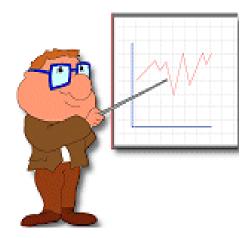




Myanmar Tax System and Reform

Internal Revenue Department Ministry of Planning and Finance



- ▶ What is tax?
- ▶ Tax structure in Myanmar
- Tax Reform



LET'S TALK ABOUT TAX

What is TXX?

- Tax is the money governments, collect to pay for services they provide to the community. (student's manual, Australian Taxation Office)
- A tax is a compulsory unrequited payment to the government. (Glossary of tax term, *OECD*)
- From the view of economists, compulsory transfer of resources from the private to the public sector.

Why is it necessary to pay tax?











- Governments need to fund the services they provide, such as education, hospitals, defence and roads.
- To do this, they must collect money which is called revenue, through the tax system.

Methods of Financing Government Activities



- (a) the creation of currency
- (b) Sale of goods and services
- (c) domestic borrowing and foreign borrowing
- (d) Reduce Government Expenditures
- (e) Taxation

Two types of taxes

- Direct Tax
- > Indirect Tax
- The term **direct tax** generally means a tax paid directly to the government by the persons on whom it is imposed. (such as Income Tax)
- An indirect tax is one that can be shifted by the taxpayer to someone else,. (VAT, GST, Sale Tax and etc)

Taxation

Public Government State **Private Taxes** Sector Expenditures **Budget** Sector ဆေးရှုံကျောင်း၊ တံတား၊ ပန်းခြံသေည်များ အမိုးရအသုံး ခရိထ် (Government (Private Sector) Public Sector Expenditure) အခွန်ငွေများ

Main purposes of Taxation

Revenue, Redistribution, Repricing, and Representation.

- The main purpose is revenue:
 (taxes raise money to spend on roads, schools and hospitals, and on more indirect government functions)
- A second is redistribution.
 (this means transferring wealth from the richer sections of society to poorer sections)



Main purposes of Taxation

- A third purpose of taxation is repricing.

 (Reduce consumption of De Merit Goods for example, tobacco is taxed, to discourage smoking)
- A fourth, consequential effect of taxation in its historical setting has been representation.
 - (The American revolutionary slogan "no taxation without representation" implied this: rulers tax citizens, and citizens demand accountability from their rulers as the other part of this bargain)

Art of Taxation

"The art of taxation consists in so plucking the goose as to get the most feathers with the least hissing."











Jean Baptiste Colbert quotes
(French Economist and Minister of Finance under King Louis XIV of France. 1619-1683)

Myanmar Tax System in Brief



The objectives of taxation

The Government collects taxes and duties not only to cover the government expenditures but also to implement the following fiscal policies –

- To steady the budgeting system and to regulate the circulation and also not to be inflated within the State.
- To stabilize the domestic consumption, Investment and saving by the tax system.
- To support the stability of commodity's price.
- To equal the power of the wealth of nation
- To get the supporting of the economic development

Myanmar Union Tax Structure

comprises 21 kinds of taxes and duties under the four major heads These are.....

- Taxes on production & Consumption
- Taxes on Income and ownership
- Custom duties and

Taxes on the use of state owned properties

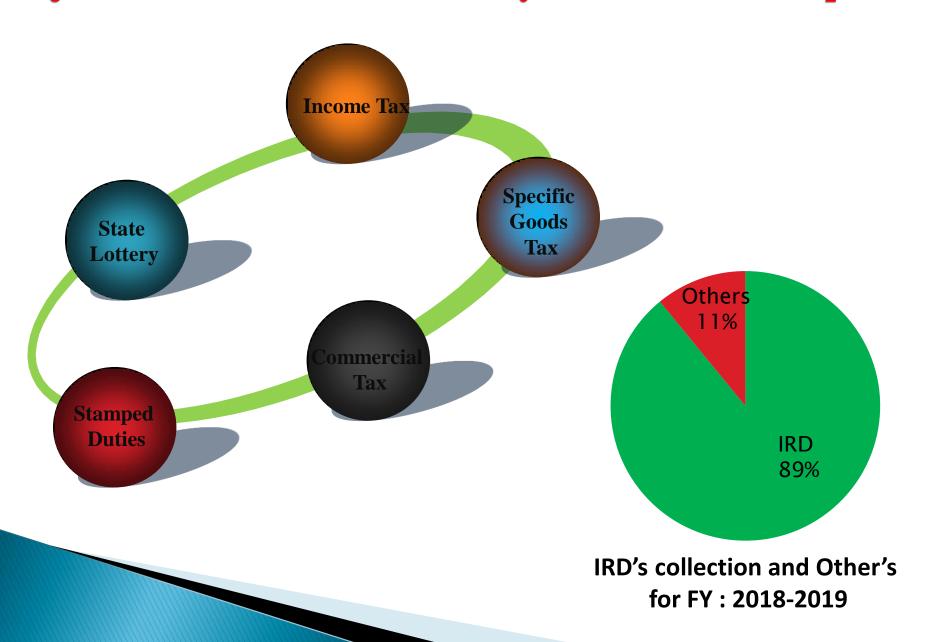
Myanmar Tax Structure

Sr. No		The Responsible Ministries of the	Description	
1		Taxes collected on domestic Production and Comsumption		
	1	Ministry of Home Affairs	Excise Duty	
	2	Ministry of Planning and Finance	Commercial Tax	
	3	Ministry of Commerce	Import Lincence, Permit Fees	
	4	Ministry of Planning and Finance	State Lottery	
	5	Ministry of Transport and Communication	Fees for vehicle, Driving Licence and Business Licence	
	6	Ministry of Planning and Finance	Court-Fees and Stamp Duty	
	7	Ministry of Natural Resources and	Tax for inserting a nucleus in the oyster	
	Enviromental Conservation			
	8	Ministry of Hotel and Tourism	Licence fees for Tour Licence/ Hotel and	
			guesthouse licence/transportation Licence	
	9	Ministry of Planning and Finance	Specific Goods Tax	
2		Tax on Income and ownership		
	1	Ministry of Planning and Finance	Income Tax	
3		Customs	Duty	
	1	1 Ministry of Planning and Finance Customs Duty		
4		Taxes collected on the extraction and co		
		Ministry of Home Affairs	Taxes collected on Land	
		Naypyitaw Council	Water Tax	
	3	Ministry of Home Affairs	Embankment tax	
	4	Ministry of Natural Resources and	Tax Collected on the Extraction of Forest Materials	
	5	Ministry of Home Affairs	Tax Collected on the Extraction of Minerals Materials	
	6	Ministry of Agriculture, livestock and Irrigation	Tax on Fisheries	
	7	Ministry of Electricity and Energy	Tax collected on the production of Oil and Natural Gas	
	8	Ministry of Natural Resources and	Tax on Minerals and Gymstones	
		Enviromental Conservation		
	9	Ministry of Transport & Communication	Tax collected on Telecommunication Services	
	10	Ministry of Electricity and Energy	Electricity Charges received in term	
	11	Ministry & Agriculture, livestock and Irrigation	Taxed collected on Permit and Use of Vacant, Fellow and	
			Virgin Land	

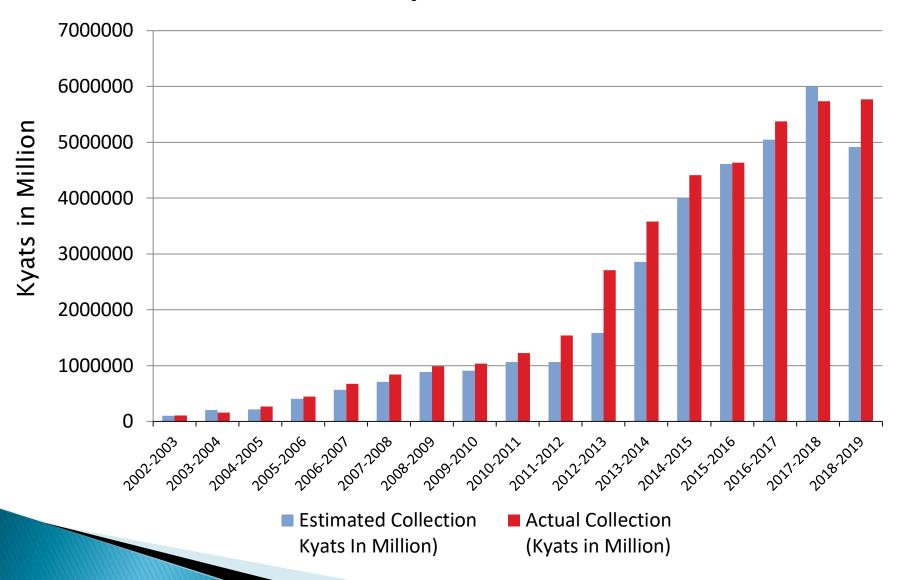
Relevant Tax Laws

NO.	Types of Taxes and Duties	Relevant Act, of Laws
1.	Income Tax	The Income Tax Law(1974)
2.	Commercial Tax	The Commercial Tax Law(1990)
4	Specific Goods Tax	The Specific Goods Tax Law (2016)
3.	Courts Frees and Stamp Duties	The Myanmar Stamp Act(1899) The Court Fees Act(1870)
4.	Lottery Tax	Directives pertaining to State Lottery
5	The Union Taxation Laws	Provisions related to tax policy such as tax rates, reliefs, thresholds, allowance and etc.

Major Taxes & Duties administered by Internal Revenue Department

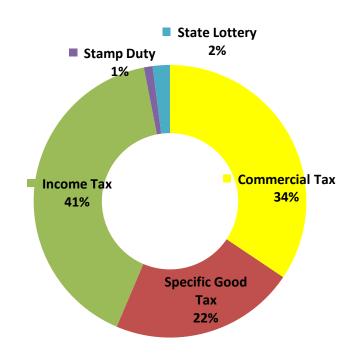


The Annual Estimated Target and Actual collection: For the financial year 2002-2003 to 2018-2019

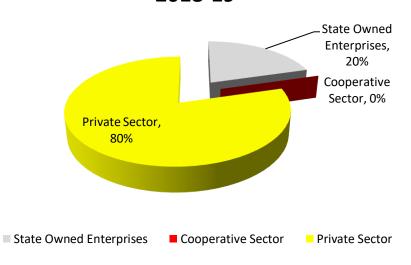


Major Taxes & Duties administered by Internal Revenue Department

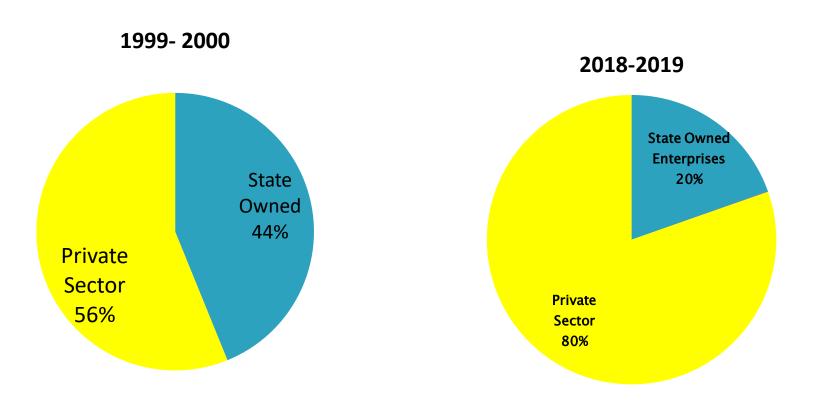
Tax Collection by Types for FY: 2018-2019



Tax Collection by sectors for FY: 2018-19



The Comparison of The Tax Collection by Sector between FY: 1999-2000 and FY: 2018-2019



Cooperative Sector- under 1%

INCOME TAX REGIME

Income Tax

The word "income" means the including of profits and other gains.

Extent

This law shall extend to the whole of the Republic of the Union of Myanmar and shall also apply to all the citizens of the Republic of the Union of Myanmar residing outside the Union of Myanmar.

Taxable Persons

- Individual and
- Association of persons

(includes partnerships, joint -ventures, companies, associations formed by individuals, association or institution registered under any existing laws, cooperative societies and Government economic enterprises)

Definitions

Resident foreigner means:-

- (1) in the case of an individual, a foreigner who resides in Myanmar for not less than one hundred and eighty three days during the income year,
- (2) in the case of a company, a company formed under the Myanmar Companies Act or any other existing law wholly or partly with foreigner share-holders,
- (3) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Union of Myanmar,

Non-resident foreigner means any foreigner who is not a resident foreigner in the Republic of the Union of Myanmar.

Definitions

Total income means:-

- in the case of a resident citizen or a resident foreigner, all income received within and without the Republic of the Union of Myanmar;
- in the case of a non-resident foreigner, or a foreigner or a foreign economic organization investing under the Republic of the Union of Myanmar Foreign Investment Law, all income received within the Union of Myanmar;

Heads of income

- > Salaries
- Profession
- Business
- Property
- Capital gains
- Undisclosed source of income
- > Other sources of income



Exemptions

According to the Income Tax Law Section 5(a)

- Income received by any religious or charitable organization;
- Revenue received by a local authority;
- Money received from commutation of a pension, Gratuity payments under the head "salary";
- Compensation obtained for death or injury;
- > Money obtained from the policy of insurance;
- Income of casual, non-recurring nature with the following exceptions-
 - capital gains;
 - income from an enterprise;
- Dividend of the after-tax profit of an association.

Reliefs (1)

- Basic allowance
- Other Allowances
- Premium paid for the life insurance policy if an assesse and spouse
- Contributions toward saving funds as prescribed by the Rule. (social security fund)

Donation

Donation shall not exceed 25% of total income.

Reliefs (2)

Basic allowance

-20 per cent of each type of income. Provided that the total basic relief for a year shall not exceed kyat 10,000,000 (100 lakhs).

Other allowance

 For a dependent parent 	Kyats	1,000,000 each
 For a spouse only 	Kyats	1,000,000 each
- For a child	Kyats	500,000 each

File a tax return

Every person who has assessable total income in nay income year shall furnish a return of income for that year as prescribed by the Regulations within three months from the end of the year.

Provided that such person who has income only under the head salaries is not so required.

(Income year means financial year starts from 1st April to 31st March.)

Payment

- The tax payer must estimate how much income he will earn in the relevant income year and pay the tax in advance.
- The prepayment is required to pay quarterly of the estimated tax amount ten days after end of each quarter.

Set off Loss

> Can carry forward three years,

> Except

- (i) loss in respect of capital assets;
- (ii) the share of loss from an association of persons.

Appeal

If the taxpayer is not satisfied with any order, He may appeal to...

- First appeal: Head of LTO, MTOs and Divisional and State Revenue Officer (within 30 days of the receipt of the order)
- Second appeal: Appellate Tribunal (within 60 days of the receipt of First Appeal order)
- Third appeal: Supreme Court (if any question of law)

Personal Income Tax: taxes on...

- . The person who receives income above \$ 48 million within a year from salary, profession, business and other income,
- . Incomes tax rates that would impose according to income level on the remaining income after offsetting relief

No	Taxable Income after deduction of Allowance (in Kyats) From up to		Tax Rate
1	1	2,000,000	0%
2	2,000,001	5,000,000	5%
3	5,000,001	10,000,000	10%
4	10,000,001	20,000,000	15%
5	20,000,001	30,000,000	20%
6	3000001	and above	25%

Income Tax Rates for Corporate sector

No	Type of Income	Tax Rate FY: 2017-18
1	Corporate Business Income (Resident Company)	25%
2	Corporate Business Income (non- Resident)	25%
3	Capital Gain (Resident)	10%
4	Capital Gain (Non- Resident)	10%

Withholding Tax

	Tax Rate		
Types of Taxable Income	Payment of resident or resident foreigner	Payment for non- resident foreigner	
Interest	_	15%	
Patent (Royalties)	10%	15%	
Payment for Trading locally and Services	2%	2.5%	
Payment for Contract Works	<u>-</u>	2.5%	

COMMERCIAL TAX REGIME

Charging Tax

The tax shall be charged on...

- the goods produced
- the imported goods
- the trading
- the services carried out in the country

Payment

Any person who has taxable proceed of sale or receipt from service within a year, shall pay due monthly tax within ten days after the end of the relevant month.

File tax returns

- A three-monthly return shall be furnished within one month after the end of relevant three-month.
- Any person who has taxable proceed of sale or receipt from service in a year shall furnish an annual return for such year within three months after the end of the relevant year.

Commercial Tax Regime

- > Average tax rate is 5%.
- For 42 kinds of commodities shall not be charged on the importation, local production and trading.
- > 31 kinds of services are exempted
- > 2 kinds of goods are levied for exportation.

Commercial Tax on Exportation

No	Types of Goods	Tax Rate
1	Electrical Power	8
2	Crude Oil	5





Commercial Tax on Construction sector

- Commercial tax shall be charged at 3 per cent on the sales proceeds of the building constructed and sold within the country.
- The developer shall be entitled to the rights and duties contained in the Commercial Tax Law and Commercial Tax Regulations.

Threshold for the commercial Tax

- The total sale proceeds of Kyat 50,000,000 for the domestic production of goods in within a financial year;
- ➤ The total receipt from service of Kyat 50,000,000 for the rendering of services in a financial year;
- ➤ The total sale proceeds of Kyat 50,000,000 for the trading business in a financial year;
- ➤ De-minimis Value of Threshold: exemption of customs duty provided by Customs for the particular imported goods

Commercial Tax Stamp

According to the commercial tax law section 33, some of the services needed to use tax stamping.

- Hotel and Guest House
- > Restaurants and Café
- > TV Media
- > The sale Proceeds of the jewelry made by gold



SPECIFIC GOODS TAX REGIME

Charging Tax

The tax shall be charged on...

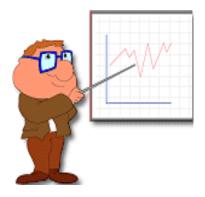
- the specific goods produced
- the specific imported goods
- the specific exported goods

Payment

Any person who produced or exported or imported the Specific Goods shall pay due monthly tax within ten days after the end of the relevant month.

File tax returns

 A three-monthly return shall be furnished within one month after the end of relevant three-month but there is no annual return.



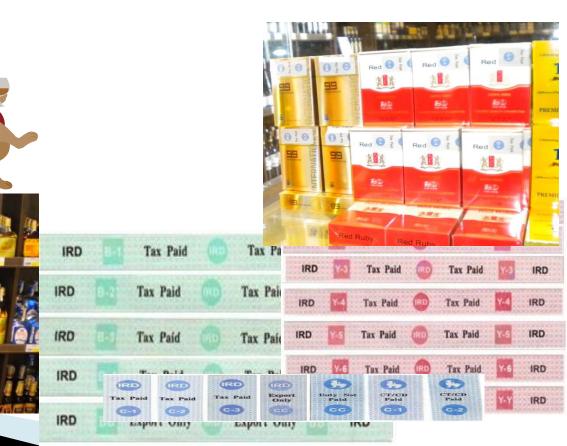
Specific Goods Tax

	IIIC OOOGS I a.A		
		Тах	
Sr.No	Description of goods	Percentages ▼	
1	Cigarettes :		
	price: 1ks to 1001ks and above	6 ks to 21 kyats	
2	Tobacco	60%	
3	Virginia tobacco, cured	60%	
4	Cheroot	50 pyars per unit	
5	Cigars	80%	
6	Pipe tobacco	80%	
7	Betel chewing preparations	80%	
8	Liquor:Price -1kyats to 29000kyats	122 ks- 6703 ks(per litre)	
	and above	60% (per litre price)	
9	Various kinds of beer	60%	
10	wine:Price -1 ks to 26000 ks	81 ks - 5254 ks(per litre)	
	and above	50% (per litre price)	
	Wood logs and hard wood conversions	5%	
12	Raw Jade	15%	
	Raw ruby, sapphire & other raw gemstones (except		
13	diamond and emerald)	10%	
	Processed jade, ruby, sapphire and other processed		
	gemstones,		
	Jewelry made with processed jade, ruby, sapphire and		
	other processed gemstones (except diamond and		
14	emerald)	5%	
	Vehicle: 1500cc to 4000 cc	10% to 30%	
15	4001cc and above	50%	
16	Kerosene, petrol, diesel and aviation jet fuel	5%	
17	Natural gas	8%	

Tax Stamps

According to the SGT Law section 34, some of the special commodities needed to use tax stamping.

- Cigarette
- > Liquors
- Wine
- Cheroot



Court Fees and Stamp Duty

Stamp duties

- Collected from sales of judicial and non-judicial stamps
- Judicial stamps are supplied for use in judicial proceedings
- Non-judicial stamps are for general purposes
- Rates are mentioned in the Myanmar Stamp Act and the Court Fee Act



State Lottery

State Lottery

- IRD is the only authorized org. to hold lotteries and to collect tax from sale of lottery tickets.
- in prizes
- Remaining 40% collected for lottery tax
- First introduced on 13-6-1938 and now is being drawn monthly.





GOVERNMENT OF BURMA

TWO RUPEES

TWENTYEAS:

650002

00 11514

ANCELLED.

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Reform Journey

Phase I (2012–2016)

Background

- ▶ Tax administration in Myanmar is characterized by:
 - Low capacity in the tax administration
 - Low levels of compliance in the community
 - Outdated systems, processes, procedures and approaches.
 - Seriously inadequate IT infrastructure and systems
 - Outdated and unclear taxation policies and Legislation.
 - Tax to GDP Ratio is currently 7.8% (almost 3 times below what it should be).
 - Cost of collection is 0.3% (almost 8 times below most other countries)
 - Foreign investor expectations of IRD are high.
 We need to reform our tax system as a matter of urgency.

Reform Program

- Reform Program commenced in 2012 with an IMF Mission.
- This set out a very ambitious reform agenda.
- Adviser assistance from IMF, OTA and World Bank commenced in late 2014.
- Resident Advisers from IMF and OTA were in place from mid 2014.
- A plan was formulated to encapsulate all aspects of the Reform Program.
- We have modified the program over time to better reflect our low capacity and lack of funding.
- To guide us a Strategic Plan has been developed
 strong base from which to build IRD.

Strategic Plan

Outcomes/Goals of Reform

- Maximize revenue
 - Revenue collection is maximized over time and within the law.
- Broaden the tax base
 - All those who should be in the tax system, are in the tax system. Indirect taxes
 in the form of VAT are a feature of the tax system. Systems and processes are
 aligned to ensure all taxpayers are treated equally and information is available.
 Enforcement activity is targeted at those who choose not to comply.
- Maintain and improve compliance
 - Taxpayers understand their obligations and comply voluntarily.
- Modernize Tax administration
 - The organization is modern, utilizes technology and international best practice in tax administration is applied and tailored for the needs of Myanmar.

Reform Objectives

We have eight streams of work – these are based on our objectives.

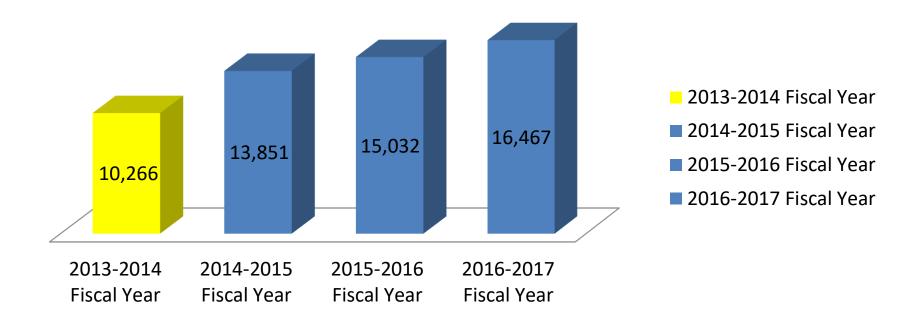
- Develop enabling legislation
- Re-organize IRD to enable improved efficiency and effectiveness
- Modernize Assessment Processes
- 4. Introduce Technology and reliable IT infrastructure
- 5. Develop Service and Enforcement programs and capability
- 6. Develop our people capability and capacity
- 7. Establish a governance framework
- 8. Increase transparency and accountability.

Significant Changes

- Our national Headquarters has been restructured along functional lines
- A reform program governance mechanism has been introduced
- The Large Taxpayer Office has been established to manage high value taxpayers under a system of self-assessment
- Our first Medium Taxpayer Office is implemented.
 We will gradually expand the self-assessment system to more taxpayers

- Changes have been made to our tax policy and legislation framework with
- An interim IT system has been developed (Tax Revenue Management System) to support SAS.
- Implementation of a data center to network key IRD offices and provide email, desktop applications and document sharing is nearing completion.
- Procurement of an integrated tax administration system has commenced.
- Capacity and integrity improvements
- Some improvement in compliance.

Turnover according to Tax Return

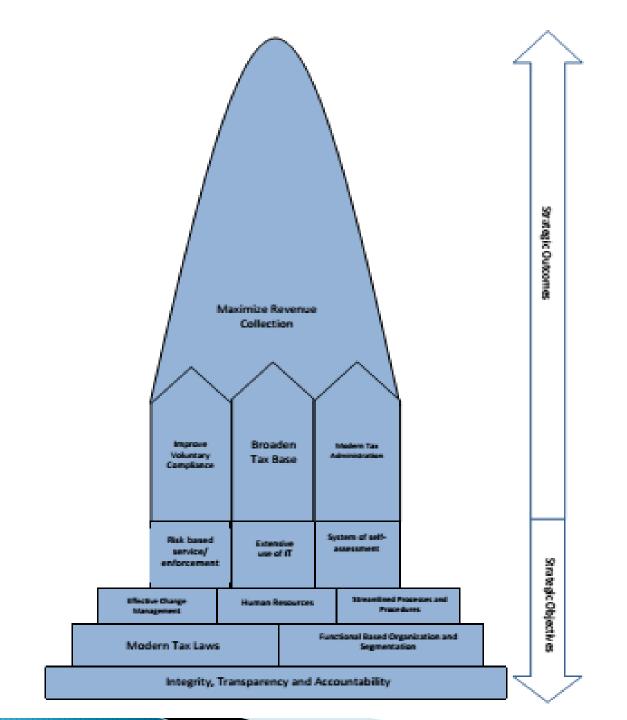


Note: the comparison is only of the same taxpayers those who from 1st year of LTO

Myanmar Sustainable Development Plan

Goal 2: Economic Stability & Strengthened Macroeconomic Management

Phase II (2017-2022)



Strategy 2.3 Increase domestic revenue mobilization through a fair, efficient and transparent taxation system

▶ 2.3.1 Reform the structure and governance mechanisms of IRD and other relevant entities, and establish functionally based departments organized to best administer the tax system for different groups of taxpayers

Re-structuring

Headquarters (Restructured (1 April 2015)

Second phase of reform commenced

- Policy Directorate established including revenue
- Legal, DMD, OMD, ICT and Internal Audit established.
 - Risk and Intelligence unit
 - Corporate communication unit
- Large Taxpayer Office
 Fully operational Building capacity/ Embedding the reforms
- Medium Taxpayer Office (MTO 1 (Since 1 April 2016) MTO
 2 3 &4 (over the next few years)
- Small Taxpayer Offices to be restructured over time.

Strategy 2.3 Increase domestic revenue mobilization through a fair, efficient and transparent taxation system

 2.3.3 Implement new information technology systems for registration, processing, accounting, and case work

Technology

- Purchasing and integrated tax management system. (waiting for the feasible project plan)
- Progressively implemented.
- People
- HR policies to support new approaches.

Strategy 2.3 Increase domestic revenue mobilization through a fair, efficient and transparent taxation system

2.3.4 Develop modern tax laws, including a new Tax Administration Law, a new Income Tax Law and a new VAT Law

Legislation

- Tax Administration and Procedures Law (by 1 October 2019)
- Re-write of the Income Tax Law (second draft finished except chapter V, by 2019)
- VAT (Post 2021)

2.3.5 Introduce anti-corruption and tax evasion countermeasures to protect the integrity and reputation of the tax system, including expanding the focus of internal audit and establishing an Internal Affairs Unit

Integrity, transparency and accountability

- Internal Audit covering departmental accounts and operational procedures is managing enterprise risks.
- Internal Affairs Unit implemented and is uncovering corruption
- Integrity/anti-corruption policy and program developed and implemented (IRD code of conduct)

2.3.6 Expand the implementation of a Self Assessment System to Medium Taxpayer Offices

System of Self-Assessment

Outcome by 2022

- More than 80 percent of revenue collection – LTO and MTO's
- More public information material is available in variety of media (website and brochures)

	17/18	18/19	19/20	20/21	21/22
MTO 1 implemented (by March	700				
2019)	taxpayers				
MTO 2 implemented (by March	Preparation	700+ 1200			
2020)		(MTO 2)			
MTO 1 to 3 transitioned to				Mandalay	
LTO/MTO model nationally (by					
March 2022)					

2.3.7 Implement a risk-based approach to tax administration using a Compliance Improvement Strategy to guide the administration of taxpayer services and enforcement strategies.

Risk based service and enforcement

- Risk based compliance improvement strategies for improving filing, payment, reporting etc. LTO and MTO
 - Enhance and develop to cover all taxpayers and all tax types

2.3.8 Streamline tax processes and procedures to reflect good international practice and maximize opportunities provided by modern technology.

Streamlined processes and procedures

- Centralized processing Centre
- Centralized taxpayer services
- New processes and procedures using by technology
- Call Centre

Develop IRD staff capabilities by providing clear expectations of staff roles and responsibilities, relevant training, modern work practices including effective performance management

People and Human Resources

- Recruitment, training and development
- HR policies
- HR skill and specialization
- Benefits package developed. (by KPIs)

Challenges Ahead

- Building capacity from such a low base.
- Changing the mindset of taxpayers and citizens about taxation.
- Moving forward at a pace IRD staff can manage. Risk of organizational fatigue.
- Educating taxpayers on obligations.
- Developing Audit capability.
- Determining correct resource requirements.
- Obtaining Government support especially funding.
- Meeting expectations of Government for increased revenue at a time of considerable change.
 - Embedding Reforms into day to day business.

