MYANMAR TAX GUIDE 2024

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Contents

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The information contained in this book is provided for information purposes only and is not intended to constitute legal and tax advice. Legal and tax advice should be obtained from qualified counsel for all specific situations.

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1. OVERVIEW

The major tax laws in Myanmar include the following:

- The Union Tax Law (“**UTL**”);
- The amended Income Tax Law of 1974 (the “**ITL**”);
- The amended Commercial Tax Law of 1990 (the “**CTL**”);
- The amended Specific Goods Tax Law of 2016 (“**SGTL**”);
- The amended Myanmar Stamp Act; and
- The Tax Administration Law of 2019 (“**TAL**”).

The UTL is a yearly tax law that supplements the exemptions, relief, and other benefits granted under the ITL, CTL, SGTL, and the Myanmar Gemstones Law. The most recent version is the 2024 UTL, enacted by the State Administration Council and implemented on 1 April 2024. The ITL is supplemented by the Income Tax Rules, Income Tax Regulations, and Notifications periodically issued by the Internal Revenue Department (“**IRD**”). The CTL and SGTL are also supplemented by implementing regulations and notifications. The Myanmar Stamp Act is supplemented by a schedule detailing the documents subject to stamp duty and the applicable rates. The TAL provides a uniform tax administration procedure for income tax, commercial tax, and specific goods tax effective 1 October 2019.

The IRD, under the Ministry of Planning and Finance (“**MoPF**”, previously referred to as the Ministry of Planning, Finance, and Industry or “**MoPFI**”), administers taxation in Myanmar. Meanwhile, the Customs Department under the MoPF administers customs-related matters in Myanmar.

2. CORPORATE INCOME TAX ("CIT")

A. Tax Residency

The taxation of a corporate entity is determined by its tax residence. Under the Income Tax Law, a resident company is a company formed under the Myanmar Companies Law ("**MCL**") or any other existing Myanmar law. Further, resident entities also include associations formed wholly or partly with foreigners and where the control, management, and decision-making of its affairs are situated and exercised wholly in Myanmar.

Entities that do not fall in the above definitions are considered non-residents. Myanmar resident entities are subject to tax on income accrued, derived from, or received from any sources within and outside Myanmar. Non-resident entities are liable to pay tax only on Myanmar-sourced income.

B. CIT Rate

Resident and non-resident entities are generally subject to a 22% CIT rate. For companies listed on the Yangon Stock Exchange, the CIT rate is reduced to 17%. Oil and gas exploration and production companies are subject to a 25% CIT rate.

For primary cooperative societies registered and established under the Cooperative Society Law, income tax will be assessed under the graduated income tax rates of 0 to 25% (generally applicable to individuals).

C. Taxable Income

As a general rule, CIT is charged on the total taxable income or net profit obtained within the tax year.

D. Tax Exempt Income and Relief

Income tax does not apply to the following types of income:

- Income received by a religious or charitable organization and used exclusively for religious or charitable purposes;

- Fees charged by a local authority;
- Insurance proceeds;
- Income of a casual and non-recurring nature except for capital gains and income from an enterprise;
- Share of the after-tax profits of an association; and
- Income received by newly established small and mid-sized enterprises during their first three years from commencing operations if their income does not exceed MMK 15 million for three consecutive years.

Additionally, the government may grant exemptions or relief from income tax or other benefits related to tax on the following types of income:

- Income obtained from donations for social, religious, health or educational causes in the country from domestic or foreign donors or international organizations;
- Aid provided to the country by domestic or foreign organizations;
- Interest paid on concessional loans or official development aid loans;
- Donated property or donations provided by domestic or foreign organizations in the event of natural disasters; and
- Matters related to the development of the securities market.

Furthermore, exemptions from income tax may also apply if stated under any Law relating to the United Nations, Diplomats, Counsellors, International Organizations, Investment and Special Economic Zones, and other laws relating to income tax.

Applying for income tax exemptions is not automatic unless expressly stated under the law. Usually, the taxpayer must apply for tax exemption confirmation (or certificate of recognition in the case of non-profit organizations and for projects implemented under grant aid or concessional loans) with the IRD.

E. Tax Exempt Income and Relief

Additionally, the government may grant exemptions or relief from income tax or other benefits related to tax on the following types of income:

- Capital expenditure;
- Personal expenditure;
- Expenditure not commensurate with the volume of business;
- Inappropriate expenses incurred for purposes other than earning such income; and
- Payments made to a member of an association of persons other than a company and a cooperative society provided that payments made for professional services will be deducted.

F. Depreciation

A taxpayer can claim tax depreciation based on the allowable rates provided under MoPF Notification No. 19/2016. The following are the tax depreciation rates for buildings, plant and machinery, furniture, vehicles, and other capital assets:

Type of asset	Depreciation rate (percentage of original value or price)
a. **Buildings**	
i. First-class substantial building constructed with selected materials and reinforced concrete	
– Factories	2.5
– Other Buildings	1.25
ii. Second-class building of less substantial construction	
– Factories	5
– Other Buildings	2.5
iii. Wooden building with tile or corrugated iron roofing	
– Factories	10
– Other Buildings	5
iv. Buildings with bamboo and thatch	Replacement costs allowed as revenue expenditure
b. **Furniture and fittings installed in buildings**	
i. Cups, glassware, cotton, and plastic cloth	5
ii. Furniture and fittings, silverware, and kitchen equipment used in hotels, cinemas, boarding, and guest houses	6.25
iii. Musical instruments used in hotels, theatres, and cinemas	10

Type of asset		Depreciation rate (percentage of original value or price)
c.	**Machinery and Plant**	
	i. General	5
	ii. Machinery, equipment, and various machine tools	2.5-20
d.	**Vehicles**	
	i. Aircraft	12.5
	ii. Waterway transport	5-10
	iii. Road transport vehicles	12.5-20
e.	**Miscellaneous items**	
	i. Office equipment and weighing machines apparatus	10
	ii. All other items mentioned in the Notification	5-20

Tools, apparatus, and appliances or other capital assets not included in the MoPF Notifications are depreciable at 5% per annum based on the original cost.

Tax depreciation, using the rates prescribed in the Notification, may be claimed for the whole year, irrespective of the asset purchase date. However, no depreciation can be claimed in the year of sale.

For intangibles and low-value fixed assets, the Director General of the IRD, with approval from the MoPF, can determine the depreciation rates applicable for these types of assets.

G. Losses

Tax losses may be offset against taxable income. Unutilized tax losses can be offset against future taxable income for up to three consecutive years.

Tax losses from capital assets or a share of loss from an association of persons (including companies and partnerships) cannot be offset against taxable gains from other sources or carried forward.

H. Donations

Contributions to religious or charitable institutions sponsored by the State or recognized by the MoPF may be deducted. Deductions are limited to 25% of the taxable income before donations. Furthermore, the Practice Statement 2/2018, dated 14 November 2018, provides qualifications for the deduction of donations:

- Donations made by an individual cannot be used as a deduction in the company's taxable income.
- The 25% threshold on donations is based on the net profits before the donation was made. No donation deduction will be allowed if the company is in a loss position.
- The donor must secure certification of the donation from religious or charitable institutions to claim the tax deduction.

In addition, Practice Statement 8/2019, dated 19 November 2019, provides that Corporate Social Responsibility expenses can also be deducted as a charitable donation (subject to a 25% limit) or as a voluntary expense (in full) if such expenses can directly be attributed to the generating of income of the company or resulting from a contractual obligation under a relevant permit.

3. PERSONAL INCOME TAX ("PIT")

A. Tax Residence

Myanmar citizens who are living in Myanmar and foreigners who reside in Myanmar for at least 183 days during an income year from 1 April to 31 March of the following year (previously 1 October to 30 September until 2021) are considered residents for Myanmar tax purposes.

Residents are subject to income tax on all income derived from sources within and outside Myanmar.

Non-resident citizens are also taxed on all income, but there is a special regime on salary and other income earned abroad. Meanwhile, non-resident foreigners are taxed only on income derived from sources within Myanmar.

B. Taxable Income

Income tax is levied at the following progressive rates on the salary received by residents and non-resident foreign nationals in Myanmar Kyats ("**MMK**") and foreign currency, after deductions of exemptions and relief:

Taxable Income				Marginal rate (%)
In MMK			In USD (estimate)*	
Up to		2,000,000	up to 952	0
2,000,001	–	10,000,000	953 – 4,761	5
10,000,001	–	30,000,000	4,762 - 14,286	10
30,000,001	–	50,000,000	14,287 - 23,810	15
50,000,001	–	70,000,000	23,811 - 33,333	20
Over 70,000,000			Over 33,333	25

**Using an estimated exchange rate of USD 1 = MMK 2,100*

Effective 1 October 2023, non-resident citizens employed overseas will be subject to income tax based on the following methods, whichever results in the lower tax liability:

- prevailing tax rates (i.e. 0% - 25%) after deducting the relief and allowances under the ITL; or
- 2% flat rate without deducting the relief and allowances under the ITL.

Any foreign tax levied on the income of a non-resident citizen can be offset against the tax payable in Myanmar. Officers of the respective Embassies and consulate offices located in foreign countries will collect the applicable PIT from non-resident citizens.

Individuals who derive income from leasing land, buildings, and apartments are subject to 10% PIT separately. Furthermore, a non-resident citizen is subject to 10% PIT on total income earned abroad (except income on salary earned abroad).

Effective 1 April 2024, income tax shall be assessed based on the type of currency earned.

C. Income not subject to tax

Individuals are exempt from income tax if their annual income is less than MMK 4.8 million. Additionally, the following types of income are exempt from PIT:

- Pensions, income converted from pensions or gratuities;
- Compensation for death or physical injury;
- Insurance proceeds;
- Share of the after-tax profits (including dividends) of an association;
- Rewards received from the Union (including awards for the seizure of illegal material);

- Lottery winnings received from the Aung-bar-lay State lottery; and
- Remuneration awarded by the State for finding ancient artifacts.

In addition, an individual can also be exempted from PIT if his employer (whether a company or a non-profit organization) is covered by the exemption under the United Nations Act of 1954 (Privileges and Immunities), Vienna Convention on Diplomatic Relations (1961), and Vienna Convention on Consular Relations (1963), or if covered by a specific Memorandum of Understanding or international agreements entered with the Myanmar Government. PIT exemption can be granted subject to conditions provided under such agreements and compliance with the requirements of the IRD.

D. Relief and Allowances

Resident individuals can claim personal and dependent relief allowances. A personal allowance of 20% of the total income but not exceeding MMK 10 million may be deducted from taxable income. In addition, the following allowances for dependents may be deducted:

- Parent: MMK 1 million per parent;
- Spouse: MMK 1 million; and
- Children: MMK 500,000 per child.

Parent relief is available if the parents are unemployed and living with the taxpayer. Spouse relief is available if the spouse is unemployed. Child relief is available for every unmarried child, not earning an assessable income, and under 18 years of age, or if above, receiving full-time education.

Resident individuals are also eligible to deduct premiums paid for their own and their spouses' life insurance, as well as their portion of social security contributions paid to the Social Security Board.

These reliefs and allowances do not apply to non-resident individuals.

E. Benefits other than salaries

Perquisites received in lieu of or in addition to salary and wages, except those exempt income, are generally considered within the scope of salary under the ITL. There is no precise definition of "perquisite" in the tax legislation.

Cash allowances are generally considered taxable for PIT purposes. In Interpretation Statement 1/2023 dated 28 June 2023, the IRD clarified that housing benefits can be exempted from PIT if the accommodation is provided through a property owned or leased by the employer for the employee’s benefit. The PIT exemption will also apply to medical costs shouldered by the employer.

PIT borne by an employer on an employee’s behalf is regarded as taxable income and should be added to the employee's gross salary.

F. Employer’s Responsibility

The employer is responsible for withholding and reporting the income tax on salary at the time of payment to employees. Please refer to the related discussion in the *Tax Administration* section.

G. Social Security

The Social Security Act of 2012 states that private enterprises employing five or more workers must contribute 3% of their insured wages (max of MMK 9,000) to a monthly social security fund. Meanwhile, the employee’s contribution is 2% of their insured wages (max of MMK 6,000) per month.

4. CAPITAL GAINS TAX ("CGT")

A. In general

CGT is assessed and reported separately from CIT. Capital gains from the sale, exchange, or transfer by any means of capital assets by residents and non-residents are generally subject to CGT. Capital asset refers to land, buildings, vehicles, and any assets contributed to or otherwise acquired by an enterprise, including shares, bonds, and securities.

CGT is levied on gains from the sale, exchange, or transfer of capital assets if the total value of the assets sold, exchanged, or transferred during the year is more than MMK 10 million. It is assessed and payable in Myanmar Kyats or the foreign currency in which the transaction was made.

B. CGT Rate

Under the 2024 UTL, the CGT rate is 10% of the capital gained by individuals and companies. If the company is participating in Myanmar's oil and gas exploration and production, CGT will be assessed at the graduated rates below:

Gain	Tax Rate
Up to the equivalent of MMK 100 billion	40%
From the equivalent of MMK 100 billion+1 to 150 billion	45%
The equivalent of MMK 150 billion+1 and above	50%

In computing capital gains, the following may be deducted:

- The net value remaining after depreciation allowances (applicable to business assets only);
- Any expenditure of a capital nature incurred for making any additions to the asset; and

- Expenditures incurred in the procurement of the asset and regarding the sale, exchange, or transfer of such asset.

If the IRD believes the value stated by the taxpayer for the sale, exchange, or transfer of the capital asset is, without sufficient justification, less than the market value prevailing at the time of the transaction, the IRD has the power to adjust such a value to be at the prevailing market rate. If the original cost incurred by the taxpayer in the procurement of the capital asset cannot be ascertained, or if the capital asset was acquired through inheritance or by way of a gift, the market value prevailing at the time of the acquisition is deemed to be the taxpayer's original cost.

5. INCOME THAT HAS ESCAPED ASSESSMENT

A tax on "income that has escaped assessment" (previously referred to as a tax on undisclosed sources of income) is charged to a company or a Myanmar citizen that is unable to show the source of income that was used for buying, constructing, or obtaining any assets, and establishing a new business.

In 2019, the Myanmar Government first introduced a tax amnesty for Myanmar citizens with undisclosed sources of income. The amnesty rates range from 3% to 15%. The lower tax rate of 3% applies to undisclosed income up to MMK 100 million. The amnesty rates and tiers vary per year.

Under the 2024 UTL, the following income thresholds and taxes will apply for the undisclosed income:

Income (MMK)			Income tax rate (%)
Up to		300,000,000	3
300,000,001	–	600,000,000	5
600,000,001	–	1,000,000,000	10
1,000,000,001	–	3,000,000,000	15
3,000,000,001		and over	30

These tax rates apply until 31 March 2025.

6. WITHHOLDING TAX ("WHT")

On 18 June 2018, the MoPF issued Notification No. 47/2018 outlining the rules on payments to resident and non-resident taxpayers in Myanmar. This Notification is effective from 1 July 2018.

The significant change in Notification No. 47/2018 is the removal of 2% WHT on payments to residents for services rendered, goods purchased, and leases within Myanmar. Effective 1 July 2018, the WHT rates are as follows:

Type of payment	Rate if paid to a resident	Rate if paid to a non-resident
a. Interest Payments.	N/A	15%
b. Royalties for the use of licenses, trademarks, and patent rights.	10%	15%
c. Payments by Union level organizations, Department of Union Ministries, the Naypyitaw Council, Regional or State Governments, State-owned enterprises, or Municipal organizations for purchasing goods, work performed, or supply of services within the country under a tender, bid, quotation, contract, agreement or other modes.	2%	2.5%

d. Payments by enterprises carried out jointly with the State on a mutual-benefit basis, joint ventures, partnerships, companies, associations of individuals, organizations, or associations registered and organized under existing laws, cooperatives, foreign companies, foreign enterprises for purchasing goods, work performed, or supply of services within the country under a contract, agreement, or other modes, excluding payments to independent private healthcare professionals.	Exempt	2.5%
e. Professional fee payments by enterprises to independent private healthcare professionals (except if on account of salary/employment).	2% (effective 1 September 2023)	N/A

There is no WHT on dividends, whether paid to a resident or a non-resident.

WHT on payments to residents and Myanmar branches of a foreign company is not a final tax and can be credited against the resident's or the Myanmar branch's income tax liabilities for the year. Meanwhile, WHT on payments to non-residents (excluding Myanmar branches of a foreign company) is deemed final.

Notification No. 47/2018 also provides WHT exemptions on payments by the government and state-owned enterprises for purchasing goods and services from the private sector if the amount does not exceed MMK 1 million per supplier per year. This also applies to payments between government and state-owned enterprises and interest payments to a branch of a foreign bank in Myanmar. In addition, MoPFI Notification 12/2020 also exempts payments made for activities performed through the development fund of the Union Parliament from WHT.

There is no minimum WHT exemption threshold on payments to non-residents. However, payments to non-residents can be exempted if the related services are rendered outside Myanmar or if exempted under domestic law or a Double Tax Agreement ("**DTA**") between Myanmar and another country. Myanmar has DTAs with eight countries: India, the Lao PDR, Malaysia, Singapore, South Korea, Thailand, the United Kingdom, and Vietnam.

Note that the WHT exemption for offshore services or the entitlement of a DTA relief is not automatic and must be applied for confirmation with the IRD. Please refer to the related discussion in the *Tax Administration* section.

7. COMMERCIAL TAX ("CT")

A. In general

CT, similar to Value Added Tax, is a tax imposed on goods produced and services rendered in Myanmar and goods imported into the country.

B. CT Rate

The standard CT rate is 5% based on sales proceeds. However, different CT rates apply on the following:

- Internet services – 15%
- Sale of SIM card and related services – MMK 20,000 per SIM card
- Hotel and tourism services – 3%
- Sale of buildings constructed in Myanmar, whether through a long-term lease with the State or through a partnership with a lessor – 3%
- Sale of gold jewelry – 1%
- Export sale of electric power – 8%

CT is also levied on imported goods based on the landed cost.

CT is generally not imposed on the export of goods except for the export sale of electricity and crude oil, which are subject to CT at rates of 8% and 5%, respectively. There is no CT qualification for export services.

C. CT Exempt Goods and Services

Various items are listed as CT-exempt goods (47 imported or domestically produced items) under the 2024 UTL. These generally consist of agricultural and other essential products. Similarly, there are 34 types of services exempt from CT. The CT-exempt services include education, life insurance, microfinance, and intra-government services, among others. Effective 1 April 2023, the CT exemption also covers Battery Electric Vehicles and services relating to charging batteries.

Taxpayers whose revenue does not exceed MMK 50 million during the next 12-month period are exempt from paying CT, unless they voluntarily elect to be registered for CT.

The 2024 UTL provides that the government may approve CT exemption or relief for work carried out through donations, aid, or loans by local and domestic organizations.

D. Input CT Credits

A CT-registered taxpayer may offset input CT against output CT. A taxpayer should secure a CT Certificate (known as Form 31) from the supplier to support the input CT claim for local purchases. The same case applies to CT paid on importation, where the claim of input CT should be supported by a CT Certificate (known as Form 32).

Input CT paid on fixed and capital assets can be offset against output CT. However, input CT related to damaged and unsold goods and those not properly supported by CT Certificates will not be allowed as input CT credits.

Effective 1 October 2019, the CT paid on purchasing gold jewelry (whether at the time of importation or local purchase) cannot be offset against the output CT on domestic or export sales.

E. CT of a Non-resident Service Provider

Non-residents who provide services in Myanmar and exceed the CT threshold must register for CT pursuant to MoPF Notification No. 180/2015. In this case, the person deemed as the service provider's representative in Myanmar under Regulation 47 of the CT Regulations should register for CT on behalf of the service provider.

The representative can be:

- a person delegated, by any means, by the person residing overseas or in the country relating to their work in the country;
- a person who has an economic connection with the person residing overseas or in the country; or
- a person who obtains income on account of the person residing overseas or in the country.

The representative will be required to register and pay the CT to the IRD on behalf of the non-resident.

8. SPECIFIC GOODS TAX ("SGT")

A. In general

SGT (equivalent to excise tax) became effective on 1 April 2016 and is a tax imposed on importers, exporters, manufacturers, and storage providers of tobacco, alcohol, wood, cars, and fuel.[1]

SGT is levied on:

- the higher value between landed cost[2] or the value as determined in advance by the Management Committee of the IRD in the case of importation;
- the higher value between the sales proceeds or the estimated selling price set by the tax authorities in the case of locally produced goods (unless covered by specific notifications from the IRD);[3] or
- the cost incurred until the time of loading in the case of the export of specific goods.

SGT is imposed under the following rates:

Types of Specific Goods	Rates
Various kinds of cigarettes and tobacco products	Various
Various kinds of alcohol products	Up to 60%
Various kinds of beer	60%
Various kinds of wine	Up to 50%
Wood logs and wood cuttings (referred to as "Rough Sawn")	5% (10% upon export)
Vehicles above 1500 CC such as vans, saloon cars, sedans	10%-50%

[1] Gemstones were previously subjected to SGT until 30 September 2019.
[2] Landed cost refers to the aggregate cost, including the value specified by the customs law for imported Specific Goods, customs duty levied on them and cargo discharging expenses.
[3] The 2024 UTL provides that the Management Committee of the IRD shall set the prescribed price for locally-manufactured specific goods similar to the value of the landed cost upon importing such goods.

Types of Specific Goods	Rates
and estate wagons, coupe vehicles (except double cab four-door pickup trucks and Battery Electric Vehicles)	
Kerosene, Petrol, Diesel, Jet fuel (octane)	5%
Natural gas	8%

CT and SGT will be charged when importing, manufacturing, or exporting specific goods. Effective 1 October 2019, only the export of logs and conversions is subject to export SGT (at 10%). Like CT, input SGT can be offset with output SGT during the quarter.

The SGT paid on goods imported under the Temporary Admission System and Drawback system must be repaid if the goods are not exported within the prescribed timeframe and are used domestically.

B. SGT Exempt Goods

Under the SGT Law, the following specific goods are exempt from this tax:

- Specific goods that are exported, sold by duty-free shops to travelers, or sold onboard an outbound plane or ship (except those subject to export SGT under the UTL);
- Specific goods that are imported into the country for temporary use and later re-exported to the original country in the original quantity and condition under the customs regulations;
- Specific goods that are imported or produced in the country by local or foreign donors and are meant to be donated to the country for social, religious, health, and education purposes;
- Specific goods that are imported by those who enjoy the exemption under international law, international or diplomatic conventions; and
- Fuel to be used for aircraft flying abroad.

9. GEMSTONE TAX

A. In general

The importation, manufacture, and export of gemstones were previously subjected to SGT. However, effective 1 October 2019, SGT no longer applies to gemstones and is now replaced by the Gemstone Tax.

The tax on the sale of gemstones will be based on the higher of the actual sales value or the value determined by the Myanmar Gems Enterprise.

Under the 2024 UTL, the following tax rates apply to the sale and export of gemstones:

Types of Gemstones	Rates
Raw Jade	11%
Raw Rubies, Sapphires, and other precious stones	9%
Processed Jade, Rubies, Sapphires, and other precious stones, and jewelry with Jade, Rubies, Sapphires, and other precious stones	5%
Products made with gemstones	5%

10. TAX INCENTIVES

A. In general

The Government may grant tax exemptions, relief, or other benefits for any taxpayer or class of taxpayers or any income or class of income under the ITL, IT Rules, and IT Regulations.

B. Entities registered with the Myanmar Investment Commission ("MIC")

Foreign investors doing business under the Myanmar Investment Law 2016 ("**MIL**") that have obtained permits or endorsements from the MIC may be entitled to special tax incentives, including the following:

- Income tax holidays ("**ITH**") - The MIC will, with the approval of the Government, issue a notification and may grant income tax exemptions to:
  - For investment activities in Zone 1 or less developed regions: seven consecutive years, including the year of commencement of commercial operations;
  - For investment activities in Zone 2 or moderately developed regions: five consecutive years, including the year of commencement of commercial operations; and
  - For investment activities in Zone 3 or developed regions: three consecutive years, including the year of commencement of commercial operations.

  MIC Notification No. 10/2017, dated 22 February 2017, provides the designation of Zones. For example, the Yangon Region may fall under Zone 2 or 3, depending on the investment location. In addition, the Zone will also be determined based on the location where more than 65% of the value of the investment has been carried out.

Meanwhile, MIC Notification Nos. 13/2017, dated 1 April 2017, and 1/2023, dated 15 February 2023, list the promoted sectors entitled to income tax exemption. In 2023, newly promoted sectors included manufacturing, installation, and maintenance services related to electric vehicles and producing and distributing renewable energy for electricity generation.

- Relief from customs duty and other internal taxes:
  - Exemptions or relief from customs duty, or other internal taxes, or both, on machinery, equipment, instruments, machinery components, spare parts, construction materials unavailable locally, and materials used in the business, which are imported as they are required, during the construction period or the preparatory period of the investment;
  - Exemptions or relief from customs duty, or other internal taxes, or both, on the importation of raw materials and partially manufactured goods conducted by an export-oriented business for manufacturing products for export (at least 80% are foreign currency income from export);
  - Reimbursement of customs duty, or other internal taxes, or both, on imported raw materials and partially manufactured goods used to manufacture products for export; and
  - If the volume of investment is increased and the original investment is expanded during the permitted period of investment, further exemptions or relief may be granted from customs duty, or other internal taxes, or both. These may apply to machinery, equipment, instruments, machinery components, spare parts, materials used in a business, and construction materials unavailable locally, which are imported as required for use in a business being expanded.

- Others
  - Exemptions or relief from income tax may be available if the profits generated from an investment that has obtained a Permit or an Endorsement are reinvested into the same registered investment or in any similar type of investment activities within one year;
  - Right to depreciation for income tax assessment, after computing such depreciation from the year of commencement of commercial operation based on a depreciation rate that is less than the stipulated lifetime of the machinery, equipment, building, or capital assets used in the investment (i.e., accelerated depreciation of 1.5 times of the permitted depreciation rates); and
  - Right to deduct from assessable income expenses incurred for research and development related to investment activities carried out within Myanmar and required for the economic development of Myanmar (up to 10% of assessable income).

On 10 October 2017, the MIC issued Notification No. 84/2017 expanding the criteria of Myanmar entities qualifying for MIC endorsement benefits under the MIL. In this case, MIC endorsement benefits are now being extended to 1) existing companies that have not previously sought MIC benefits; and 2) companies holding MIC endorsement approval that did not previously seek tax exemptions on importation. The Notification states, however, that investors can apply for relief on customs duties and internal tax but not ITH relief.

On 5 April 2024, the MIC issued Notification 8/2024 that revoked the earlier Notification No. 87/2017, which allowed 100% export-oriented investments (i.e. investors who supply all of their finished goods and semi-finished goods manufactured locally to investment businesses that are 100% export oriented) to apply for relief on customs duty and import taxes. With this revocation, exporters are not required to be 100% export-oriented businesses to apply for customs duty and import tax exemptions under Section 77 (b) of the MIL.

Note that the MIC will not automatically grant these exemptions. Most exemptions and relief must be sought by submitting a request to the MIC.

C. Incentives under the Special Economic Zone Law ("SEZL")

A Special Economic Zone (SEZ) includes zones designated for high-tech, information and telecommunications technology, export processing, port areas, logistics and transportation, scientific and technological research and development, service businesses, and sub-trading industries. Currently, there are three SEZs in Myanmar:

1) Thilawa in the Yangon Region
2) Kyaukphyu in Rakhine State, and
3) Dawei in the cThanintharyi Region.

However, only the Thilawa SEZ is fully operational.

Foreign investors in a SEZ can be in a Free Zone or Promotion Zone. Free Zones are mainly focused on export-oriented markets. Meanwhile, Promotion Zones are mainly based on the domestic market and the markets in SEZs.

Foreign investors and developers carrying out business in the SEZs may be granted the following tax exemptions or relief:

For Free Zone investors

- ITH for the first seven years starting from the date of commercial operation;
- After seven years, a 50% reduction of income tax for the next five-year period;

- After 12 years, a 50% reduction of income tax for profits reinvested within one year as a reserve fund;
- Exemption from import duty on certain goods;
- Exemption on customs duty and other taxes for raw materials, machinery and equipment, and certain types of goods imported for investors in free zones;
- Carry forward losses for five years from the year the loss is sustained; and
- Exemption on CT.

For Promotion Zone investors

- ITH for the first five years starting from the date of commercial operation;
- After five years, a 50% reduction of income tax for the next five-year period;
- After ten years, a 50% reduction of income for profits reinvested within one year as a reserve fund;
- Exemption from import duty on certain goods;
- Exemption on customs duty and other taxes for the first five years in respect of machinery and equipment imported that are required for construction starting from the date of commercial operation, followed by 50% relief on customs duty and other taxes for the next five years;
- Carry forward losses for five years from the year the loss is sustained; and
- Exemption on CT (on purchases, except on land lease payment) during the period of relief as provided under the law.

For Developers

- ITH for the first eight years from the commencement of business operations;
- After eight years, a 50% reduction in income tax for the next five-year period;
- After 13 years, a 50% reduction on income tax for the next five-year period for profits reinvested within one year as a reserve fund;
- Exemptions from customs duty and other taxes for raw materials, machinery, equipment, and certain types of imported goods; and
- Carry forward losses for five years after they were sustained.

11. STAMP DUTY

Stamp duty is collected from the affixing of judicial and non-judicial stamps. Judicial stamps are used in judicial proceedings, while non-judicial stamps are for general purposes.

A. Judicial Stamp Duty

Judicial Stamp Duty is collected by affixing judicial stamps and represents fees payable under the Court Fees Act. The rates vary depending on the subject matter of the document. Taxable documents include complaints, probates of a will, letters of administration, succession certificates, petitions, applications for leave to sue, memoranda of appeal, bail bonds, and so on.

B. Non-Judicial Stamp Duty

Non-Judicial Stamp Duty is levied on various instruments, which must be stamped under the Myanmar Stamp Act. Instruments chargeable for duty and the corresponding rates are in the schedule annexed to the Stamp Act. Instruments subject to stamp duty include the following:

Types of Instrument	Rates
Conveyance of immovable property	2%[4]
Lease of immovable property	0.5%-2% (based on the term)
Bonds (including mortgage deeds)	0.5%
Transfer of shares	0.1%
Agreements relating to joint venture agreements, production or profit-sharing contracts, construction agreements or other similar contracts	1% of the value (max of MMK 150,000)

[4] Additional 2% surcharge and municipal charges may apply depending on the location of the property.

The stamp duty is payable by the person as stated in the agreement. If there is no mention in the agreement, the person stated in Section 29 of the Myanmar Stamp Act will be liable to pay the duty. The person responsible for paying the duty varies depending on the type of instrument.

Stamp duty must be paid to the relevant tax office before or upon execution of the contract if signed within Myanmar. Meanwhile, documents signed overseas must be stamped within 90 days of the document being received or brought into Myanmar. The penalty for late payment of stamp duty is three times (previously ten times before 26 November 2019) the unpaid amount, with a minimum penalty of MMK 500.

12. PROPERTY TAX

Property tax applies to immovable property (land and buildings) situated within Myanmar and is payable by Myanmar citizens or Myanmar local companies. The tax is usually on the account of the property owner. However, the tax can be collected from the occupant, subject to the agreement of the parties.

In the Yangon development area, the following are the applicable property taxes:

- General tax not exceeding 8% of the annual value;
- Lighting tax not exceeding 5% of the annual value;
- Water tax not exceeding 3.25% of the annual value (depending on the township); and
- Conservancy tax not exceeding 8.5% of the annual value (depending on the township).

The "annual value" refers to the gross annual rent for which the land and building may be expected to be leased unfurnished, including any additional amount as periodically determined by the Yangon City Development Committee or local development committee on the value of property to be taxed.

Property taxes are imposed by local development committees, and therefore, may vary from one location to another within the country.

13. CUSTOMS AND IMPORT DUTIES

The importation of goods into Myanmar is generally subject to the following taxes:

- Customs duties. In line with Myanmar's latest 2022 Customs Tariff, customs duty is payable according to the tariff schedules based on assessable value. Rates range from 0% to 60%. Alcohol products are subject to the highest custom duty rates.

  Exemptions or preferential rates may apply if the imported goods are covered by a relief under the domestic law (e.g., under the MIL and the SEZL) or qualify for a reduced tariff rate under Free Trade Agreements ("**FTAs**"). Duty rates may be reduced if the "country of origin" of the imported goods is a jurisdiction with which Myanmar has an existing FTA. Myanmar's FTAs include the ASEAN FTA and the companion FTAs with China, Japan, South Korea, Australia, New Zealand, Hong Kong, and India. Currently, Myanmar has not yet ratified the Regional Comprehensive Economic Partnership ("**RCEP**") among ASEAN and companion FTA partners (apart from China).

- SGT is based on the landed cost of specific goods (refer to discussion in SGT).

- CT on importation based on landed cost, including the SGT (refer to discussion in CT).

- Advance income tax on the importation of 2% based on customs value. This advance tax may be offset against the final assessment of CIT, and the excess advance income tax paid can be refunded to the taxpayer.

  The advance income tax will not apply to:

  - Goods imported or exported using the budget allowance by the ministry, departments, and state-owned enterprises;

- Motor vehicles imported by individuals after returning the permit for an old vehicle;

- For MIC-registered enterprises, machines, equipment, and spare parts imported to be used during the construction period and raw materials imported within the first three years after the construction period;

- Goods imported with donations from local or foreign organizations;

- Fire engines, funeral vehicles, ambulances (except hospital vehicles imported by private businesses);

- Raw materials imported for contract-manufacturing services; and

- Goods imported under a draw-back system or under temporary importation.

Previously, goods exported by taxpayers who are under the self-assessment system at the Large Taxpayers Office ("**LTO**") and Medium Taxpayers Office ("**MTO**") No. 1 are also covered by the advance income tax exemption. However, this exemption was removed by the MOPF effective 1 May 2019.

The importer generally pays these taxes before clearing the goods at Customs.

In addition, export taxes (e.g., SGT, CT, advance income tax on export) may also apply to certain goods exported from Myanmar.

14. TAX ADMINISTRATION

A. Tax Registration

Tax registration is processed after the company has successfully registered its business with the Directorate of Investment and Company Administration ("**DICA**") or with a relevant ministry in Myanmar.

Under MoPF Notification 20/2022 dated 31 March 2022, all persons conducting business activities in Myanmar (both profit and non-profit organizations) must register for tax within 90 days after registration at the DICA or the relevant ministry. The Central Taxpayer Service Unit ("**CTSU**") of the IRD handles the tax registration for both profit and non-profit entities. The CTSU evaluates the taxpayer classification and determines the appropriate tax office of the taxpayer.

Effective 23 May 2023, the tax registration is done electronically using the e-Registration Management System of the IRD. Taxpayers will now be required to register an account on the IRD website and apply for a taxpayer identification number ("**TIN**") using the platform. Note that this TIN is also similar to the company registration number issued by the DICA.

Once the registration process is completed, the CTSU will issue a TIN to the taxpayer through its registered account. The TIN will be used for filing and paying taxes, applying for importer/exporter licenses, and conducting business transactions (e.g., remittance of foreign currency payments and participation in government tenders).

After securing the TIN, the taxpayer must register its business for CT and SGT (as applicable). The CT registration, as applicable, should be done by the taxpayer at least one month before the start of its commercial operations. Meanwhile, the SGT registration, as applicable, should be done by the taxpayer at least three months before the start of commercial operations. Both CT and SGT registrations are subject to renewal on an annual basis.

In addition, the taxpayer is also required to register with the e-filing and e-payment systems of the IRD.

B. Tax Year

Effective 1 April 2022, the taxable period of companies and businesses in its financial year (income year) is from 1 April to 31 March of the following year. Before 1 April 2022, Myanmar adopted a financial year of reporting from 1 October to 30 September. To transition to the new financial year of reporting, a 6-month transition period was applied from 1 October 2021 to 31 March 2022.

All taxpayers are required to follow this financial year of reporting.

C. Tax Payments

Prior to 1 April 2024, resident taxpayers, such as citizens and resident foreigners, were required to pay income tax in Myanmar kyats in accordance with the conversion procedures outlined in the income tax regulations. Conversely, non-residents who received income in foreign currency were required to pay income tax based on the currency earned.

Furthermore, the Central Bank of Myanmar ("**CBM**") and the IRD clarified that if the tax is required to be paid in foreign currency (such as in the case of withholding tax or PIT on payments to non-residents), the tax should be paid in such foreign currency without converting into Myanmar kyat. For foreign capital gains, the tax must be paid in that foreign currency.

Starting 1 April 2024 or upon effectivity of the 2024 UTL, income tax will be paid based on the type of currency earned or received. This applies to all types of income tax payments covering CIT, CGT, WHT, and PIT. However, non-income tax payments such as CT, SGT, and stamp duty are not yet covered. These taxes remain payable in MMK in accordance with the foreign exchange conversion procedures outlined in the relevant tax laws and regulations.

The IRD implemented an online payment system through which taxpayers can easily submit their due taxes. Currently, taxpayers can make an online tax payment through the following: (i) via the Myanmar Payment Union system; (ii) via a Myanmar bank's Internet and mobile banking system; or (iii) via the CBM's network system. In addition, starting January 2023, the IRD clarified that tax payments in foreign currency can be made via an account in an authorized bank in Myanmar, or via Myanmar's state-owned banks (i.e., Myanmar Foreign Trade Bank or Myanmar Investment and Commercial Bank).

D. Due Dates

Taxpayers must submit Corporate Annual Tax Returns and Annual Salary Statements via e-filing (or to the relevant tax office) within three months after the end of the financial year.

If a business is discontinued, the tax returns must be submitted within one month from the discontinuation of the business.

Transactional CGT returns must be submitted within 30 days from the disposal of the assets concerned. A Consolidated Annual CGT return must also be submitted within three months after the end of the financial year.

Tax	Tax Liability	Deadline
Corporate Income Tax	Quarterly Payment (advance tax)[5]	Ten days after the end of the quarter.
	Annual CIT Return	Three months after the end of the financial year.
Commercial Tax	Annual Registration	Initial registration must be done one month before commercial operations

[5] As per MOPF Notification 389/2021 dated 16 November 2021, the calculation of the advance CIT is generally based on 25% of the prior year's annual tax payable. An exemption may apply if the taxpayer, subject to a prior notice to the IRD, estimates that the tax for the quarter significantly varies from the IRD's proposed formula.

Tax	Tax Liability	Deadline
		(annual renewal must be at least one month before the expiration of the CT certificate).
	Monthly CT Payment	Ten days after the end of the month.
	Quarterly CT Return	One month after the end of the quarter.
	Annual CT Return	Three months after the end of the financial year.
	Generally, 5% on importation.	Upon importation.
Personal Income Tax	0-25% advance PIT on salary (on account of employment)	15 days after payment.
	Annual Salary Statement	Three months after the end of the financial year.
Withholding Tax	Required to be withheld on payment	15 days after payment.
Other Taxes	Monthly Social Security	15 days after the end of each month.
	Specific Goods Tax	Initial registration must be done three months before commercial operations (annual renewal must be done at least three months before the end of the financial year). For importation of specific goods, before the release of specific goods from customs.

Tax	Tax Liability	Deadline
		For local manufacture or export of specific goods, monthly payment within ten days after the end of the month when the goods are manufactured or exported. A quarterly SGT return must also be filed to the tax office within ten days after the close of the quarter.
	Import Taxes	Before the release of the goods from customs.
	Capital Gains Tax	For transactional CGT return, 30 days from the disposal of the capital asset. For annual consolidated CGT return, three months after the end of the financial year.
	Stamp Duty	Payable before or at the time that an agreement is executed. If executed abroad, stamp duty must be paid within three months of being brought into Myanmar.

E. Penalties

The TAL introduces a comprehensive list of penalties for non-compliance. Penalties can be fixed or based on a percentage of the tax due, ranging from 10% up to 100% of the tax due depending on the type of offense, such as the following:

1) If the taxpayer fails to file a tax return on time, the penalty will be the higher between:
   - 5% of the tax due + an additional 1% of the tax due for each month (or the proportionate amount if less than a month) from the due date of the return until the date of the IRD assessment; or
   - MMK 100,000.
2) If the taxpayer fails to make the advance tax payments, including WHT, on time: a 10% penalty on the late payment.
3) If the taxpayer deliberately provides an incorrect statement or intentionally omits a key matter that results in a reduction of the taxpayer's tax liability (considered as Negligent or Fraudulent Underpayment):
   - 25% of the underpayment if the amount of underpayment is less than MMK 100 million or not more than 50% of the tax payable; or
   - 75% of the underpayment if the amount of underpayment is more than MMK 100 million or 50% of the tax payable.
4) If the taxpayer (except if acting in good faith) provides a false or misleading statement to the tax authorities (e.g., for the intentional omission of income and declaration of false or misleading information in a tax return): MMK 150,000 penalty plus a higher penalty of:

- The difference between the tax liability that should have been paid and the actual tax paid; or
- The difference between the tax refund that should have been claimed and the actual tax refunded.

5) If the taxpayer fails to register or to notify about changes regarding taxpayer information (including failure to apply for cancellation of tax registration): 10% of the tax due.

6) If the taxpayer deliberately fails to provide proper disclosures such as: a) using fraudulent or incorrect TINs; b) issuing incorrect invoices or receipts; c) issuing incorrect receivables or payable records; and d) providing invoices, receipts, receivables and payables not according to tax laws: an MMK 250,000 fixed penalty will apply.

7) If the taxpayer is committing tax evasion (i.e., taxpayer intentionally violates the tax laws, or commits Negligent and Fraudulent Underpayment and False or Misleading Statements on several occasions, or if the taxpayer's non-compliance resulted in significant losses to the state): a) higher amount of MMK 250,000 or 100% of the amount evaded; or b) seven years of imprisonment; or c) both a and b.

The above penalties will not apply for stamp duty, where the late payment penalty is three times the unpaid tax. Furthermore, a separate penalty will apply for each non-compliance on customs-related matters.

F. Tax Assessments and Audits

Tax audits are performed on a case-by-case basis. Typically, a pre-tax assessment review is conducted by the relevant tax office after the submission of annual tax returns to confirm the tax payments made by the taxpayer during the relevant tax year. Once confirmation of tax payments is determined, the relevant tax office will issue a Self-Assessment Confirmation (or Notice of Demand if the tax office still follows an Office Assessment

System) at the time of assessment. Despite receiving such confirmation or notice, taxpayers may still be subject to a comprehensive or special tax audit within six years after the assessment year.

The selection process is based on the ‘risk-based compliance criteria’ of the IRD. Based on internal guidelines from the IRD, taxpayers will be selected based on the following:

- The taxpayer’s current economic status or regulatory compliance;
- A substantial decrease in tax payments;
- Unusual particulars mentioned in the tax returns;
- Documentary evidence in fulfilling tax payment obligations;
- The IRD’s assumption that the tax returns provided by the taxpayer are incorrect (after obtaining other facts and information);
- Substantial amounts of net loss;
- Regional information available via the media or unusual wealth; and
- Random selection as determined by the IRD.

Under the TAL, the IRD can also conduct an advance assessment of taxpayers before the tax is due. The IRD can make an advance tax assessment based on relevant information received prior to the periods in which the tax shall be due. The taxpayer may appeal if the amount is significant or there is a valid reason to justify that no advance assessment should occur.

G. Statutory Limitations

Effective 1 October 2019, the IRD can re-assess or audit a taxpayer for up to six years (previously three years) after the end of the relevant assessment year. In cases of fraud, the period will be extended to 12 years.

H. Retention Period of Maintaining Documents

Effective 1 October 2019, taxpayers must retain documents in Myanmar for seven years (previously three years) from the transaction date. There can be cases where the IRD may request the taxpayer to maintain records longer than this period if the transaction (or the duration of the contract) exceeds seven years.

The extension of the retention period of documents to seven years is in line with the new period in cases of re-assessments of tax returns by the IRD.

I. Transfer Pricing Rules

There are no transfer pricing rules yet in Myanmar.

J. Thin Capitalization Rules

There are no thin capitalization rules yet in Myanmar.

K. Double Tax Agreements

Myanmar currently has DTAs with eight countries: India, the Lao PDR, Malaysia, Singapore, South Korea, Thailand, the United Kingdom, and Vietnam.

However, DTA relief is not automatic in Myanmar. A taxpayer must apply for confirmation from the IRD before availing of the DTA benefits. The taxpayer must submit the relevant application form and documents, including a copy of relevant contracts and the non-resident's certificates of residency in the foreign jurisdiction, for the assessment of the IRD.

L. Anti-Avoidance Rules

The TAL introduces a new Anti-Avoidance provision stating, "The Director-General may, in conducting an assessment, disregard an act or series of acts which were fabricated or fraudulently created to reduce the tax. Moreover, the Director General may conduct an assessment based on economic substance without considering such a false act or series of acts."

Furthermore, the IRD issued Public Ruling 3/2022 on 16 November 2022 clarifying what constitutes "Tax Avoidance" under the TAL. Under the ruling, tax avoidance will apply if a taxpayer fully understands the tax laws and breaches the tax ethics with the purpose of avoiding the tax or acting to reduce the taxable income or tax liability. This includes the following matters and schemes:

- Failure to disclose an asset, property, service, or benefit at market price;
- Making non-arms length transfers for cross-border transfer pricing;
- Splitting income between taxpayers and associated enterprises to lower the total tax payable on income;
- Re-organizing the structures of associations to enjoy tax benefits; and
- Tax avoidance by abusing bilateral or multilateral tax treaties.

Currently, Myanmar has no transfer pricing regulations or income-splitting rules. Hence, it remains unclear how the anti-avoidance provisions will be applied in practice.

M. BEPS Two-Pillar Solution

Myanmar is not a signatory to the joint statements with members of the BEPS Inclusive Framework on the Agreement to implement a two-pillar solution to the challenges of the digitalization of the economy. Furthermore, there are no pending legislations in Myanmar on the application and adoption of Pillar 2 on the implementation of a global minimum tax of 15%.

N. Offshore remittances

Businesses, associations, and individuals with offshore remittance transactions are generally required to secure prior approval from the Foreign Exchange Supervisory Committee of the CBM.

In addition, starting 1 May 2023, they are also required to show to their authorized dealer banks evidence of tax clearance (or tax confirmation from the IRD), withholding tax payment, or basis of tax exemption (as applicable) for any offshore foreign currency remittance exceeding USD 10,000 or its foreign currency equivalent. The specific tax requirements will vary depending on the type of offshore remittance (e.g., purchase of goods, profit remittances, salary payments, and payments for interest, royalties, and service fees), whether the taxpayer is new or has been previously assessed for tax, and if benefits of a DTA will be availed of. The authorized dealer banks can approve the offshore payments upon submission of these tax documents.

15. ACCOUNTING AND FINANCIAL REPORTING

A. Financial Statements

Financial statements are currently prepared in accordance with Myanmar Accounting Standards ("**MAS**") and Myanmar Financial Reporting Standards ("**MFRS**") implemented by the Myanmar Accountancy Council ("**MAC**"). Both MAS and MFRS are based on the International Accounting Standards ("**IAS**") and International Financial Reporting Standards ("**IFRS**") issued by the International Accounting Standards Board.

The MAC initially required Public Interest Entities ("**PIEs**"), which include banks, insurance companies, public companies, and Small and Medium Enterprises ("**SMEs**"), to prepare their financial statements following the IFRS or the IFRS for SMEs starting from 2022-2023 financial year. However, on 23 March 2023, the MAC extended the compulsory adoption of IFRS by the 2027-2028 financial year (starting 1 April 2027). For now, the use of IFRS is voluntary for PIEs, SMEs, and other entities.

Financial statements can be prepared in English or Myanmar.

B. Financial Year-end

The financial year is the same as the tax year. All taxpayers must adopt the 1 April to 31 March financial year effective 1 April 2022. This financial year of reporting cannot be varied.

C. Reporting Currency

The statutory reporting currency is Myanmar Kyats.

D. Audit Requirements

Under the MCL, companies incorporated in Myanmar must maintain proper books of accounts, and their directors must appoint an auditor (as applicable) licensed by the MAC.

An exception to the audit requirement may apply if the company qualifies as a small company (i.e., a private company with 30 or fewer employees and had annual revenue of less than MMK 50 million in the previous financial year).

The directors must present the audited financial statements ("**Audited FS**") at each annual general meeting. However, there is no requirement to submit the audited financial statements to the DICA.

For overseas corporations registered with the DICA (e.g., a branch of a foreign company), the MCL refers to the filing of the head office's Audited FS within 15 months for the last financial year. The MCL does not specifically require a separate Audited FS to be maintained for the overseas corporation.

A corporate taxpayer under the Self-Assessment System ("**SAS**") of the IRD (i.e., registered with the LTOs and MTOs that follow the SAS approach) is not required to submit the Audited FS to the relevant tax office. However, if the corporate taxpayer is registered with a tax office that follows the Office-Assessment System of the IRD (i.e., those not under the SAS), it will still be required to submit the Audited FS when filing the annual tax returns.

As a matter of practice, the IRD, during a tax audit or before issuing a tax clearance on account of liquidation, may request the corporate taxpayer (including overseas corporations) to present its audited financial statements for review.

16. ABOUT DFDL

DFDL is a pioneering legal and tax firm in Southeast and South Asia, founded in 1994 and built on a unique vision: to create an integrated legal, tax, and investment advisory firm with in-depth knowledge of our jurisdictions, providing technical excellence across our core areas of expertise.

With a team of over 300 employees of 26 nationalities, we cover 10 jurisdictions across 12 offices in Asia and three collaborating firms in Cambodia, Indonesia, and the Philippines.

As a full-service and fully integrated legal and tax firm, we remain focused on our fundamental mission: to bring you successful solutions and add value to your projects across Southeast and South Asia. We are committed to our clients' success and to provide them with commercially focused legal solutions that help them overcome their business challenges.

- Antitrust and Competition
- Aviation and Logistics
- Banking and Finance
- Compliance and Investigations
- Corporate Advisory
- Corporate, Mergers and Acquisitions
- Dispute Resolution
- Employment
- Energy, Natural Resources and Infrastructure
- Investment Funds
- Real Estate and Hospitality
- Restructuring
- Tax and Transfer Pricing
- Technology, Media and Telecoms

17. DFDL TAX SERVICES

Tax Advisory

- Tax planning for inbound and outbound investments
- Tax treaty planning
- M&A and tax due diligence
- Tax review of contracts and transactions
- Assistance in obtaining tax rulings

Tax Compliance

- Corporate tax compliance review
- Preparation and review of tax returns
- Personal income tax compliance, review, and related expatriate tax services

Customs and Free Trade Agreements

- Assistance in obtaining advance rulings from customs authorities on valuation, tariff, and exemption
- Customs duty valuation advisory
- Strategic Free Trade Agreement planning, advice on rules of origin (ROO)
- Advice and government liaison services on market access, barriers to trade, and protection of investors

Tax Controversy

- Assistance with tax audits and tax disputes

Public Sector Advocacy

- Government consultancy
- Tax policy advocacy

Transfer Pricing

- Preparation of transfer pricing documentation
- Transfer pricing advisory
- Advanced Pricing Agreement ("**APA**") and MAP applications
- Transfer Pricing audit support and defense strategies

18. OUR PEOPLE

At DFDL, our most valuable assets are our people. We are dedicated to hiring, developing, and retaining experienced and efficient advisers. Key people who comprise our Myanmar Team are:

JACK SHEEHAN
Partner and Tax Leader
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Jack is a Partner and Tax Leader at DFDL. He specializes in providing advice on corporate and international tax planning, tax treaties, mergers and acquisitions, transfer pricing, and general tax advisory in Asia.

Jack is listed as a leading tax adviser by the Legal 500 and is a Highly Regarded Tax Adviser by the World Tax Guide. He regularly speaks and writes on tax matters in Asia and has delivered talks at several leading Universities, tax bodies, and business associations in Asia.

Jack holds a master's in Tax Law from Oxford University and is a Fellow of the Association of Chartered Certified Accountants.

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Diber is a Tax Director and member of the Regional Tax Practice at DFDL. He has more than 16 years of professional experience as a tax adviser in the Philippines, Myanmar, and Cambodia – over eight years of which have been spent with DFDL in Myanmar and Cambodia. He specializes in international tax services on cross-border transactions, corporate restructuring, mergers and acquisitions advisory and implementation, with a particular focus on Myanmar and Cambodia. He also deals with local business tax advisory services, as well as regulatory and tax compliance matters for Myanmar. He advises multinational clients in various sectors, including oil and gas, telecommunications, banking and financial institutions, government and fund-aided projects. Prior to joining DFDL, he worked for a Big 4 firm and a leading bank in the Philippines.

Diber is a Certified Public Accountant (CPA) and holds a master's degree in business administration, Major in Finance. He has also contributed to several IBFD and Bloomberg Tax articles on matters relating to Myanmar taxation. He was previously the Co-Chair of the Tax Committee of the American Chambers of Commerce in Myanmar (in 2021 and 2022).

NAY NAY EAINT
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Nay Nay is a Senior Tax Manager in our Yangon office. She works with a broad range of clients on tax compliance, tax assessments, tax due diligence, and advisory services. She also has deep experience in helping clients with tax planning and structuring.

Nay Nay previously worked for a Big 4 firm in Myanmar. She holds a Bachelor of Engineering in Information Technology from Thanlyin Technological University. She has completed an advanced Diploma in Accounting and Finance (ACCA, U.K.), and is an affiliate of the Association of Chartered Certified Accountants (U.K.).

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