

The Republic of the Union of Myanmar
Ministry of Transport and Communications
Road Transport Administration Department (Head Office)
Nay Pyi Taw

Letter No. Kala (NPT) 860/ 2015/ 367

Date. 27th October, 2015

“Office Order No. Enterprise – 37/ 2015”

Subject: Issuing the Criteria for Analyzing the Operator License

1. Among the annexes 20 of the Framework Agreement on the Facilitation of Cross Border Transport of Goods and People in the GMS-CBTA, “Annex 9 – Criteria for Licensing of Transport Operators for Cross-Border Transport Operations” and “Annex 10 – Criteria for Transportation,” which are carried out by the Road Transport Administration Department, Operation License, Transport Coordination and Supervisory Division have already accepted and confirmed by the Contracting Parties since 31.01.2012.

2. In issuing the International Operator License to applicants and analyzing the Cross-Border Transport of goods and people, the Road Transport Administration Department (Operation License, Transport Coordination and Supervision Division) of the Head Office, State/ Region Offices, District Offices and Township Offices shall examine all application forms based on the following criteria in GMS-CBTA:

(a) Basic Eligibility Criteria

- i. Transport operators shall apply the license in their home countries.
- ii. Though transport operators hold the license from their home countries if they do not fulfill the criteria mentioned in the Annex 9 of the GMS-CBTA, a person who is the permanent in

charge of a transport enterprise must fulfill the required professional competencies including reliability.

- iii. A transport operator who no longer meets the requirements shall be divested of his/her license.

(b) Substantial Ownership of Citizens

- i. More than half of capital of transport enterprises must be owned by the citizens of the relevant home country.
- ii. Major managerial functions of these enterprises must also be managed by the citizens.

(c) Reliability

- i. The transport operator must not be a person who is convicted for repeated violation of existing rules and regulations of the country.
- ii. The transport operator must not be a person who is forbidden to operate a transport enterprise due to the violation of rules and regulations of road transport.
- iii. The transport operator must not be a person who is declared insolvent or who does not have professional competencies, or who is not entitled to special privileges or who cannot resolve or reestablish his/her financial solvency in accordance with the laws, rules and regulations in relation to the transport enterprises in the relevant country.

(d) Professional Competence

- i. Legal matters relating to the road transport enterprises (for example, contracts, carrier's liabilities, company laws, accounting laws, labor laws, tax laws);
- ii. Transport operation management (for example, cost and price calculations, payment and financial procedures, price

regulations, insurance, transport intermediaries, management techniques and marketing)

- iii. Market access Requirements, if required (for example, access to the profession to be competent and convenience, transport documents, fair competition, anti-dumping)
- iv. Technical information relating to transport (for example, size and weight of vehicles, choice of vehicles, maintenance of vehicles, loading and unloading of vehicles, carriage of dangerous and perishable goods, principles of environmental protection in road traffic); and
- v. Road safety (for example, road rules, prevention and mitigation of road traffic accidents).

(e) Financial Solvency

- i. Transport operators have to secure relation to sufficient finance in order to guarantee the proper functioning and management of transport enterprises;
- ii. In order to assess a transport operator's solvency, the following elements may be taken into account:
 - The Transport Operator's Balance Sheets;
 - Assets;
 - Bank Deposit Account;
 - Bank Guarantees and Liability insurance.

(f) A transport operator must carry insurance covering the operator's contractual liability.

3. Reply letter is required to ensure that this Office Order is received and understood.

Chit Ko Ko
Director General

1. All Branches of Head Office
2. Head of Department
Road Transport Administration Department
Nay Pyi Taw/ Region/ State/ Branch of Region/ Branch of State/ Attached
State Office/ District Office,Township
3. Head of Department
Road Transport Administration Department
Operator License, Transport Coordination and Supervisory Division
Nay Pyi Taw/ Region/ State/ Attached
State Office/ District Office/ Township Office
.....,Township

Copy:

- (1) Director General's Office
- (2) Deputy Director General (Admin/ Operation)
- (3) Director (Admin, Vehicle Registration, Driving License, Finance,
Computer, Operator License, Transport Coordination and Supervisory)
- (4) Chief Engineer
- (5) Deputy Director and all Officials on the same level
- (6) Assistant Director and all Officials on the same level
- (7) Office Order file
- (8) Combination file/ Office copy
- (9) Floated file/ Interdepartmental Circular Letter