

The Government of the Republic of the Union of Myanmar

The Ministry of Finance and Revenue

The Minister's Office

Notification

No. 104 / 2012

Nay Pyi Taw, the 8th Waning Day of 1373 M.E.

(15th March, 2012)

The Ministry of Finance and Revenue, in exercising the powers conferred under sub-section (a) of section 29 of the Commercial Tax Law, hereby issues the following regulations with the approval of the Union Government.

Chapter I

Title, Effectiveness and Definition

- 1.(a) These regulations shall be called the Commercial Tax Regulations.
- (b) These regulations shall become effective commencing from 2012-2013 financial year.

2. The expressions contained in these regulations shall have the meaning as contained in the Commercial Tax Law. Moreover, the following expressions shall have the meaning as given hereunder:
 - (a) **Law** means the Commercial Tax Law;
 - (b) **Director General** means the Director General of the Internal Revenue Department;
 - (c) **Semi-finished goods** mean the goods produced by producer of other goods to be included and used as a part in a taxable goods;
 - (d) **Restaurant** means a shop or place where the food is exhibited and sold. This expression includes bar, restaurant, tea shop, beverage shop and snack shop;

Chapter II

Registration, Intimation of the Commencement of the Business

3. The producer of goods who shall have taxable proceed of sale in a year or the service provider who shall have taxable receipt from service in a year shall submit application for registration to the relevant Township Revenue Officer with the stipulated form, one month prior to the commencement his enterprise. However, it shall not apply to the service providers specified by the Director General, from time to time, that they shall not be applied.

4. The Township Revenue Officer shall, if it is scrutinized and found that the application is submitted in proper manner by the applicant by mentioning necessary particulars completely in the application form, enter it in the register and issue the registration certificate to the said producer of goods or service provider in the prescribed form. Moreover, necessary copies of registration certificate shall also be issued for the workplaces mentioned in the application of the owner of the enterprise having work at more than one place.

5. The producer of goods or service provider shall hang the registration certificate issued under regulation 4 at the premises of the main workplace and copy of the registration certificate at each premises of the branch enterprises for enabling the public to see it.

6. The producer of goods who shall have taxable proceed of sale in a year or service provider who shall have taxable receipt from service in a year shall send a letter of intimation of the commencement of the enterprise to the relevant Township Revenue Officer with the prescribed form within 10 days from the commencement of his enterprise.

7. If the relevant Township Revenue Officer finds that the producer of goods who shall have taxable proceed of sale in a year or service provider who shall have taxable receipt from service in a year has not submitted the application for registration under regulation 3 or has not sent the letter of

intimation on the commencement of the enterprise under regulation 6, he may intimate to the relevant person to send them. If it is necessary, the relevant Township Revenue Officer may demand the information relating to that person and summon and examine any person for this matter.

8. The registered producer of goods or service provider shall, if any of the following matters arises, inform to the relevant Township Revenue Officer in writing within 15 days from the day of occurrence as such together with the registration certificate:

- (a) transfer of the ownership of the enterprise, sale of the whole or a part of the enterprise and transfer by any means;
- (b) termination of enterprise, change of address of the enterprise and opening new workplace;
- (c) change of the name and category of the enterprise.

Chapter III

Paying Tax and Sending Declaration

9. The producer of goods who shall have taxable proceed of sale or service provider who shall have receipt from service in a year has the duty to comply with and carry out as follows:

- (a) He shall obtain chalans for deposit from the relevant Township Revenue Officer in advance to enable to pay monthly tax under sub-section (a) of section 12 of the Law;
- (b) He shall obtain declaration forms from the relevant Township Revenue Officer in advance to enable to send three-monthly declaration under sub-section (a) of section 12 of the Law;
- (c) He shall deposit the tax due for the relevant month to the relevant bank by the chalan for deposit within 10 days after the expiry of such month. Moreover, the chalan number and date depositing the tax shall be mentioned in the three-monthly declaration sent for the relevant months.

10. (a) The Township Revenue Officer shall, if he has cause to consider that any person has taxable proceed of sale or receipt from service in a year, intimate the said person, attached with chalan and declaration form, to pay the tax due for the relevant months and to send three-monthly declarations for the relevant months.
- (b) The assessee who receives the intimation under sub-regulation (a) shall carry out payment of tax and sending declaration within the days contained in such intimation.
- 11.(a) If the assessee fails to pay the tax according to sub-sections (a) and (b) of section 12 of the Law or if the Township Revenue Officer has cause to consider that money paid is less than the tax which should be paid, the Township Revenue Officer shall claim the tax payable by the assessee or the tax to be paid in addition by sending the letter of claim, attached with chalan, after estimating it based on the information he received.
- (b) The assessee who receives the letter of claim under sub-regulation (a) shall pay the tax within the days stipulated in such letter of claim.

12. The relevant Township Revenue Officer shall send the letter of claim and chalan, and claim the tax which shall be paid by the assessee after assessing under section 14 of the Law and setting-off under sub-section (d) of section 12 of the Law or the tax which shall be paid in addition by the assessee according to the assessment or reassessment under section 17. Moreover, if there is a fine imposed under section 21, section 21A and section 22, those shall also be claimed at the same time.

Chapter IV

Refunding of Tax

13. The relevant Township Revenue Officer shall, if there is refund to be paid to the assessee under section 16 of the Law, and if there is the tax to be collected from such assessee, it shall be collected from such assessee by setting-off the refund from such money.

14. The assessee, when he receives the letter of intimation that he is entitled to obtain the refund under section 16 of the Law, shall set-off the refund entitled from the tax due and he is responsible to pay monthly and pay the remaining part. Moreover, if the refund may not be set-off only at a time, the remaining refund shall be continued to set-off from the taxes due for the next months. Those set-offs shall be explained and mentioned in the declaration sent three-monthly.

15. If the assessee who is entitled to obtain the refund has no tax to continue to pay in the year in which the letter of intimation was sent, the relevant Township Revenue Officer may pay the refund to such assessee in cheque.

16. If there is no refund to set-off under regulation 13 in having assessed on the importer relating to the imported goods, or if there is remaining refund after setting-off, the relevant Township Revenue Officer may issue the refund to the assessee in cheque.

17. The assessee shall be entitled to claim the refund which he is entitled to obtain in accord with law within one year from the day he receives the letter of intimation.

18. If the refund has to be paid to a person involved with these regulations, such refund shall be paid in the kind of money he paid.

Chapter V

Appeal

19. If the assessee applies, under sub-section (d) of section 19 of the Law, to allow for appeal against the order of the Township Revenue Officer without paying the tax in full, the relevant Region or State Revenue Officer or the Head of the Companies' Circle Tax Office shall carry out as follows:

- (a) He shall scrutinize whether or not the assessee is able to pay the tax in full. If it is necessary, he may summon and examine any person for that purpose;
- (b) If there is cause to consider that the assessee is a person who may pay the tax in full, he shall allow to file appeal after paying tax in full;
- (c) If there is cause to consider that the assessee is a person who may not pay the tax in full, he shall be allowed to file appeal only after causing him to pay the tax stipulated by the relevant Region or State Revenue Officer or Head of the Companies' Circle Tax Office and to submit stipulated security for the remaining tax;
- (d) The order passed under sub-regulation (a) or (b) shall be sent to the assessee.

20. The assessee:

- (a) shall, if he is desirous to appeal under clause (i) of sub-section (a) of section 19 of the Law, send the application for appeal to the Region or State Revenue Officer or Head of the Companies' Circle Revenue Office with the stipulated form;
- (b) shall, in filing appeal under sub-regulation (a), the claim for tax or certified copy of the order shall be attached to the application for appeal;
- (c) in filing appeal to the Revenue Appellate Tribunal under clause (ii) of section (a) of section 19 of the Law, certified copy of the order shall be attached together with the form stipulated by such Tribunal;
- (d) may appeal to the Supreme Court of the Union relating to the legal problem arising out of the decision of the Revenue Appellate Tribunal. In doing so, certified copy of the order passed by the Revenue Appellate Tribunal shall be attached with the application for appeal.

21. The Supreme Court of the Union, Revenue Appellate Tribunal, Region or State Revenue Officer or Head of the Companies' Circle Tax Office may call for the necessary proceedings or papers from the relevant office in deciding the appeal.

22. The assessee shall be given the right of defence by himself or by representative or by pleader. If the appellant submits written argument, it shall also be allowed.

23. The Supreme Court of the Union, Revenue Appellate Tribunal or Region or State Revenue Officer or Head of the Companies' Circle Tax Office may summon and examine any person for enabling to decide the appeal. Moreover, necessary information may also be called for.

24. Relating to the appeal:

- (a) if it is the order passed by the Supreme Court of the Union, its copy shall be sent to the Revenue Appellate Tribunal;
- (b) if it is the order passed by the Revenue Appellate Tribunal, its copy shall be sent to the Region or State Revenue Officer or Head of the Companies' Circle Tax Office;
- (c) if it is the order passed by the Region or State Revenue Officer, its copy shall be sent to the relevant Township Revenue Officer and the assessee.

Chapter VI

Manners to be Carried out Relating to the Persons who Would Go Abroad

25. Any person who would go abroad temporarily or for good shall intimate to the relevant Township Revenue Officer to assess completely if he has tax to pay under section 15 of the Law.

26. The relevant Township Revenue Officer shall, on receiving the letter of intimation under regulation 25, urgently carry out all assessments to be assessed on him until completion.

27. If the relevant Township Revenue Officer may not carry out all assessments completely as contained in regulation 26, necessary matters shall be carried out to enable to assess relating to the persons who would go abroad, in accord with the directives. Moreover, sufficient arrangements shall be made to enable to collect and obtain the tax due.

28. The relevant Township Revenue Officer shall, after having carried out as contained in regulation 26 or regulation 27, issue recommendation to him with the stipulated form. Such person shall send that recommendation, attached with the stipulated application form, to the body assigned duty by the Director General for scrutinizing the persons who would go abroad. After having scrutinized by such body, if the requirements are fulfilled, recommendation shall be issued to him with the stipulated form for allowing departure to abroad.

29. The relevant Township Revenue Officer may, relating to a person who is from his relevant region and who would go abroad, carry out according to the stipulations contained in this chapter. However, the stipulations contained in this chapter shall not apply to the followings:

- (a) persons who have not attained 18 years of age;
- (b) passengers holding check-through ticket and transiting according to the route, and passengers who have return-ticket and stayed in the country not more than 90 days;
- (c) diplomats who came from foreign countries to Myanmar and carries out duty, persons who includes in diplomat level, and their family members;
- (d) full-time staff and family members of the persons contained in sub-regulation (c) who are citizens of the country they represent, and who do not carry out other beneficial works in Myanmar;
- (e) government servants, representatives of the foreign governments who come to Myanmar relating to the matters of foreign governments, and their family members;

- (f) persons, staff who come to Myanmar at the invitation of the Government of Myanmar or to carry out the functions and duties of the United Nations, and their family members;
- (g) persons who are ordered for deportation from Myanmar.

30. The Director General may, relating to the matters which are difficult to carry out in practice according to regulations contained in this chapter, determine the manners to issue recommendation to the assessee for obtaining departure to foreign country.

Chapter VII

Manners to Assess for Termination of Work and Transfer of Ownership

31. (a) An assessee shall, if he terminates his work or if he does not continue to carry out work due to the transfer of ownership, send the declaration for the period from the beginning of the financial year to the day of such termination together with the letter of intimation according to regulation 8, to the relevant Township Revenue Officer within 15 days from the day of termination of the work.
- (b) The relevant Township Revenue Officer may, if he finds the termination or transfer of ownership of the work by the assessee, intimate such assessee to send the registration certificate, together with the declaration, for the period contained in sub-regulation (a).
- (c) The Township Revenue Officer may assess the assessee for the period contained in sub-regulation (a) in accord with the provisions contained in section 14 of the Law within the financial year.
- (d) If the assessment is not complete within the financial year, assessment may be carried out on the relevant assessee in accord with the provisions of the Law.

32. The relevant Township Revenue Officer shall, if the assessment of tax is left to be carried out on the person who terminates work or person who does not continue to carry out work due to transfer of ownership, for the periods before the termination of work, carry out assessment for such periods completely.

33. The relevant Township Revenue Officer shall, in carrying out according to the regulations contained in this chapter, calculate and claim the tax according to the tax rate contained in the schedule effective for the relevant year.

Chapter VIII

Manners to Assess on the Person who Carries out Entertainment

34. The person who takes responsibility in carrying out entertainment shall send the letter of intimation that the entertainment is to be carried out, to the relevant Township Revenue Officer three days in advance before the day of entertainment, together with the permit or licence, with the form stipulated for entertainment. The relevant Township Revenue Officer may relax and accept the days for intimation in advance in the matter which has sufficient cause.

35. The person who takes responsibility for carrying out entertainment shall carry out the followings:

- (a) having receipts of the admission ticket, placing ticket by classifying the category of class and place of same admission fee;
- (b) having the same tickets for each category of class, place of same admission fee;
- (c) binding the tickets as of book;
- (d) expressing the serial number, name of the hall or cinema, date, showing time, category of class, place and rate of fee on the ticket;
- (e) allowing to enter and exit only with the entertainment ticket;
- (f) having specific sitting plan relating to the entertainment according to the show;
- (g) making the place sold in the form contained in sub-regulation (f);
- (h) keeping the list of daily sale according to show with the stipulated form.

36. The person who takes responsibility to carry out entertainment shall send the declaration of receipts for the entertainment to the relevant Township

Revenue Officer with the stipulated form, together with the relevant documents, within office hours of the next day to the day of entertainment.

37. The relevant Township Revenue Officer shall assess and claim the tax due immediately, based on the declaration of receipts obtained from the person who takes responsibility to carry out entertainment and other information received. Moreover, he may summon and examine any person before making assessment and also call for the necessary information.

38. The owner of the place or building where the entertainment is held or manager of them are also responsible to pay tax to be paid by the person who takes responsibility to carry out entertainment for any entertainment held in such place or building, by deducting it from the receipts for such entertainment. Moreover, stipulations contained in regulation 35 and 36 shall also be abided by relating to such entertainment.

39. The relevant Township Revenue Officer may enter and inspect any entertainment held in his township by himself or by his staff assigned by him. In doing so, tickets, sitting plans, accounts and other documents may also be inspected.

Chapter IX

Manners to Assess Tax Relating to the Restaurant Business

40. The owner of the restaurant business shall carry out the followings relating to the restaurant business:

- (a) sending the voucher books to the Township Revenue Office in advance to enable to affix seal on them under sub-regulation (b) of regulation 49;
- (b) collecting the due tax payable by the consumer, together with the proceed of sale, with the voucher sealed by the relevant Township Revenue Office;

- (c) depositing the tax collected under sub-regulation (b) with the relevant bank by the depositing chalan within 10 days after the expiry of relevant month;
- (d) sending the declaration, by expressing the chalan number and date in that chalan if the tax has been paid under sub-regulation (c), to the relevant Township Revenue Office within one month after the expiry of the relevant three-month;
- (e) obtaining forms of depositing chalan and declaration from the relevant Township Revenue Office in advance to enable to pay the tax monthly and to send three-monthly declaration.

41. The owner of the restaurant business may, if he has the difficulty to collect tax by means of issuing voucher to the consumer under regulation 40, submit reason to the relevant Township Revenue Officer. The relevant Township Revenue Officer shall, on receiving that submission, scrutinize as may be necessary and submit the finding to the Region or State Revenue Officer or the Head of the Companies' Circle Tax Office. The Region or State Revenue Officer or the Head of the Companies' Circle Tax Office shall, if he satisfies that the assessee has the difficulty to comply with and carry out actually, cause that owner of the restaurant business to comply with and carry out according to the following terms and conditions:

- (a) the owner of the restaurant business shall collect the tax due without issuing receipt for the tax he collected, but collect it collectively in the proceed of sale of foodstuff from the consumer. The cash book in which daily sales are mentioned shall be maintained with the stipulated form;
- (b) the owner of the restaurant business shall carry out as contained in the sub-regulations (c), (d) and (e) of regulation 40.

Chapter X

Manners to Carry out for Assessing Only Once

42. It shall be carried out as follow for assessing only once according to law:

- (a) the producer of goods may set-off the tax paid for the raw material or semi-finished goods bought from other producer of goods or person

who carries out trading business from the tax due on the sale of goods he produced;

- (b) the person who carries out trading business for buying and selling of goods may set-off the tax paid at the time of importing such goods or buying such goods from other person who carries out trading business or producer of goods from the tax due on the goods he sells;
- (c) the producer of goods or person who carries out trading business shall, if he imports the raw material or semi-finished goods or finished goods, prepare two copies of certificate with the stipulated form, and send the duplicate copy to the Township Revenue Officer concerned and maintain the original as own copy. If it is bought in the country, he shall, prepare three copies of certificate with the stipulated form, send the original to the buyer, send a duplicate copy to Township Revenue Officer concerned with the buyer, and keep a remaining duplicate with him as the own copy;
- (d) the person who set-off the tax under sub-regulations (a) or (b) shall submit to the Township Revenue Officer with the stipulated form for such set-off, attached with the certificate or certificates under sub-regulation (c). However, the tax payable on the damaged raw material or damaged semi-finished goods in the process of producing finished goods by the producer shall not be set-off. Likewise, the person who carries out trading business by buying and selling goods shall not have the benefit for setting-off the tax on damaged goods;
- (e) in setting-off tax, the money set-off shall not be more than the tax due on the re-sale of goods;
- (f) the producer of goods and person who buys and sells the goods or person who imports the goods, who involved with these regulations shall be the persons who have been registered under this Law according to the year;
- (g) the Ministry of Finance and Revenue may, with the approval of the Union Government, determine, by notification, the goods and services which are not allowed to set-off the commercial tax under these regulations.

Chapter XI

Manners to Pay and Assess Tax Relating to the State-owned Economic Enterprises, State-owned Mills, Factories, Trading and Services

43. The State-owned economic enterprises, State-owned mills, factories, trading and services shall carry out as follows relating to the payment of tax:

- (a) It shall send the letter of intimation to the bank where it opens bank account to transfer the tax monthly due to the bank account of the relevant Township Revenue Officer. The copy of the letter of intimation shall be sent to the relevant Township Revenue Officer. Moreover, declaration of three-month proceed of sale or services shall be sent to the relevant Township Revenue Officer within one month after the expiry of three month of production and sale of goods or providing service;
- (b) The relevant bank shall, on receiving the letter of intimation contained in sub-regulation (a), pay the tax due by account transfer, from the balance money of the assessee, to the accounts of the relevant Township Revenue Office. Such payment by account transfer shall be intimated to the relevant Township Revenue Officer and relevant assessee before the expiry of the month of the transfer;
- (c) The relevant Township Revenue Officer shall send the letter of intimation to the relevant bank to pay, by account transfer, the tax due on the average proceed of sale or receipt from service per month according to the estimate contained in the project relating to the assessee, and its copy to the relevant assessee;
- (d) The relevant bank shall carry out as contained in sub-regulation (b), on receiving the letter of intimation;
- (e) The relevant bank shall, if it finds that balance money is enough to pay the tax by account transfer under sub-regulation (b) or (c), pay the tax immediately to the extent of the balance. Relating to the deficit money, the payment of tax by account transfer shall be carried out by negotiating with the Budget Department of the Union Government.

44. Relating to the assesseees contained in this chapter, assessment of commercial tax shall be carried out as follows:

- (a) The State-owned economic enterprises, State-owned mills, factories, trading and services shall send the annual declaration for the relevant financial year to the relevant Township Revenue Office within three months after the expiry of the relevant year. However, if there is sufficient cause, annual declaration shall be sent to the relevant Township Revenue Officer, by expressing the

reason, within thirty days after the day of completion of preparation of annual accounts.

- (b) The relevant Township Revenue Officer shall assess based on the annual declaration sent by the State-owned economic enterprise, State-owned mills, factories, trading and services. However, if the Township Revenue Officer finds that proceed of sale or receipt from services contained in such declaration is less than the proceed of sale or receipt from service for which the tax should be paid, he may assess the tax by determining the proceed of sale or receipt from service for which the tax is payable.

Moreover, if the tax due contained in the declaration for the relevant year is different from the tax originally declared, after having audited the accounts of the relevant State-owned economic enterprises, State-owned mills, factories and establishments, the relevant State-owned economic enterprise, State-owned mill, factory and establishment shall send new declaration for such year within 30 days after obtaining the audit report. On sending as such, the relevant Township Revenue Officer shall carry out assessment on the State-owned economic enterprise, State-owned mill, factory, establishment for the relevant year according to such new declaration.

- (c) The State-owned economic enterprises, State-owned mills, factories, trading and services are not necessary to comply with the following matters:
 - (i) registration with the relevant Township Revenue Officer;
 - (ii) Intimation about the commencement of the work;
 - (iii) complying with and carrying out the stipulations contained in chapter (9).
- (d) For the remaining matters relating to the assessment and collection of tax on the assesseees contained in this chapter shall be carried out in accord with the directives issued, from time to time, by the Ministry of Finance and Revenue of the Union Government.

Chapter XII

Manners to Carry out Peculiar Matters

- 45. (a) Each shareholder in any work shall be responsible, jointly or individually, to accept the assessment and to pay the tax due relating to the receipts until the day of termination if such work is terminated.

(b) If the owner of any work is changed, the original owner and succeeding owner shall be responsible, jointly or individually, to accept the assessment and to pay the tax due until the day of change as such. If it is difficult to contact with the original owner, the tax shall be assessed for the following periods by determining the succeeding owner as the representative of the original owner:

(i) period in which the original owner carried out during the year of the change of owner;

(ii) preceding financial year before the change of owner.

46. For the person who is dead or is legally incapable, the tax shall be assessed and collected on the legal representative or person who is responsible under any law. However, the tax payable under this regulation by the legal representative or such responsible person shall be to the extent of the property for which they take responsibility.

47. The relevant Township Revenue Officer may, for carrying out of the production and sale of goods or services by the overseas residing foreigner or overseas residing citizen as stipulated under the definitions contained in the Income-Tax Law, after intimating to any of the following persons, the intention to determine as the representative of the said person, presume him as the representative for the matters contained in the Law:

(a) person delegated, by any means, by the person residing in overseas or in the country relating to his work in the country;

(b) person who has economic connection with the person residing in overseas or in the country;

(c) person who obtains income on account of person residing overseas or in the country.

However, the person who is intended to determine as the representative shall not be determined as the representative without giving him the right to explain in advance.

48. (a) The relevant Township Revenue Officer shall, in the matter to prosecute the assessee under clause (iii) of sub-section (a) and sub-section (b) of section 22, ask for the prior sanction of the Director General.

- (b) The Director General shall decide by having aim to obtain tax rather than to punish and by assessing whether or not there is situation to expose the depth of the assessee's intention to evade, conceal and cheat so as not to obtain the tax due. If it is necessary, the assessee shall be given extended time to expose.
- (c) The Director General shall not issue prior sanction to prosecute the relevant assessee if there is any of the following cause:
 - (i) being the amount of tax exempted is not much;
 - (ii) being proceed of sale or receipt from service concealed or cheated is not much if it is compared to the proceed of sale or receipt from service found that assessee has actually received;
 - (iii) paying the tax due and fine by the relevant person within the stipulate time or extended time.

Chapter XIII

Miscellaneous

49. (a) The relevant assessee shall maintain the accounts, receipt vouchers for which he is to keep, not to be damaged until three years after the expiry of the relevant year with them.
- (b) The receipt vouchers, credit sale vouchers and debit sale vouchers which shall be issued by the producer or service provider shall be expressed and printed on the papers of same size and different colour, containing one original, two duplicate, totally three papers, and bound as the voucher book. Moreover, it shall be written in Myanmar language or English on the original and duplicate copies so as to read them easily. The original and the first duplicate shall be issued to the relevant person and remaining duplicate shall be kept in the book as it is.
 - (c) In addition to the facts contained in sub-regulation (b), the following facts shall be included in the vouchers which shall be issued by the enterprise which produces and sells the goods and trading which buys and sells the goods:
 - (i) enterprise registration number issued under the Commercial Tax Regulation;
 - (ii) if the buyer of the goods is an owner of the enterprise; his name, address and enterprise registration number issued to him under the Commercial Tax Regulation;

- (iii) date of sale, description of goods, category, quantity, unit price and selling price;
- (iv) commercial tax due on the proceed of sale.

50. Except the matter which is necessary to be carried out by the assessee by himself under the Law for the purpose of the matters contained in the Law, the persons who are in conformity with Income Tax Regulation 10 have the right to carry out as the representative of the assessee.

51. In counting and determining the tax due, the tax less than 50 pyas shall not be included in counting and the tax between 50 pyas and one kyat shall be counted as one kyat.

52. Relating to the notice or claim for tax under the Law, it may be acknowledged by sending it by post to the person whose name is mentioned in them or to the Chairman, administrator, director, secretary, member or any sharer of the State-owned economic enterprise, State-owned mill, factory, association, company, joint-venture and partnership firm. Moreover, such notice or claim for tax may be served according to the manner of serving summon under the Code of Civil Procedure.

53. All particulars contained in the proceedings carried out under the Law shall be deemed confidential, and disclosure, causing to submit to the public servant of such particulars, summoning shall be applied as provided in section 49 of the Income-Tax Law.

54. When the Ministry of Finance and Revenue, with the approval of the Union Government, issues and determines, by notification, to assess the tax in foreign currency under section 27, the relevant Township Revenue Officer shall assess and collect the tax in foreign currency in accord with such notification.

55. Director General may issue and determine the forms so as to enable to comply with and carry out the stipulations contained in the provisions of Law and regulations easily.

56. The Commercial Tax Regulations dated 11th April 1990 is hereby repealed.

(Sd.) xxxxx

Hla Tun

Union Minister

Letter No. Ba Kha-1/ 295 (1005/2012)

Dated: 15th March, 2012

Circulation to:

- Office of the President of the Union
- Office of the Union Government
- Hluttaw Office
- Supreme Court of the Union
- Constitutional Tribunal of the Union
- Office of the Union Election Commission
- All Ministries
- Union Attorney General's Office
- Union Auditor General's Office
- Office of the Union Civil Service Board
- All Region or State Government Offices
- Internal Revenue Department
- All remaining Departments and Organizations under the Ministry of Finance and Revenue
- Printing and Publication Enterprise, sent with request to publish in the Myanmar Gazette.

By order,

(Sd.) xxxxx

(Win Than)

Deputy Minister

The Government of the Republic of the Union of Myanmar

The Ministry of Finance and Revenue

The Office of the Minister

Notification

No. 115 / 2012

Nay Pyi Taw, the 8th Waning Day of Taboung, 1373 M.E.

(15th March, 2012)

1. The Ministry of Finance and Revenue of the Union Government, in exercising the power conferred under section 6 of the Commercial Tax Law, with the approval and permission of the Republic of the Union of Myanmar Government's Meeting No. (11/2012) dated 15th March, 2012, hereby issues this notification.
2. It is amended and determined to assess tax on the goods contained in schedule 2 to schedule 5 of the Commercial Tax Law at 5 percent.
3. Any person shall pay commercial tax, if he produces and sells any of the goods contained in above article 2 in the country, on the proceed of sale; if he imports , on the landed cost.
4. This notification shall be effective commencing from 2012-2013 financial year.

(Sd.) xxxxx

Hla Tun

Union Minister

Letter No. Ba Kha-1/295 (1016/2012)

Dated: 15th March, 2012

The Government of the Republic of the Union of Myanmar
The Ministry of Finance and Revenue
The Office of the Minister

Notification

No. 118 / 2012

Nay Pyi Taw, the 8th Waning Day of Taboung, 1373 M.E.

(15th March, 2012)

1. The Ministry of Finance and Revenue of the Union Government, in exercising the power conferred under sub-section (b) of section 8 of the Commercial Tax Law, with the approval and permission of the Republic of the Union of Myanmar Government's Meeting No. (11/2012) dated 15th March, 2012, hereby issues this notification.
2. For the co-operative sector and private sector, the commercial tax shall not be assessed if it is not above the following proceed of sale or receipt from service:
 - (a) For the production and sale of goods, contained in Schedule 2 to Schedule 6 , in the country, total proceed of production and sale in a year is one hundred lakh kyats;
 - (b) For the services contained in Schedule 7 of the Commercial Tax Law, total proceed of sale or receipt from service in a year is one hundred lakh kyats.
3. Relating to the determination of the amount of proceed of sale or receipt from service, the Notification No. 48 dated 14th April, 1990 and Notification No. 54 dated 26th April, 1990 of the former Ministry of Planning and Finance shall be hereby repealed.
4. This notification shall be effective commencing from 2012-2013 financial year.

(Sd.) xxxxxx

Hla Tun

Union Minister

Letter No. Ba Kha-1/295 (1019/2012)

Dated: 15th March, 2012

The Government of the Republic of the Union of Myanmar

The Ministry of Finance and Revenue

The Office of the Minister

Notification

No. 121 / 2012

Nay Pyi Taw, the 8th Waning Day of Taboung, 1373 M.E.

(15th March, 2012)

1. The Ministry of Finance and Revenue, in exercising the power conferred under sub- sections 6 and 27 of the Commercial Tax Law, with the approval and permission of the Republic of the Union of Myanmar Government's Meeting No. (11/2012) dated 15th March, 2012, hereby issues this notification.
2. If any person obtains foreign currency from the production and sale of any goods contained in Schedule 1 to Schedule 6 or providing any service contained in Schedule 7 of the Commercial Tax Law, he shall pay the commercial tax. on the proceed of sale or receipt from service in foreign currency, in kyats according to the relevant rate of tax as contained in Schedules of the Commercial Tax Law in accord with the manners stipulated by the Ministry of Finance and Revenue.
3. The stipulation under article 2 shall not apply to the proceed of sale of export goods. Any person who exports and sells any of the following goods among the goods contained in Schedule 1 to Schedule 6 of the Commercial Tax Law, the commercial tax on the proceed of sale shall be paid in kind of currency obtained according to the rate contained in the Schedule of the Commercial Tax Law:
 - (a) oil;
 - (b) natural gas;
 - (c) teak log and teak cuttings;
 - (d) hardwood log and hardwood cuttings;
 - (e) jade and other precious gemstones.
4. However, if the remaining goods contained in Schedule 1 to Schedule 6, except the goods contained in article 3, are exported and sold, the commercial tax on the proceed of sale is hereby exempted under sub-sections (a) and (d) of section 8 of the Commercial Tax Law.
5. The determination of taxable proceed of sale or receipt from service, by notification, under the Commercial Tax Law, shall not apply to total proceed of sale or receipt from service in foreign currency.

6. The provisions contained in articles 2 and 3 shall not apply to the exemptions, reliefs, by notification, under section 8 of the Commercial Tax Law.
7. The following notifications are hereby repealed:
- (a) Notification No. 2/2010 of the Ministry of Finance and Revenue dated 31-12-2009;
 - (b) Notification No. 108/2011 of the Ministry of Finance and Revenue dated 30-6-2011;
 - (c) Notification No. 32/2011 of the Ministry of Finance and Revenue dated 11-8-2011;
 - (d) Notification No. 33/2011 of the Ministry of Finance and Revenue dated 1-9-2011;
 - (e) Notification No. 43/2012 of the Ministry of Finance and Revenue dated 1-2-2012;
 - (f) Notification No. 44/2012 of the Ministry of Finance and Revenue dated 1-2-2012;
 - (g) Notification No. 68/2012 of the Ministry of Finance and Revenue dated 24-2-2012;
 - (h) Notification No. 111/2006 of the Ministry of Finance and Revenue dated 5-6-2006;
 - (i) Notification No. 142/2011 of the Ministry of Finance and Revenue dated 11-8-2011.
8. This Notification shall be effective commencing from 2012-2013 financial year.

(Sd.) xxxxx
Hla Tun
Union Minister

Letter No. Ba Kha-1/295 (1022/2012)

Dated: 15th March, 2012

Circulation to:

- Office of the President of the Union
- Office of the Union Government
- Hluttaw Office

