the various regulatory agencies at the border; Technical Assistance and ICT support for designing mechanisms for sharing of data and information and Capacity Building and staff training on border agency cooperation and sharing of international best practices on SSI/SWI.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 9	Movement of Goods intended for Import under Customs Control	C	31 December 2022	31 December 2024

Donors: To be determined

Progress in the provision of technical assistance and capacity building support:

Standard Operational Procedures (SOPs) and Flow Charts have been announced for Bonded Transportation from Myawaddy (Myanmar- Thailand Border) to Thilawa Special Economic Zone (Yangon) by using the MACCS system. Bonded Transportation Procedure is being done by lodging manual declarations at the checkpoints where the MACCS system is not available. Transportation Surveillance System (E-Lock) will be implemented soon.

TACB support needs include:

Technical assistance on reviewing domestic transit procedures to be in line with International Practices

- Capacity building for Customs Officers in domestic transit procedures
- ICT support at the checkpoints if MACCS of the Customs has been implemented at all border checkpoints

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 10.1	Formalities and Documentation Requirements	C	31 December 2021	31 December 2025

Donors: To be determined

Progress in the provision of technical assistance and capacity building support:

In 2015, the World Bank Group (WBG) only provided technical assistance in preparing procedures for formalities and documentation requirements. However, we need for reviewing existing laws and procedures of all trade-related agencies.

TACB support needs include:

TACB is needed for needs assessment and gap analysis of existing laws, rules and regulations, procedures, documentation requirements and practices of Trade Related Departments in accordance with International Standards.

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 10.2	Acceptance of Copies	C	31 December 2023	31 December 2025

Donors: To be determined

Progress in the provision of technical assistance and capacity building support:

No development partner has so far offered any assistance in the area of acceptance of copies.

TACB support needs include:

TACB is needed for needs assessment and gap analysis of existing laws, rules and regulations, procedures, documentation requirements and practices of Trade Related Departments in accordance with International Standards.

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 10.3	Use of International Standards	C	31 December 2024	31 December 2026

Donors: To be determined

Progress in the provision of technical assistance and capacity building support:

All parties involved in the trade are encouraged to use the appropriate or applicable international standards for the import, export, and transit procedures. Myanmar Customs has adopted WCO Harmonized System (1992 version) since 1992 and ASEAN Harmonized Tariff Nomenclature based on Harmonized Commodity and Coding System since 2003. Myanmar became an RKC member in 2021 with the Technical Assistance from World Bank and ADB. Myanmar Customs needs to exchange views and opinions with developing partners regarding the use of international standards.

TACB support needs include:

- To provide technical assistance for a gap analysis between rules and regulations of the trade-related departments, and international standards.
- Legal support and experts' opinion will be needed to design and draft laws, regulations, and SoP.

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 10.4	Single Window	C	31 December 2025	31 December 2028
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: The Blueprint for the Implementation of the National Single Window has been developed in 2018 with the aid of the World Bank Group. According to the loan for Customs Modernization Project that is a part of Myanmar Private Sector Growth and Competitiveness (PSGC) Project proposed by World Bank, US\$26.8 million will be cost for the process such as National Single Window establishment, software development, purchasing and installing hardware, building infrastructure, services such as technical advice, strengthening the Customs automation system, management and monitoring process. However, while negotiating with the World Bank Group regarding to get loan, the discussion has been delayed for various reasons. According to the existing Project of Capacity Development for National Single Window and Customs Modernization by Introducing Automated Cargo Clearance System (Phase 2) (2020-2023), a technical cooperation project, Japan International Cooperation Agency (JICA) is planning to set up brief design for National Single Window (NSW). However, the said project is going to be concluded on 30 June 2023 and, we need technical and financial assistance to develop ICT (hardware and software) infrastructure and to fully implement Single Window. Myanmar Port Authority (MPA) implemented Port EDI System in order to operate port related procedures including pre-arrival processing electronically with the Grant Assistance of JICA from 2015-2016 to 2018-2019. At present, MPA still needs TACB for system enhancement and integration with other systems such as MACCS, by which to develop a comprehensive community system that connects all related agencies and stakeholders in line with the concept and principles of implementing National Single Window.				
TACB support needs include: Technical and Financial Assistance is needed to develop ICT (hardware and software) and to implement Single Window. Technical and Financial Assistance is needed to set up backend system in order to exchange Electronic Sanitary and Phytosanitary (e-SPS) Certificates via National Single Window Routing Platform and ASEAN Single Window Gateway. TACB is needed for system enhancement and integration of Port EDI System as a part of National Single Window. TACB is needed on formulating legislative and regulatory framework regarding Single Window. TACB is needed for awareness workshops and capacity building programmes. TACB is needed for human resources and trainings regarding e-SPS.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 10.7	Common Border Procedures and Uniform Documentation Requirements	C	31 December 2025	31 December 2027
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: Myanmar Automated Cargo Clearance System (MACCS) and Myanmar Customs Intelligence System (MCIS) have been operated in Yangon since November 2016 by Japanese grant aid, in Myawaddy border checkpoint since June 2018 and, in Muse and Chin shwe haw border checkpoints since April 2022 by Japan technical support. However, we need to expend the system to the border checkpoints with high trade volume in order to be common border procedures and uniform documentation requirements.				
TACB support needs include: Capacity Building and Awareness Raising Workshops are needed on amending and enacting Laws and regulations of the Trade Related Departments in accordance with International Standards.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
Article 11	Freedom of Transit	C	31 December 2025	31 December 2026
Donors: To be determined				
Progress in the provision of technical assistance and capacity building support: In Myanmar, the Transit Trade Procedure has been issued and is still being implemented to be in line with the provisions of TFA and RKC. Myanmar Customs has been developing the ASEAN Customs Transit System to operate in the ASEAN region. With the help of the EU (ARISE PLUS), all is in the hardware readiness of the ASEAN Customs Transit System (ACTS) in August 2020. In June and July 2022, ARISE PLUS had a training session on the ACTS system for the ACTS Central Management Team (CMT) of the ASEAN Secretariat. The CMT team will then resume practical training in Myanmar. In this case, it needs financial and technical assistance to implement ICT infrastructure and technical solutions from international experts. Especially, Myanmar Customs needs a long-term expert in implementing ACTS.				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive date for implementation
<p>TACB support needs include:</p> <ul style="list-style-type: none"> - To provide best practices of customs control in affixing Customs Seals, and designing separate infrastructure (lanes, berth) for transit vehicles - To provide awareness-raising training and seminar regarding the transit guarantee - To provide technical assistance for Transit regulation which has been drafted in Myanmar Customs - To provide capacity building for customs officials in regard to Transit Operations and Controls - To provide capacity building for customs officials for Transit Cooperation and Coordination among regional and other customs administrations 				

Provision	Heading/Description	Category	Indicative date for implementation	Definitive Date for implementation
Article 12	Customs Cooperation	C	31 December 2024	31 December 2026
<p>Donors: To be determined</p> <p>Progress in the provision of technical assistance and capacity building support: Myanmar Customs have already signed Bilateral Agreements on customs cooperation with the two countries, Thailand and Vietnam. Work is underway to sign a contract with the Laos Customs. Draft agreements must be reviewed with experts so it is needed to develop a framework or a model of bilateral agreement on Mutual Administrative Assistance in Customs matters for Myanmar Customs to propose MoUs and agreements with other customs bodies. Myanmar Customs needs a developing partnership for this measure.</p> <p>TACB support needs include:</p> <ul style="list-style-type: none"> - Legal support and experts' opinions on drafting agreements. - Technical assistance and capacity building on best practices in customs cooperation and drafting the agreements 				