

MHM Yangon Newsletter

Vol. 3 (January 2019)

Establishment of the Myanmar Competition Commission

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On October 31, 2018, the Myanmar Government issued Notification No. 106/2018 establishing the Myanmar Competition Commission (“**Commission**”), in accordance with section 5 of the 2015 Competition Law.

The Commission is responsible for the enforcement and administration of the Competition Law, and its formation is an important development in the implementation of that legislation.

The implementation of the Competition Law to date has been slow and piecemeal, reflecting Myanmar’s inexperience with competition legislation and the need to provide both government and industry a sufficient transition period to enable them to understand the law and develop their processes to ensure effective compliance with the law.

The law was enacted on February 24, 2015, but only entered into force two years later, on February 24, 2017. Subsequently, on October 9, 2017, the Ministry of Commerce promulgated the Competition Rules, set out in Notification No. 50/2017. These rules provide primarily for the establishment of the Commission. The Commission however has only now been established, around one and a half years after the Competition Law entered into force.

Pursuant to Notification No. 106/2018, the Commission will be chaired by the Union Minister for Commerce, and comprise eleven members in total. In addition to the chairman, the Commission’s members will include representatives from the Union Ministries of Industry, Home Affairs and Transportation and Communication, and the Union Attorney General’s Office. It will also have representatives from the Union of Myanmar Federation of Chambers of Commerce and Industry, as well as legal and economic experts.





The Commission is expected to clarify certain aspects of the operation of the Competition Law, and also be responsible for its administration and enforcement. For example, the Commission is empowered under the Competition Law to specify the levels of market share above which it will consider businesses to be monopolistic or deem a merger or acquisition (if the post-merger entity will have a market share above such prescribed level) to be detrimental to competition.

The Myanmar Government has also started to turn its focus to the enforcement of the Competition Law. In December 2018, the Ministry of Commerce published Form 1,

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which provides for the submission of complaints under the Competition Law to the Commission. The Competition Law also provides for the Commission to establish an Investigation Committee to investigate infringements of the law, and we expect this committee will be established in future.

It is expected that with the establishment of the Commission, the Competition Law will be fully implemented, albeit more than one year after its legislative entry into force. Businesses in Myanmar should therefore pay close attention to the future development of competition law in Myanmar.

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NEWS

- Top rankings in “Asialaw Profiles 2019: The Definitive Guide to Asia-Pacific’s Leading Domestic and Regional Law Firms (23rd edition)” and from IFLR1000 FINANCIAL AND CORPORATE 2019 and Chambers Asia Pacific 2019

We have achieved top rankings as one of the “recommended firms” in Myanmar, among other jurisdictions, in “Asialaw Profiles 2019: The Definitive Guide to Asia-Pacific’s Leading Domestic and Regional Law Firms (23rd edition)”. We were also ranked by IFLR1000 FINANCIAL AND CORPORATE 2019, and Chambers Asia Pacific 2019.

MHM Yangon is the only Japanese law firm to be selected as a “recommended firm” in these directories. Takeshi Mukawa, co-representative partner of MHM Yangon, is the only Japanese lawyer to be ranked by Chambers Asia Pacific in Myanmar, and Win Naing, partner of MHM Yangon, is also ranked by Chambers Asia Pacific.

ASIALAW PROFILES 2019

Practice Areas

Recommended

- General business law

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Industry Sectors

Highly Recommended

- Energy

Recommended

- Infrastructure
- Real estate

IFLR1000 FINANCIAL AND CORPORATE 2019

Practice Areas

Tier 3

- Financial and corporate

CHAMBERS ASIA PACIFIC 2019

Practice areas

- General Business Law (Band 4)
- General Business Law: International Firms (Band 3)

Ranked Lawyers

- General Business Law
Leading Individual: Win Naing
- General Business Law: International Firms
Recognised Practitioner: Takeshi Mukawa

➤ **MHM Yangon publishes chapter on Myanmar's property law**

MHM Yangon contributed the Myanmar chapter of the 12th edition of the *Getting the Deal Through* volume on real estate, published in November 2018. This chapter provides our insights based on our on the ground experience handling property transactions in Myanmar, on the acquisition, sale, ownership, development, leasing and financing of property in Myanmar.

We trust this publication will be helpful to your business in Myanmar.

You can access the publication at the following link:

<https://gettingthedealthrough.com/area/34/jurisdiction/132/real-estate-2019-myanmar/>

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