ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

MYANMAR

Sector or Subsector	Limitations on Market Access	Limitations on Natio	nal Treatment	Additional Commitments
HORIZONTAL SECTION				
All sectors unbound: For a service s	supplier of another Party who is a natural person	on of that Party but is not a	permanent reside	ent of that Party in Mode 4.
All Sectors	workers shall abide by Type of Visa	(4) According to 47/2018 Ministry Finance, non-res will be subject to a as follows:	ident (foreigner)	
	Business Visa (Single Entry)	Class of Income	Non-resident	
	 Duration of Stay: 70 days 		foreigners	
	Dueing and Vine (NAUNinte Fratm.)	Interest	15%	
	Business Visa (Multiple Entry) – Duration of Stay: 3 months	Royalties for use licenses, trade mar patent rights etc.		
	Duration of Stay: 6 monthsDuration of Stay: 12 months			
	e-Visa (Business) (Single Entry)	Taw Council, sta		
	 Duration of Stay 70 days 		nd	
	Extension of Stay Permit - Up to 3 months/6 months/1 year	existing laws	ny for nd	
	- Up to 3 months/6 months/1	Payments for services	es 2.5 %	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	year (Online Application for extension)	and procurements provided in Myanmar	
	Applying for Re-entry Visa	<u>Tax</u>	
	Single Re-entry Visa (SRV): Up to 6 months	According to the Section 3 (k) of the <i>Income Tax Law</i> , it prescribes the	
	 Multi Journey Special Re-entry Visa (MJSRV): Up to 1 year 	Resident foreigners as follows:	
	Single Re-entry Visa (SRV)(Online): Up to 6 months	(i) in the case of individual, a foreigner who resides in	
	 Multi Journey Special Re-entry Visa (MJSRV) (Online): Up to 1 	Myanmar for not less than 183 days during the income year;	
	year	(ii) in the case of an association of	
	Penalty for Overstay	persons other than a company, an association formed wholly or	
	 From the first day of expiry of Stay Permit up to 90 days: USD 3 per day 	partly with foreigners shareholders;	
	 For overstay more than 90 days: USD 5 per day 	(iii) in the case of an association of persons other than a company,	
	(Penalty fees are changeable according to the domestic regulations)	an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Republic of the Union of	
		Myanmar.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Applying for extension of Stay Permit for foreigners holding Business Visas, it is previously allowed to extend up to 3 months, 6 months and 1 year. But these restrictions are releasing now. At current time, the application of stay extension from concerning company is verified by respective Ministry and then submitted to Ministry of Immigration and Population (MoIP). MoIP also checks the requested period of stay extension and carries out Stay Permit and Re-entry Visa valid no more than 12 months in line with the existing laws, rules, regulations and procedures.	In this regard, workers and staff who work at least one year in Myanmar and enterprises formed in Myanmar may be assumed as the resident foreigners. According to the Section 19 (c) of the Union Taxation Law, 2022, standard rate personal income taxes is 0-25 per cent. According to the Section 23 (a) of the Union Taxation Law 2022, the corporate income tax shall be levied 22 per cent on the total of net profit. According to the Section 30 of the Union Taxation Law 2022, if the income is earned in the foreign currency for other income heading except the heading of capital gains from assets, the income tax shall, in accordance with the provisions in regulation 8 of the income tax regulations, be calculated, on such income and the income tax shall be charged in kyats on citizens and foreigners are residing in the country and shall be charged in the type of currency earned on a foreigners residing abroad.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Myanmar reserves rights to adopt or maintain any measures to protect its essential security interests to another Party including measures in conformity with this Schedule and	 A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law. 	
	Myanmar's Schedule in Annex 3 (Schedules of Reservations and Non-Conforming Measures for Investment). Foreign Labor Law is currently being drafted. Myanmar	(b) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned.	
	reserves the full rights to maintain or adopt any measures on Economic Needs Test requirements (ENT) including terms and conditions, limitation, qualification, and other required testing or examination of temporary	(c) According to the <i>Transfer of Immoveable Property Restriction Law 1987</i> , foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term	
	entry of natural person.	lease depending on individual circumstance.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) For the purposes of this Schedule, natural persons of another Party do not include permanent residents of that other Party. Myanmar reserves the full rights to maintain or adopt any measures with respect to permanent residents of another Party. Commercial presence of foreign service suppliers or providers and cross-border supply of services is permitted in accordance with the Electronic Transaction Law 2004, the Law Amending the Electronic Transaction Law 2014, the Law Amending the Electronic Transaction Law 2011, the Telecommunication Law 2013, the Law Amending the Telecommunication Law 2017, the Law Amending the Evidence Act 2015, the Law Protecting the Privacy and Security of Citizens 2017, the Computer Science Development Law 1996.	 Standard rate of income tax is 22 per cent of net profit, if the income is earned in the foreign currency for other income headings except the heading of capital gains from assets, the income tax shall, in accordance with the provisions in regulation 8 of the <i>Income Tax Regulations</i>, be calculated, on such income and the income tax shall be charged in kyats on citizens and foreigners residing in the country and shall be charged in the type of currency earned on a foreigners residing abroad. In case of the capital gains from selling, exchanging or transferring by any other means, one or more assets in kyats or foreign currency, before deducting reliefs under sections 6 and 6A of the <i>Income Tax Law</i>: (i) if the company operates in Myanmar oil and gas sector, the income tax shall be levied in the type of currency earned according to the tax rates shown against the capital gains specified as follows: 	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		Capital gains	
		Income tax rate to be paid	
		(aa) equivalent 40 per cent: up to 100,000 million kyats	
		(bb) equivalent 45 per cent: from 100,000 million kyats to 150,000 million kyats	
		(cc) equivalent 50 per cent: to 150,000 million kyats and above	
		(ii) the income tax shall be levied 10 per cent in kyats or foreign currency on the capital gains of an individual or an association of persons except the companies operating in Myanmar's oil and gas sector. In case of a non-resident foreigner, the tax shall be paid in the type of currency earned.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) The Department of Labour under the Ministry of Labour performs registration for overseas workers who have been given the permission together with the commercial presence registered at the Directorate of Investment and Company Administration of Myanmar according to the laws, rules and regulations of Myanmar. The validation of registration is six months.	 (4) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. Any expatriate entering into Myanmar shall abide the Myanmar Immigration (Emergency Provisions) Act 1947, the Foreigners Act 1846, the Registration of Foreigners Act 1940, the Registration of Foreigners Rules 1948 and Immigration rules, regulations and procedures of Myanmar. Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour under the Ministry of Labour of Myanmar. 	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		The Department of Labour under the Ministry of Labour performs registration for overseas workers who have been given the permission together with the commercial presence registered at the Directorate of Investment and Company Administration of Myanmar according to the laws, rules and regulations of Myanmar. The validation of registration is six months.	
		Regarding the recognise the educational certificates and technical standard certificate, Myanmar only determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective countries.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SECTOR-SPECIFIC COMMITMEN	ITS		
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
b. Accounting, auditing and bookkeeping services	(4) Commercial presence of service supplier for this sector may supply services related to this sector in Myanmar. ASEAN Chartered Professional Accountants (ACPA) can provide non-audit services such as Financial accounting, Bookkeeping, Cost and management accounting, Preparation, compilation or reporting of financial statements, Financial management consultancy, Investment consultancy, Tax consultancy, tax filling, tax calculation, Company registration and secretarial service, Liquidation, insolvency and receivership, Accounting system design, development and implementation, Accounting system review and analysis, Internal audit, Accounting Education establishment, Share valuation advisory,	(4) As indicated in Market Access	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Business valuation advisory and Other accounting related services which shall be determined by Professional Regularity Authority. They have to register at Myanmar Accountancy Council (MAC). Apart from ASEAN countries for commercial presence, the professional accountants from Non-ASEAN countries may perform non-audit services as mentioned above. However, they have to register with the MAC under the Myanmar Accountancy Council law.		

d. Architectural services (CPC 8671) e. Engineering service (CPC 8672) f. Integrated engineering services (CPC 8673) g. Urban planning and landscape architectural services: Landscape architectural services (CPC 86742) (b) Preference for entry and temporary stay of skilled workers from traditional source of supply. (c) Unskilled labour is not allowed in Myanmar. (d) According to the Myanmar Engineer Council Law 2013 and Law Amending the Myanmar Engineer (RLPE) and Registered Limited Professional Engineer (RLPE) respectively to the Myanmar Engineer Council. (a) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (b) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (b) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (b) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (c) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (c) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (c) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services provider shall receive the authority. (c) Any expatriate engaged in joint ventures, epresentative offices or other types of judicial person and/or individual services. (c) Any	Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(CPC 8671) e. Engineering service (CPC 8672) f. Integrated engineering services (CPC 8673) g. Urban planning and landscape architectural services: Landscape architectural	Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations, management, professional and technical experts unless mentioned otherwise are allowed to stay up to one year and extendable there on. (b) Preference for entry and temporary stay of skilled workers from traditional source of supply. (c) Unskilled labour is not allowed in Myanmar. (d) According to the Myanmar Engineer Council Law 2013 and Law Amending the Myanmar Engineer Council Law 2019, Foreign Engineer and Foreign Professional Engineer, who is in compliance with specifications provided in this law, shall apply registration on Registered Limited Engineer (RLE) and Registered Limited Professional Engineer (RLPE) respectively to	ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country. (d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour. (e) The Government needs to regulate the flow of foreign workers to ensure social	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a. Consultancy services related to the installation of computer hardware (CPC 841)	(4) Subject to the Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations, only core staff	(a) Natural persons require	
 b. Software implementation services (CPC 842) System and software consulting services (CPC 8421) System analysis services (CPC 8422) System design services (CPC 8423) Programming services (CPC 8424) System maintenance services (CPC 8425) 	including management staffs, technical experts, and such will be allowed to enter to carry out the activities.	approval from the related departments and will be subject to the existing laws, rules, and regulations. (b) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (c) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
 c. Data processing services (CPC 843) Input preparation services (CPC 8431) Data-processing and tabulation services (CPC 8432) Time-sharing services (CPC 8433) Other data processing services (CPC 8439) d. Data base services (CPC 8449) e. Other (CPC 845 + 849) Maintenance and repair services of office machinery (CPC 845) Data preparation services (CPC 8491) Other computer services (CPC 8499) System integration services Software development services 		 (d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country. (e) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour. (f) Subject to domestic rules and regulations for the categories of natural persons referred to under market access. (g) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar. 	

		Sector or Subsector		Limitations on Market Access	Li	mitations on National Treatment	Additional Commitments
F.	F. Other Business Services						
	a.	Advertising Services (CPC 871)	(4)	Unbound	(4)	Unbound	
	C.	Management Consulting and Regulated Services (CPC 865)	(4)	Management consulting and regulated services for market access shall be permitted in accordance with the laws, regulated by the relevant ministries in general and by the Ministry of Education in particular.	(4)	Management consulting and regulated services for national treatment shall be permitted in accordance with the laws, regulated by the relevant ministries in general and by the Ministry of Education in particular.	Due to existing regulations of Education, all kinds of education services are to be regulated by Ministry of Education
				Commitment with Limitation		Unbound	
	r.	Printing and Publishing (CPC 89)	(4)	Unbound	(4)	Unbound	
	t.	Other Translation and Interpretation Services (CPC 87905)	(4)	Unbound	(4)	Unbound	

	Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2.	COMMUNICATION SERVICES			
	D. Audio Visual Services			
	Motion Picture and Video Tape Production Services (CPC 96121)	(4) Subject to the Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations only managers, executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply, in accordance with rules and regulations, for an extension of a period not exceeding one year.	 (4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country. (d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour. (e) Subject to domestic rules and regulations for the categories of natural persons referred to under market access. (f) Standard rate of income taxes are 30 per cent of net profit for kyat-income and 2 per cent of net profit for foreign currency-income. 	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
D. Audio Visual Services			

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)	(4) Unbound	(4) Unbound	
Rental and Leasing of Studio Recording equipment (CPC 38109)	(4) Unbound	(4) Unbound	

	Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3.	CONSTRUCTION SERVICES			
	Pre-erection work at construction site (CPC 511) Construction work for buildings (CPC 512)	(4) Subject to the Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations, management, professional and technical experts	(4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the	
	,	are allowed to stay up to one year and may be extendable there on.	approval of the respective authority.	
	Construction work for civil engineering (CPC 513)		(b) Any expatriate entering into Myanmar shall abide by the immigration rules and	
	Assembling and erection of prefabricated construction (CPC 514)		procedures of Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and	
	Special trade Construction (CPC 515)		they shall not interfere in the internal affairs of the country. (d) Individual services providers	
	Installation work (CPC 516)		who work with the approval of respective authorities shall register themselves with the Department of Labour.	
	Building completion and finishing work (CPC 517)		(e) Subject to domestic rules and regulations for the categories of natural persons referred to	
	Renting services related to equipment for construction or demolition of building or civil engineering works with operator.		under market access. (f) Standard rate of income taxes are 30 per cent of net profit for kyat- income and 2per cent of net profit for foreign currency-income.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		in Myanmar.	
		(h) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar.	

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	Sector or Subsector		Limitations on Market Access		mitations on National Treatment	Additional Commitments
5.	EDUCATION SERVICES					
	Education Services (CPC 922, 923 and 929)	(4)	Market Access shall be permitted in accordance with the laws pursued by the Ministry of Education.	(4)	National Treatment shall be followed in accordance with the rules, regulations and laws of the relevant ministries in general and Ministry of Education in particular.	Due to existing regulations of Education, all kinds of education services are to be regulated by Ministry of Education
	Higher Education Services (CPC 923) Post-secondary education services (CPC 9231,92310)	(4)	Market Access shall be accounted in accordance with the domestic laws, rules and regulations of the related ministries including Ministry of Education.	(4)	National Treatment shall be maintained in accordance with the domestic laws, rules and regulations of the related ministries including Ministry of Education.	
	Other higher education services (CPC 9239, 92390)					

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. TRANSPORT SERVICES			
A. Maritime Transport Services			
International Passenger Transport Services (Excluding Cabotage) (CPC 7211)	 (4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies. (b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar. (c) The immigration rules and procedures shall abide by any expatriate when entering in to Myanmar. (d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the 	(4) Unbound	
	internal affairs of the country. (e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar		

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
International Freight Transport Services (Excluding Cabotage) (CPC 7212)	(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies.	(4) Unbound	
	(b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar.		
	(c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.		
	(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country.		
	(e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar		

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Cargo Handling Services (CPC 741)	 (4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies. (b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar. (c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. (d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country. (e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar. 	Venture, representative offices or other type of juridical person and individual services providers shall receive the	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Storage and Warehouse Services (CPC 742)	 (4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies. (b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar. (c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. (d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country. (e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar 	 (4) (a) Any expatriate engaged in Joint Venture, representative offices or other type of juridical person and individual services providers shall receive the approval of the respective authority. (b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. (d) Individual services provider who work with approval of respective authority shall register themselves with the Department of Labour. 	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Freight Forwarding Services (CPC 7480)	(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies.	(4) Unbound	
	(b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar.		
	(c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.		
	(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country.		
	(e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar.		

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Air Transport Services			
Aircraft Repair and Maintenance Services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Selling and Marketing of Air Transport Services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Aircraft leasing with crew	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Supporting services for air transport	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
 Computer reservation system services 			
Aircraft catering services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Air Freight Forwarding Services	(4) Unbound	(4) Unbound	
Aircraft Leasing without Crew	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	