

LEGAL AND TAX DIGEST

BANGLADESH

LAOS

MYANMAR

Legislative developments – February 2025



BANGLADESH



Banking and Finance

*FEID Circular No. 01 dated 9 February 2025 issued by the Foreign Exchange Investment Department of the Bangladesh Bank on the **"Official Launch of the Foreign Investment and Financing Web Portal"***

The Bangladesh Bank officially launched its "Foreign Investment and Financing" web portal on 6 February 2025. The portal, accessible at <https://www.bb.org.bd/feidportal/index.html>, is designed to offer comprehensive information and services regarding foreign investment opportunities, financing options, and business initiatives.

*FEPD Circular No. 09 dated 10 February 2025 issued by the Foreign Exchange Policy Department of the Bangladesh Bank on **"Inward Wage Remittances by Licensed Mobile Financial Service Providers and Payment Service Providers"***

Per FE Circular No. 34 dated 29 November 2022 and FE Circular Letter No. 11 dated 19 September 2023, mobile financial service providers ("MFSPs") and payment service providers ("PSPs") are permitted to repatriate wage earners' remittances. This is to be done in collaboration with internationally recognized online payment gateway service providers, banks, digital wallets, card schemes, and/or aggregators abroad, collectively referred to as approved or licensed foreign payment service providers.

To enhance flexibility, this circular removes the deadline for licensed MFSPs and PSPs to apply for offering wage remittance repatriation services. Those interested in providing such services can submit their applications to the Foreign Exchange Policy Department of Bangladesh Bank, Head Office, at any time.

All other instructions outlined in FE Circular No. 34 (for MFSPs) and FE Circular Letter No. 11 (for PSPs) remain unchanged.

Legislation

*Ordinance No. 04 dated 10 February 2025 issued by the Government of the People's Republic of Bangladesh Ministry of Law, Justice and Parliamentary Affairs Department of Legislative and Parliamentary Affairs on "**International Crimes (Tribunals) (Amendment) Ordinance, 2025**"*

This ordinance introduces several significant changes. One notable amendment specifies that, concerning the crime of aggression as a crime against peace, the provisions of that section will apply only to individuals with effective authority to control or direct the political or military actions of a state.

Additionally, another amendment reduces the time for an accused to prepare a defense from six weeks to three weeks.

LAOS



Foreign Currency

Notice No. 11/BOL dated 19 February 2025 issued by the Bank of the Lao PDR on the "Implementation of Sales of Foreign Currency Revenue from the Export of Goods and Services"

To implement the Prime Minister's Office's Notice No. 2037/PMO dated 3 October 2024, ensure the strict management of foreign exchange revenue from exports of goods and services, and implement the sale of foreign exchange revenue from the export of goods and services to the banking system in accordance with Decision on the Management of Foreign Currency Revenue from Goods and Services Exports No. 333/BOL dated 7 March 2024 ("**Decision No. 333**"), the Bank of the Lao PDR ("**BOL**") issued this notice to commercial banks and export operators with the following guidelines for implementation:

- Export operators are required to import their foreign currency revenue into their import-export bank account and exchange at least the minimum percentage (as specified in Decision No. 333) into Lao Kip within three working days from the date of receiving payment.
- Commercial banks must purchase foreign currency revenue from the export operators within three working days. If an export operator does not sell or exchange the minimum percentage (as specified in Decision No. 333) of its foreign exchange revenue into Lao Kip within three working days, the commercial bank must promptly debit the export operator's bank account on the 4th working day for the required minimum amount.

The notice entered into force from the date of signing.

Decision No. 155/BOL dated 19 February 2025 issued by the Bank of the Lao PDR on the "Management of Foreign Currency Accounts in the Lao PDR"

The BOL issued this decision to regulate the opening and transfer of foreign currency accounts of individuals, legal entities, and organizations in the Lao PDR. It takes effect on 5 April 2025.

Under the decision, before opening an account, individuals and legal entities must demonstrate that they have a reliable source of foreign currency.

Transfers between foreign currency accounts under the same name are subject to transfer fees as determined by the relevant commercial bank, and there is no limit on the transfer amount.

Transfers to a different account incur a 0.5% transfer fee, which will be charged from the originating bank, with a charge of a minimum of US\$1 and a maximum of US\$50 per transaction, with a limit on the transfer amount, in each case as follows:

- Maximum of US\$1,000 per day for individual accounts
- Maximum of US\$10,000 per day for legal entity accounts
- Maximum of US\$20,000 per day for organization accounts

Mining

*Notice No. 0787/EM.CO dated 28 February 2025 issued by the Cabinet Office of the Ministry of Energy and Mines on the **"Temporary Suspension of the Granting of Mining Licenses related to the Sale and Purchase of Minerals and Mineral Products"***

The Ministry of Energy and Mines has temporarily suspended the granting of mining licenses in order to enhance the regulations pertaining to the sale and purchase of minerals and mineral products.

This notice entered into effect on 28 February 2025 and will remain in effect until new legislation is adopted to replace it.

MYANMAR



Private Security

"Private Security Service Law" No. 4/2025 dated 18 February 2025 enacted by the State Administration Council

This law provides the legal and regulatory framework for private security service ("PSS") providers and private security personnel.

Key provisions of the law are as follows:

Regulatory Authorities

Two levels of committees will be established to regulate PSS providers and private security personnel in Myanmar, as below:

- Central Committee led by the Union Minister of the Ministry of Home Affairs
- Regional/State Supervisory Committees and the Union Territory Supervisory Committee

Powers and duties of the Central Committee

The Central Committee will oversee the licensing and permitting activities relating to the provision of private security services, and regulate the purchase, sale, possession, or use of security equipment by a licensee for the provision of private security services.

Powers and Duties of the Regional Supervisory Committees

These committees will be formed for the Union Territory and each State and Region.

They are empowered to: (i) issue licenses and permits subject to the decision of the Central Committee; and (ii) take administrative action against PSS providers that fail to comply with the applicable laws, rules, and regulations.

Private Security Service License

Licensing criteria

Any company that wishes to provide private security services, including PSS training programs, must obtain a PSS license.

An applicant for a PSS license must:

- Be a company duly registered under the Myanmar Companies Law or, if a foreign company, have been approved to be registered under the law.
- Not be known to undermine national security and the rule of law.
- If a domestic company, maintain at least MMK100 million as a performance guarantee at the Myanmar Economic Bank during its operations.
- If a foreign company, deposit and maintain an amount in foreign currency equivalent to MMK100 million as a fixed deposit at the Myanmar Economic Bank.

A PSS license is valid for three years.

Rights and responsibilities of PSS licensees

PSS licensees have the right to:

- Provide private security services to clients for service fees by entering into a service contract with them.
- Undertake the purchase, sale, possession, or use of the security equipment as per the approval of the Central Committee, applicable Myanmar laws, and the terms and conditions set out in the PSS license.
- Hold arms, ammunition and related equipment in accordance with the approval granted by the Central Committee based on the remarks of the National Defense and Security Council, the Arms Law, arms policies, and other applicable laws of Myanmar.

PSS licensees are required to:

- Comply with the rules, regulations, notifications, orders, directives, and procedures issued under this law as well as the terms and conditions set out under the license.
- Cooperate with the national security authorities.
- Ensure that the private security personnel employed meet the requirements stated under this law and attend PSS training.
- Ensure that any foreign national who works as private security staff in Myanmar: (i) meet the criteria set by the Myanmar Ministry of Labor; (ii) provide a police clearance certificate issued by the relevant country; and (iii) is not a member of an armed forces of a foreign country.
- Set the rules for their private security personnel and take applicable disciplinary action in the event of violations of those rules.
- Seek the approval of the Central Committee through the relevant Supervisory Committee to provide PSS training programs.

If the PSS licensee is a foreign company, it must also ensure that at least 75% of the private security personnel employed are Myanmar citizens.

Dispute resolution between a PSS licensee and its clients

The law generally provides a dispute resolution mechanism based on the basic concept of contract law that any dispute between a PSS licensee and its clients:

- Should be resolved through negotiation.

- Must be resolved in accordance with the terms of the service contract if such negotiation fails to resolve the dispute.

Therefore, the implication is that PSS licensees and PSS clients should pay attention to the service contract's governing law and the jurisdiction for disputes set out therein when negotiating the terms of the service contract.

PSS Permit

Any person that wishes to employ more than 10 private security staff for its private business or branch is required to obtain a PSS permit from the relevant Supervisory Committee.

The validity of a PSS permit is three years.

Responsibilities of PSS permit holders

PSS permit holders are required to:

- Employ private security staff that meet the criteria set out in this law.
- Arrange for the private security personnel to attend PSS training sessions provided by a PSS licensee with the approval of the Central Committee.
- Set the rules for the private security personnel and take applicable disciplinary action in the event of violations of those rules.

Duties and rights of private security staff

Private security staff must:

- Provide private security services only in the areas designated by the relevant PSS licensee or PSS permit holder.
- Arrest any offenders in their duty area in accordance with the Code of Criminal Procedure and hand them over to the nearest police station.
- Report to the nearest police station on information of any potential acts affecting national security and the rule of law.

This law expressly provides that private security staff have the right to private defense under the Penal Code of Myanmar.

The private security personnel employed by a PSS licensee can carry arms, ammunition, and related equipment and use the security equipment as arranged by the PSS licensee in compliance with the Arms Law, arms policies, and other applicable Myanmar laws. However, private security personnel employed by a PSS permit holder do not have such rights.

Offenses and Penalties

Offenses under this law are cognizable offenses. This means that a police officer can arrest offenders without an arrest warrant as per the Code of Criminal Procedure.

The law provides stringent penalties, including the following:

OFFENSE	PENALTY
<p><u>Offenses relating to a PSS provider</u></p> <ul style="list-style-type: none"> ▪ The establishment of a PSS company without a PSS license. ▪ The purchase, sale, possession, or use by a PSS licensee of security equipment without the approval of the Central Committee. ▪ The sale, lease, pledge, or transfer to a third party of a PSS business carried out under a PSS license. 	<p>Imprisonment for a term of 1 to 3 years, and a fine ranging from MMK100 million to MMK300 million</p>
<p><u>Offenses relating to a private investor that appoints more than 10 security staff for its private business</u></p> <ul style="list-style-type: none"> ▪ The appointment of more than 10 security staff for its private business and branches without a permit from the Central Committee. ▪ The assignment of security staff appointed for its private business or branches to serve a third party. ▪ The sale, lease, pledge, or transfer of a permit issued by the Central Committee to a third party. 	<p>Imprisonment for a term not exceeding 1 year, or a fine ranging from MMK10 million to MMK50 million, or both</p>
<p><u>Offenses relating to private security staff</u></p> <ul style="list-style-type: none"> ▪ Failure to report to the nearest police station on information of any potential acts affecting national security and the rule of law. ▪ Impersonation of a civil service personnel. ▪ Use of uniforms, security equipment, or vehicles for purposes unrelated to their duties. 	<p>Imprisonment for a term not exceeding 2 years, or a fine not exceeding MMK300,000 or both</p>

OFFENSE	PENALTY
<ul style="list-style-type: none"> ▪ Failure to fulfil their duty of confidentiality regarding data and information received from the client. 	

Any foreign national or foreign company that is required to pay fines under this law must make such payment in foreign currency according to the regulations issued by the Central Bank of Myanmar and other applicable financial regulations prescribed for such purpose.

Transition Period

The transition period is six months from the enactment of this law.

During the transition period, any person that had been providing private security services before the enactment of this law must obtain a PSS license. Likewise, any private business that had appointed more than 10 security staff before the enactment of this law must also obtain a PSS permit.

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Information included in this document does not represent legal, tax, or other advice. This document is not intended to represent a comprehensive list of all new laws and regulations issued or published in the relevant jurisdictions.