

BENCHMARKING PPP PROCUREMENT 2017 IN MYANMAR

Regulatory and Institutional Framework for PPPs	
Does the regulatory framework in your country allow procuring PPPs?	Yes
Yes. If yes, please specify the relevant regulatory framework and the year of adoption:	In Myanmar, there is no specific PPP legislation. As a result, the directive on procurement (Directive No. 1/2013 Presidential Directive on Procurement ("Directive 1/2013")) and the regulations on investment, which are the Foreign Investment Law ("FIL") promulgated in 2012 and its rules ("FIR"), the Myanmar Citizen Investment Law - The Pyidaungsu Hluttaw Law No. 18., and the notification no. 49/2014 of Myanmar Investment Commission (14 August, 2014) Amended Classification of Types of Economic Activities ("Notification 49/2014") are applicable. PPPs can also be regulated by sectorial notifications prepared by Ministries. However, considering our case study - a transportation project -, sectorial notifications will not be part of the analysis.
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	n/a
Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors? Transportation.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Notification 49/2014 Domestic air transport services and international air transport services are allowed only in the form of a joint venture with Myanmar citizens. Operating and maintaining railways require the approval of the Myanmar Government and are allowed in a joint venture with the relevant Myanmar Government Department. Operating and maintaining railways also requires the opinion and the remarks of the Ministry of Rail. Construction, production and maintenance of railway engines/passenger coaches, wagons for goods and engine spare parts require approval of the Myanmar Government. This is allowed in a joint venture with the relevant Myanmar Government Department. The private investor is also required to obtain the opinion and the remarks of the Ministry of Rail Transportation.
Water and irrigation	Yes
If yes, please provide the relevant legal/regulatory provisions:	Notification 49/2014: Manufacturing of purified drinking water is only permitted in the form of joint venture with Myanmar citizens. Water transport related services on land plots owned by Internal Water Transport requires recommendations of the Ministry of Transport
Energy generation and distribution	Yes
If yes, please provide the relevant legal/regulatory provisions:	Notification 49/2014: Administration of electric power systems and mid-scale and small scale production of minerals are prohibited. Small scale, medium scale electric power generation works are allowed only in the form of a joint venture with Myanmar citizens.

Telecom	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Health	Yes
If yes, please provide the relevant legal/regulatory provisions:	Notification 49/2014: Activities related to health are permitted with the recommendation of the Ministry for Health.
Education	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other	No
If yes, please provide the relevant legal/regulatory provisions:	Notification 49/2014 sets forth a list of activities which are prohibited for a foreign investor.
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	Ministries and States/Regions are procuring authorities : Ministry of Electric Power: < www.moep.gov.mm > Ministry of Energy: < www.energy.gov.mm > Ministry of Communications and Information Technology: < http://www.mcit.gov.mm > Ministry of Transport: < www.mot.gov.mm/mm/index.htm > Ministry of Education: < www.moemyanmar.net > Ministry of Health: < www.moh.gov.mm > Ministry of Mines: < www.mining.gov.mm > Ministry of National Planning and Economic Development: < https://www.mnped.gov.mm >
In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	No
If yes, please indicate its name, and its website (if available):	n/a
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	n/a
PPP policy guidance and capacity building for other public authorities.	n/a
PPP promotion among the public and/or private sectors in national and international forums.	n/a
Technical support in implementing PPP projects.	n/a

Gatekeeping (approval of PPP projects).	n/a
Procurement of PPPs.	n/a
Oversight of PPP implementation.	n/a
Other	n/a
please specify:	n/a
Preparation of PPPs	Score: 2
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the procurement process?	Yes
If yes, please specify the relevant authority	The Union Government.
and provide the relevant legal/regulatory provisions (if any):	According to section 5. of the FIL, the Commission may allow by the approval of the Union Government, the restricted or prohibited investments. In investing by the foreigner, the Commission shall, the minimum amount of investment according to the sector, prescribe with the approval of the Union Government depending on the nature of business (FIL, section 10. (iii)).
If yes, is a second approval by the same authority required before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	After sending draft contract to Union Department or Region or State Government Board, Naypyi Taw Council and Autotomized Division/ Local chief management Ministry Committee meeting and approving, the agreement shall be made (Notification 1/2013, section 3. q) dd)).
Does the government integrate the prioritization of PPP projects with all other public investment project	No

prioritization? (e.g. in the context of a national public investment system)?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes the way your government prioritizes PPP projects? (Please select only one). The regulatory framework provides for the inclusion of PPPs in the national public investment system and/or details a specific procedure to ensure the consistency of PPPs with other public investment priorities.	n/a
If yes, please specify:	n/a
The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
Among the PPP projects procured within the last two (2) years, how many of them were prioritized along with all other public investment projects? Please elaborate:	Some of the projects
Which of the following assessments are conducted when identifying and preparing a PPP? (check all that apply): 10.1. Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a

If yes, elaborate.	n/a
Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)	Yes
Relevant legal/regulatory provision (if any)	Practice
Is there a specific methodology?	No
If yes, elaborate	n/a
Risk identification, allocation and assessment (risk matrix)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Financial viability or bankability assessment.	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Market assessment (showing evidence of enough interest in the market for the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Among the PPP projects procured within the last two (2) years, for how many of them were all of the required assessments conducted? Please elaborate:	Some of the projects

Does the procuring authority include a draft PPP contract in the request for proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide examples):	Due to various ministries managing respective PPP programs relevant to their specific sectors, there is no regulatory framework governing the requirement to provide a draft PPP contract in the calls for proposals, with each ministry responsible for establishing their own terms and specifications.
Have standardized PPP model contracts and/or transaction documents been developed?	No
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	n/a
Does the procuring authority obtain the permits necessary to develop and operate the PPP project before calling for tenders in any of the following areas? Environmental permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Urban and zoning permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Land	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide explanation):	No specific provisions
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Right of way	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide explanation):	No specific provisions
Does the regulatory framework establish any exceptions where the preparation process described above does not apply or allows for a “fast track” procedure?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
What is the average number of calendar days that the procuring authority spends on each of the following activities to prepare a PPP project? Conducting the required assessments:	112.5
Obtaining the required approvals from other relevant authorities:	185
Preparing the draft PPP contract:	142.5
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	180
PPP Procurement	Score: 40
Are the bid evaluation committee members required to meet specific qualifications?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	Practice
If no, please elaborate (provide examples):	n/a
If yes, which of the following options best describes the required qualifications of the committee members? (Please select only one). The regulatory framework details the qualifications required and/or the specific	No

membership of the bid evaluation committee.	
If yes, please specify:	n/a
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.	No
The regulatory framework does not include any provisions.	Yes
Other	No
please specify:	n/a
Does the procuring authority issue a public procurement notice of the PPP?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Pursuant to section 3 (e) and (f) of Directive 1/2013, the type of business to be carried out shall be clearly described and announced apparently for one week in newspapers owned by government and tender opening shall be offered one month prior to the specified date. Furthermore, it shall be announced two weeks prior in the notice board and government ministry websites.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	Relevant Ministry's website
Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to section 3 (e) of Directive 1/2013, tender opening shall be offered one month prior to the specified date.
and the time in calendar days :	30
Do the tender documents detail the stages of the procurement process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide examples):	The Bid Procedures are prescribed by the ministry conducting the tender, and there is no specific law that regulates the stages thereof.
Does the procurement process include a pre-qualification stage to select a number of qualified bidders to present the full proposal?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the bidders?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Among the PPP procurement processes conducted within the last two (2) years that had a prequalification stage, how many of them included prequalification criteria in the tender documents? Please elaborate	Most of the projects
Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
Among the PPP procurement processes conducted within the last two (2) years where questions were submitted, in how many were the questions and clarifications disclosed to all of the potential bidders? Please elaborate:	All of the projects
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Practice

If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Among the PPP procurement processes conducted within the last two (2) years where any other type of dialogue was conducted, in how many was the content and the result of the dialogue disclosed to all of the potential bidders? Please elaborate:	Some of the projects
Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide examples):	n/a
Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
Among the PPP procurement processes conducted within the last two (2) years, in how many of them was the evaluation of the bidders conducted in accordance with the criteria stated in the tender documents? Please elaborate:	Most of the projects
In the case where only one proposal is submitted (sole proposals), does the procuring authority follow any special procedure before awarding the PPP?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a

If yes, what of the following options best describes the way the procuring authority deals with sole proposals? (Please select only one). The regulatory framework details a specific procedure that the procuring authority must follow before awarding a PPP contract where only one proposal is submitted.	n/a
Please specify:	n/a
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	n/a
The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
In practice, what is the average number of calendar days between the initial publication of the PPP public procurement notice and the award of the PPP? Number of calendar days:	265
Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Practice
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	Publication of the award notice will be placed on the relevant ministry's website.
Does the procuring authority provide all the bidders with the result of the PPP procurement process?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide examples):	n/a
If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the regulatory framework restrict or regulate in any way negotiations with the selected bidder between the award and the signature of the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Among the PPP procurement processes conducted within the last two (2) years, in how many of them were the terms and conditions changed between the award and the signature of the PPP contract? Please elaborate:	Some of the projects
Does the procuring authority publish the PPP contract?	No
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is it published online?	n/a
If yes, please specify the website:	n/a
Does the regulatory framework establish any exceptions where the procurement process described above does not apply or allows for a “fast track” procedure?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Unsolicited proposals	Score: USP not regulated

Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
If yes, please specify, to the best of your knowledge, the percentage of PPP investments in your country approved as unsolicited proposals during the last five (5) years:	n/a
Does the procuring authority conduct an assessment to evaluate unsolicited proposals?	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes how unsolicited proposals are evaluated against existing government priorities? (Please select only one). The regulatory framework details a specific procedure to ensure the consistency of PPPs with other public investment priorities.	n/a
If yes, please specify:	n/a
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	n/a
The regulatory framework does not include any provisions.	n/a

Other	n/a
please specify:	n/a
Among the unsolicited proposals approved within the last two (2) years, how many of them were a part of the existing government priorities? Please elaborate:	n/a
Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
Does the procuring authority use any of the following mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer.	n/a
Developer's fee (reimbursing the original proponent for the project development cost).	n/a
Bid bonus.	n/a
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	n/a
Other	n/a
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	Score: 25

Has the procuring or contract management authority established a system to manage the implementation of the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any)	n/a
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Participation of the members of the PPP contract management team in the PPP procurement process.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Possibility to consult with PPP procurement experts when managing the PPP contract.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	n/a
please specify:	n/a
If there is a contract management team, in how many of the PPP projects procured within the last two (2) years did the management system and tools fully inform the contact management team? Please elaborate:	n/a
Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	FIR requires foreign investors to submit a progress report to the Myanmar Investment Commission every 90 days (chapter 9, section 51), and the FIL gives a draft of the form to send.
If yes, which of the following tools does it include (check all that apply)? PPPCo must provide the procuring or contract management authority with periodic operational and financial data.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	FIL and FIR chapter 9, section 51: During the course of operations, the investor shall, without failure, submit a Progress Report Form (3) to the Commission every three months by mail or in any other mode of communication. Rule 135 FIR prescribes that the foreign investor must submit a schedule of investment if the proposal provides that the investment will be brought in over a period of time.
The procuring or contract management authority must periodically gather information on the performance of the PPP contract.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring or contract management authority must establish a risk mitigation mechanism.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
Is PPP contract performance information publicly available online?	No
If yes, please specify the website:	n/a
Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?	Yes

If yes, please provide the relevant legal/regulatory provisions:	Sections 17 (i) and 17 (j) of the FIL. (i) in case of a foreign company, if all of the shares are absolutely sold and transferred to any foreigner or any citizen, registering the transfer of share in accord with the existing law only after returning the permit with the prior permission of the Commission; (j) in case of a foreign company, if some of its shares are absolutely sold and transferred to any foreigner or any citizen, registering the transfer of share in accord with the existing law only after obtaining the prior approval of the Commission.
If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in PPPCo during an initial period (e.g. construction and first five years of operation).	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
In case of a change affecting the controlling interest, the replacing entity must meet the same technical qualifications as the original operator.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Flexibility to substitute non-controlling interest after the initial period.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	No
If yes, please provide the relevant legal/ regulatory provisions:	n/a
If yes, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	n/a
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the risk allocation of the contract.	n/a

If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the investment plan or duration of the contract.	n/a
If yes, please provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Material Adverse government action.	Yes
If yes, please provide the relevant legal/regulatory provisions:	The Foreign Investment Law provides a guarantee in favor of businesses implementing an investment project (approved under an investment permit) against (a) nationalization within the contract term (section 28); and (b) non-suspension of the approved project by the Government before expiry of the project without any sufficient cause (section 29).
Change in the Law.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Refinancing.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other.	No
If yes, please specify and provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework establish a specific dispute resolution mechanism for PPPs?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions	<p>The Tendering Regulations specify that any dispute arising from a contract entered into between a Myanmar Government Department and private entity should be solved by the terms of the contract (3.o ff).</p> <p>FIL section 43 indicates "(i) it shall be complied and carried out in accord with the existing laws of the Union if the dispute settlement mechanism is not stipulated in the relevant agreement; (ii) it shall be complied and carried out in accord with the dispute settlement mechanism if it is stipulated in the relevant agreement."</p> <p>PPP contracts in Myanmar generally specify Singapore as the seat of arbitration. There will usually be an arbitration clause in the PPP contract which states that the: "parties irrevocably agree to refer and resolve their dispute by arbitration conducted according to</p>

	<p>the rules of the Singapore International Arbitration Centre."</p> <p>On 5 January 2016, the Myanmar Union Parliament adopted a new Arbitration Law (Union Law No. 5/2016) (the "2016 Arbitration Act"), which provides a domestic legal framework to fully implement and comply with the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 (the "New York Convention"), which Myanmar signed and ratified in 2013. The 2016 Arbitration Act is yet to be tested by Myanmar courts.</p>
<p>If yes, which of the following options best describes the dispute resolution mechanism for PPPs? (Please select only one). The regulatory framework details specific resolution mechanisms for disputes arising during the implementation of the PPP.</p>	No
<p>If yes, please specify:</p>	n/a
<p>The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.</p>	Yes
<p>The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.</p>	No
<p>Other</p>	No
<p>please specify:</p>	n/a
<p>Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo defaults or if the PPP contract is under threat of termination for failure to meet service obligations?</p>	No
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	n/a
<p>If yes, which of the following options best describes the lender step-in right? (Please select only one). The regulatory framework expressly regulates the lender step-in rights.</p>	n/a
<p>If yes, please specify:</p>	n/a
<p>The regulatory framework prescribes that the lender</p>	n/a

step-in rights should be regulated in the contract.	
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	n/a
Other	n/a
please specify:	n/a
Does the regulatory framework expressly establish the grounds for termination of a PPP contract?	No
If yes, please specify:	n/a
and provide the relevant legal/regulatory provisions:	n/a
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	n/a
If yes, please provide the relevant legal/regulatory provisions:	n/a
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: Took place in 2015, are ongoing and/or are planned to be adopted BEFORE June 1, 2016?	Yes
Please describe:	<p>The Myanmar Government has created a PPP taskforce under the MNPED. The Taskforce is led by the Myanmar Investment Commission. The Director General of the Directorate of Investment and Company Administration (DICA) is in charge of the Taskforce. The Taskforce is currently in the early stages of development with a focus on developing the member's knowledge and capacity for executing PPP projects in the future. The Japan International Cooperation Agency ("JICA") has been facilitating this development through a number of workshops organized in cooperation with DICA.</p> <p>2016 Arbitration Act; Ongoing changes to Myanmar employment laws.</p>
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: 50.2. Are ongoing and/or are planned to be adopted AFTER June 1, 2016?	Yes
Please describe:	Aided by the Asian Development Bank, the Myanmar Government is currently working on revising the Myanmar Companies Act 1914 to align its provisions with current international commercial practices and local law reforms. In connection with PPPs, it is

hoped that the right to take security interests and procedures in relation to perfection and registration of such security interests will be clarified.

In addition, it is also anticipated that the Foreign Investment Law will be fused together with the Myanmar Citizen Investment Law (which governs investments solely by Myanmar citizens) under a single "Myanmar Investment Law".

The below legal reforms relevant to PPPs are set to take place in Myanmar in 2016, however, there is no guarantee that they will all be adopted before or after 1 June 2016.

1. New Competition Law (2015);
2. Draft new combined Investment Law (merged FIL and MCIA);
3. Draft new Companies Act;
4. Foreign Bank activity - 9 licenses provisionally awarded last year and more licenses to be awarded in 2016;
5. Subsidiary legislation and directives for the new Electricity Law;
6. Further development of Environmental Conservation Law and Rules (issued June 2014) including stakeholder and community consent to projects.