

The Government of the Republic of the Union of Myanmar

Ministry of Commerce

Notification No. (51/2023)

The 4<sup>th</sup> Waxing Day of 2<sup>nd</sup> Waso, 1385 M.E.

(21<sup>st</sup> July, 2023)

In exercise of the power conferred under Section 4, Sub-section (c) of the Essential Supplies and Services Law, Ministry of Commerce hereby issues this Notification.

Chapter I

Name and Definitions

1. This Order shall be called Online Sales Business Registration Order.
2. The following expressions contained in this Order shall have the meanings given here under:
  - (a) **Online Sales Business** means providing service by sale of goods or services through Online system;
  - (b) **Registration Certificate** means Registration Certificate for Online Sales Business issued by Department of Trade according to this Order;
  - (c) **Registration Certificate Holder** means a company or a business organization or a person who holds the Registration Certificate and operates Online Sales Business;
  - (d) **Ministry** means the Ministry of Commerce of the Republic of the Union of Myanmar;
  - (e) **Department** means Department of Trade of the Ministry of Commerce;
  - (f) **Digital Payment** means payment made through any electronic system or digital means or medium permitted by the Central Bank of Myanmar.

## Chapter II

### Application for Registration Certificate

3. Anyone who desires to operate online sales business shall complete the application form specified by the Department and apply for a Registration Certificate to the Department through online system.
4. The applicant for registration shall comply with the following stipulations if he or she applies for a company or business organization according to above-mentioned clause (3):
  - (a) A company or business organization which has been formed according to the Myanmar Companies Law or Special Company Act or the Co-operative Society Law or other existing law;
  - (b) Company or business organization which has official website with its own name;
  - (c) Company or business organization which can present the online sales business place.
5. The applicant for registration shall comply with the following stipulations if he or she applies for an individual according to clause (3):
  - (a) A person who resides in the territory of the Republic of the Union of Myanmar;
  - (b) A person who is 18 years old and above;
  - (c) A person who can abide by the stipulations in the Order;
  - (d) A person who does not suffer from mental illness;
  - (e) A person who has not been listed in the black list of relevant government department or any government organization;
  - (f) A person who can present the online sales business place.

6. Regarding the application for a registration certificate according to clause (3), the followings shall be submitted:

- (a) Colour photo of the responsible person if the applicant is a company or business organization or colour photo of an individual if the applicant is an individual;
- (b) A copy of National Identity Card of the responsible person from the company or business organization if the applicant is a company or business organization or a copy of National Identity Card of the person if the applicant is an individual;
- (c) Recommendation from a relevant government department, a government organization or a relevant quarter or village group administrator for verification of the existence of the business in the address as mentioned in the application form;
- (d) The list of the types, information and guarantee of goods or services which shall be sold online;
- (e) Information which mentions about the source of the goods for online sales business either from which country these are imported or domestically manufactured;
- (f) Evidences of the goods or services if these have been permitted by the relevant government department, the government organization.

### **Chapter III**

#### **Issuance of Registration Certificate**

7. The Department shall undertake the following matters in relation to the application for a registration certificate:

- (a) Scrutiny of attached evidences and the information contained in the application;
- (b) Conducting field inspection in coordination with the Department of Consumer Affairs.

8. The Department shall notify the applicant about the refusal to issue a registration certificate if any of the following situations occur:

- (a) Goods or services to be sold:
  - (i) Being goods or services that are prohibited or restricted by any law or contrary with any law;
  - (ii) Being goods or services that may affect the security of the public;
  - (iii) Being goods or services that may be assumed unsafe;
  - (iv) Being goods or services that may be assumed lacking of correct information and warranty;
  - (v) Being goods or services that are prohibited or not allowed to be sold in the market by the relevant government departments and government organizations;
- (b) Failure to provide complete and correct information in the application form when applying for a registration certificate;
- (c) Concealing or fraudulently presenting the attached evidences as mentioned in the clause (6), sub-clause (d), (e) and (f) when applying for a registration certificate.

9. If the applicant is refused to issue a registration certificate in relation to the goods or services due to the situations mentioned in clause (8), sub-clause (a) (iii), (iv) and (v), he or she, after revising the requirements, has the right to re-apply to the Department within 30 days.

10. If the Department scrutinizes the application according to clause (3) and finds that there is no contrary with the situations in clause (8), it shall inform the applicant to pay the registration fees and the online service fees.

11. According to Clause (10), the applicant shall submit the registration fees and online service fees by digital payment specified by the Department within two weeks upon the receipt of the notification letter.

12. When the Department receives the registration fees and online service fees, it shall issue a registration certificate to the applicant through online.

13. The validity of the registration certificate is up to exactly two years from the date of issuance.

#### **Chapter IV**

##### **Application for Amendment and Renewal**

14. In relation to the attached information about the goods or services or facts as contained in the application form, if the Registration Certificate Holder desires to amend any fact, he or she shall fill in the application form specified by the Department, pay the online service fees, and apply to the Department through the online system.

15. The Department shall review the application according to clause (14), and if the application meets the stipulations, it shall approve the amended fact and revise it through the online system.

16. The Registration Certificate Holder shall apply for renewal of the registration certificate 60 days in advance before the end of validity date.

17. If the Registration Certificate Holder does not apply for renewal, the certificate shall be regarded as automatically cancelled at the end of validity date.

#### **Chapter V**

##### **Duties of the Registration Certificate Holder**

18. The Registration Certificate Holder:
- (a) shall take responsibility to resolve the issues related to the sale of goods or services;
  - (b) shall provide the receipt for the sale of goods or services;
  - (c) shall provide correct information and guarantees for the sale of goods or services;

- (d) shall take responsibility and accountability to ensure the quality of goods or services equivalent of the purchased price of the goods or services;
- (e) shall specify the sales principles and the cooling-off period for the sale of the goods and undertake in accordance with them in the case of returning goods by the consumer due to non- conformity with the information or guarantees provided;
- (f) shall avoid selling any goods or services that are not included in the list of the types of goods or services attached with the application form;
- (g) shall avoid the manner that is disrespectful to the consumer or affect the consumer's dignity in respect of the sale of goods or services;
- (h) shall provide correct information for the methods of payment made by the consumer for the sale of goods or services;
- (i) shall inform the mode and terms of delivery of the goods to the consumer, allow to choose the options prior to the sale and then deliver the goods accordingly;
- (j) shall keep the consumer's personal information or information that is undesirable to disclose by the consumer except the case of disclosing it according to the directive of any department and government organization or any law ;
- (k) shall avoid stimulating, preaching, organizing, advocating and demonstrating with the purpose of political matters or the destruction of peace, stability and security of the public through online sales business;
- (l) shall avoid transferring registration certificate directly or indirectly to others;
- (m) shall sell goods or service transparently;

- (n) shall comply with the rules and regulations prescribed by the relevant government departments and organizations for food or medicine or medical equipment or cosmetics;
- (o) shall comply with the rules and regulations prescribed by the ministry and the department occasionally.

## **Chapter VI**

### **Rights of the Registration Certificate Holder**

19. The rights of the registration certificate holder are as follows:
- (a) having the right for recovery of his good reputation if consumer's damage is not due to his or her goods or services;
  - (b) having the right to defend himself or herself against consumer's complaint according to the law;
  - (c) having the right to claim and report officially related to his or her business;
  - (d) having the right to accept payment in accordance with the agreement and the value for the sale of goods or services;
  - (e) having the right to sell online under the name mentioned in the registration certificate.

## **Chapter VII**

### **Suspension or Cancellation of the Registration Certificate**

20. The Department may pass the following orders if the registration certificate holder violates any stipulations in clause (18):
- (a) suspension of the registration certificate for a limited period; or
  - (b) cancellation of the registration certificate.
21. A person who is dissatisfied with the order passed by the Department under clause (20) may submit written appeal to the Ministry within 30 days.

22. The Ministry may confirm, amend or cancel the order passed by the Department under clause (20). The decision of the Ministry shall be final and conclusive.

23. No one shall operate the online sales business during the suspension period of the registration certificate or if the registration certificate is cancelled under clause (20).

## **Chapter VIII**

### **Miscellaneous**

24. The Department shall specify the fees for application form, the registration certificate form, registration and online service.

25. The Department may inform the order of cancellation of the registration certificate under clause (20), sub-clause (b) to the relevant government department or government organization if necessary.

26. Whosoever operates any online sales business without a registration certificate under this order shall be prosecuted in accordance with Section 5 of the Essential Supplies and Services Law.

27. The Department shall cancel the registration certificate if the relevant government department or the government organization informs the Department with substantive evidence that the registration certificate holder does not comply with the law in operating the online sales business.

28. The Department shall inform the relevant government department or the government organization in a timely manner for investigating and prosecuting if the registration certificate holder is assumed to be engaged in any unlawful activity based on the online sales business.

29. The Department shall display the list of registration certificate holders in the online registration system of the Department for public awareness.

30. The Department shall deposit the registration fees and online service fees to the Union budget.

(Sd.)

Aung Naing Oo

Union Minister

Letter No. 11/2-18/2023 (22)

Date: 21 July 2023

Circulation to:

Office of the Chairman of the State Administration Council

Secretary of the State Administration Council

State Administration Council

Office of the Union Government

Office of the Pyidaungsu Hluttaw

Office of the Pyithu Hluttaw

Office of the Amyotha Hluttaw

The Supreme Court of the Union

Constitutional Tribunal of the Union of Myanmar

The Union Election Commission

All Union Ministries

Office of the Auditor General of the Union

Union Civil Service Board

Nay Pyi Taw Council

All Region and State Government Offices

The Central Bank of Myanmar

Office of Anti-Corruption Commission

Office of Myanmar National Human Rights Commission

Director General, Department of Trade

Director General, Department of Consumer Affairs

Director General, Department of Intellectual Property

Director General, Myanmar Trade Promotion Organization

Director General

Printing and Publishing Department



To publish in Myanmar Gazette part

(1)

Chairperson, The Republic of the Union of Myanmar Federation of Chambers of  
Commerce and Industry (with request to distribute to affiliated Associations)

By Order

Min Min

Permanent Secretary