

**Meeting Minutes of the Eighth Meeting of Myanmar EITI Multi-Stakeholders
Group held at Ayeyarwady Room, Kempinski Hotel, Nay Pyi Taw on 6th November
2017**

Objective

The 8th MSG meeting was conducted for the following objectives:

- To report to the MSG on the status of data collection from the oil and gas companies, and jade and gems companies which are covered by the materiality threshold in the scoping study report;
- To review decisions made by the 7th MSG meeting and to discuss on-going implementation;
- To approve decisions made by the Technical and Reporting Sub-committee meeting and to review the scoping study report submitted by the Independent Administrator;
- To approve the decisions made by the Selection Committee meeting; and
- To schedule for MSG and Sub-committee meetings in December.

Attendees

A total of 52 participants attended the meeting, including 8 government representatives, 6 private sector representatives, 7 civil society representatives, 3 from the World Bank, 6 from donors and development partners, 9 from National Coordination Secretariat, 6 from MOBD and 6 other observers. Please see Annex 1 for details.

1. Opening Remark (U Win Htein, Vice Chair of the MSG)

U Win Htein gave an opening remark as follows:

“Mingalarba. I would like to welcome the MSG members, NCS staff, government officials and other participants. The 7th MSG meeting was held on 2nd Oct 2017 and the material threshold was determined. On the following day, a reporting entity template-training workshop was successfully conducted. The Independent Administrator, Moore Stephens team, will undertake a mission to Myanmar from 12th to 24th November so we, as the MSG, have to make preparations for their trip. The Annual Progress Report (July 2016-June 2017) has been submitted to the International EITI Secretariat.”

“The Mining Cadastre Consultant who is now at the meeting will have meetings with Department of Mines later today. He will also need to sign a contract with the Ministry of Planning and Finance and will be in Myanmar from 6th Nov to 17th. In regards to beneficial Ownership, Adam Smith International has been selected on 13th Oct, and is requested to submit Technical and Financial proposals by 9th Nov.”

“In additions, field visits to Mongolia, Philippines and Indonesia have been conducted. The MEITI Main report is scheduled in February so the time is approaching. There are a number of companies, which have abolished and will not be in the report; nevertheless, it will not have impacts on the data coverage significantly. Initially, the threshold for the gems and jade sector was decided to be 72 percent so the coverage will go down a little, similarly for other minerals. “

“During field visits to Philippines and Mongolia, discussion included challenges facing in implementing Beneficial Ownership. According to the 2016 Standard, validation process is necessary. A validator has to be hired. NCS will have to consider when and how to execute activities. Based on my experience in the Philippines, Papua New Guinea has a very good work plan. By learning from these experiences, we all have to work together.”

2. Update on the decisions made by the 7th MSG meeting (Daw Thin Yadana Su)

Daw Thin Yadana Su (Communications Manager, NCS) presented the status of implementing the decisions made during the 7th MSG meeting as follows:

(a) To reconcile all the transportation and all the revenues streams (in kind and in cash) without applying a materiality threshold for the oil and gas sector.

(b) All revenue payment (in kind and in-cash) for mining sector has to be disclosed in the reconciliation report. All outstanding companies in detail disclosure will be attached as an annex in the report.

(c) The Office of the Auditor General verify with a signature which confirms that the Government Agency’s template (only financial data) conforms to the data included in its Annual Audit Report.

(d) All the companies in the MEITI reports

1. The completed templates (including BO declaration) are signed by the Chief Financial Officer or Chief Executive Officer/director
2. The template is stamped with the company stamp
3. Reporting entities will be required to submit the detail of payment date by date and payment receipt by payment receipt

(e) If companies actually carry out annual audits as per the auditing requirements

4. Provide proof of audited financial accounts
5. The companies provide the audit report signed by the external auditor that was prepared on the accrual-basis and is consistent with the declarations made on the cash basis in the company’s EITI template

(f) IRD/CD will need to consider the completeness of data provided:

- Get the database of extractive companies from MONREC and MOEE
- Provide complete data on all payments received

(g) IRD has to engage the process to collect data on revenues collected from extractive sector based on the list of companies provided by the MONREC and MOPF.

MONREC has to also consider the submission of disaggregated data for revenues collected from small scale operators

(h) State owned enterprises to disclose cumulative balances of the other accounts in the annex of the report. (MOGE)

Daw Aye Chan Wai (Communications Assistant, NCS)

The status on template submission from jade and gems companies, oil and gas companies, government reporting entities to Moore Stephens, and choosing a site for field visit

Daw Aye Chan Wai reported that October 27 was the deadline for the jade and gems companies, oil and gas companies to submit reporting templates, both hard and soft copies. And according to the Moore Stephens team, they are yet to receive templates from 14 gems and jade companies and 12 mining companies. In addition, they have not received templates from 23 oil and gas companies while the deadline for submitting a softcopy was Oct 31.

U Zaw Bo Khant added that the MSG should release an official letter to Myanmar Gems Enterprise (MGE) for the IA's field visit so that the MGE can recommend a suitable mine site. Daw Tar Yar Maung explained that companies for field visit are identified based on a set of criteria and has not relation with discrepancy. During the IA mission between 13 and 24 November, the IA will conduct (a) a field visit, (b) discrepancy field visit and (c) follow-up meetings.

Introduction by Mr. Enrique Ortega

Mr. Enrique introduced himself. He is from Spain and a geologist. He has been working with the World Bank on mining sector reforms in Asia, Africa and South America for the past 20 years.

Nowadays, mining cadastre is included in the EITI for transparency as the first stage of the value chain of the extractive sector – contract allocation. His assignment in Myanmar is as follows:

- (a) To study mineral coordinate in order to translate into location of mineral
- (b) To analyze institutional arrangement for mining licence
- (c) To review legal framework and compare with international standards
- (d) To review existing procedures in legal framework
- (e) To study the status of storage and collection of mining data

Further Discussion

- To cooperate in contacting by phone and sending official letters to the jade and gems companies, and other minerals companies which are yet to submit reporting templates.
- To set a new deadline for jade and gems companies, and other mineral companies as 10th Nov.
- To discuss and decide what follow-up actions should be taken in case companies fail to submit reporting templates by 10th Nov.
- Since the oil and gas companies are included in the report based on data provided by the MOGE, the MOGE will need to send a letter to the IA in case MOGE has not collected tax from some companies.

- MOGE will provide data on companies, which have paid signature bonus for study period and exploration period and will prepare an official letter for the other remaining companies for the NCS and the IA on 7 November.

Three possible solutions for companies, which have not submitted reporting templates:

- Government departments to send official letters,
- To hold high-level meeting
- To form a Task Force (Government, Private sector, Civil Society Organizations)

Representatives sent by companies to the reporting-template training were not decision-making persons so the MSG discuss that key figures from those companies have to be informed. (For example: Myanmar Economic Holding)

- The MOGE representative explained that the MOGE does not have outstanding payments. Oil and gas companies do not have to pay signature bonus immediately signing contract. They only pay within exploration period. So some companies have signed contracts and have not paid signature bonus. The IA will need to include findings and analysis on signature bonus in the report.
- Companies are required to include seal of an external audit. It is hard to receive sealing within a short period of time. So companies shall submit a audit report by an external audit in the attachment plus the signature by the head of the company.
- It appeared that the IRD requested some data from companies for 2014-2015, and requested other departments not to do so.
- Representative from the IRD clarified that the IRD requests receipt no: from the companies so it was misunderstanding.
- To set 7th November as the deadline for jade and gems companies and to report if the companies fail to submit by 10th Nov
- To set 10th November as the deadline for other minerals companies, and to report if the companies to do not submit by 10th November
- To set 7th November as the deadline for oil and gas companies. If reporting templates are not received by 10th November, the MSG shall send letters to respective departments.
- The Communications Team to visit and meet companies which did not attend the template training.
- MOGE to release a letter, explaining the status of companies
- To send MSG meeting minutes to the IA
- The MOGE replied that letters on signature bonus will be sent to the NCS and IA by 8th November, and to penalize companies which do not submit by 10th November
- For the MSG to send letters to companies which do not submit templates by 10th November.
- IRD has difficulty including data on companies, which only have foreign addresses. The IRD and MOGE will reconcile companies' addresses, and will inform NCS and to announce in the newspaper if correct addresses cannot be confirmed by 10th November
- OGPD cannot provide data on volume (only 10 percent) so data on value will be provided instead with comment.

- OGD to submit softcopy by 7th November Forest Department to submit land rental fee data by 7th November. MGE to submit by 10th November for the Central Committee
- The Auditor General Office has requested an extension for 4 departments under MOPF for data certification, thus extending till the end of December
- On 14th November, officials from the OAG to meet the departments under MOPF
- To submit a request letter for field visit. It is highly impossible for the IA, who is foreigners, to go field visit.
- Currently, it is not possible to receive permission from the State Government to visit Hpa-khant. It is better to identify active companies rather companies, which are in the top of the material threshold. Joint-venture companies are being reviewed and to be reported within 2 or 3 days.
- To discuss how to process in order to receive permission from the State Government for the fields visit and how long the process can be.
- CSO representative said departments should send letters to the identified companies for field visit (letter including active and closed companies)
- To select companies for field visit with a set of criteria since it is a national level project
- The NCS should explain to the authority about possible consequences posed the International Secretariat if the field visit is not permitted.
- The MSG discussed that 5 companies have been selected for the time being and the NCS would have to coordinate with the Ministry of Home affairs, and if the IA cannot undertake a field visit, that will become one of the recommendations in the report. Because of these consequences, the official should be aware of these.
- Private sector's representative mentioned that visit to Hpa-khant and Lone-khin might not be possible for foreigners for security reasons.

Approving the scoping study for main report after discussion with respective government departments (Technical Advisor of NCS)

Technical advisor explained the status of the scoping study report. She said that comments from the respective government departments have been received and integrated into the scoping report, and asked the departments, which have not sent comments to confirm and approve the scoping report.

- To use "Income tax" instead of "Corporate Income Tax" since the latter is not used in Myanmar.
- To include a payment flow, which shows custom duties, is from the MOGE to the Custom Department for 2014-2015 and 2015-2016. To correct the flow of Corporate Income Tax, from companies via the MOGE to the IRD.
- To change "OGDP" in the 2015-2016 oil and gas payment flow chart.
- The DGSE mentioned that production split should be deleted in other minerals payment flowchart since only signature bonus is collected from companies in exploration phase.
- In 2014-2015 and 2015-2016 payment flowcharts of gems and jade sector and other mineral sector, 20 percent state contribution is received by the Treasury Department (MOPF).

- In reviewing revenues collected by the government, the revenue collected by the General Administration Department (Ministry of Home Affairs) include land tax, mineral tax and dam tax. In 2014-2015, revenue collected by the MOHA was 8.37 million kyats and it is not included in the material threshold. Thus the entire revenues collected except the one by the MOHA should be included for 2014-2015 and 2015-2016.
- She continued that data on shareholder loans and interest in Shwe Gas Project and Andaman Gas Project is not disaggregated. Since it is not detailed and there is no information on other income, she asked whether it is possible to include such data. U Than Htay Aung (MOGE) replied that since Shwe Project has been running on loan so revenue is not collected and income is used to pay back the loan proportionally. The MOGE has requested details from a foreign bank, but the bank said it could not provide information. So the MOGE will prepare an official letter for this case.
- Other account indicates land rental fee and store room rental fees. And he said MOGE can provide the related data.
- For 2015-2016, there are 8 oil and gas companies, which paid signature bonus. So the NCS can proceed in accordance with the MSG decisions if templates are not submitted by 10th November.
- Concerning the remaining 23 oil and gas companies, MOGE will prepare for the NCS and the IA an official letter on 8th November, explaining why data is not available (companies are still in their study period).
- Land Rental Fees are collected by both the MONREC and the Forest Department. If a project is in forest area, implementation fees 5 percent has to be paid to the Forest Department for environmental conservation.
- Land rental fees other than in forest land and mining land such as residential areas and farm land are collected by the General Administration Department.
- To delete “signature bonus” in 4.25, mining sector analysis, proposed scope for 2015-2016 since signature bonus and application fees are the same, and it does not concern with mineral taxes.
- Dead Rent fees have to be paid to the Forest Department if an operations is in forest land. Otherwise, they are paid to the Department of Mines, MONREC.

Then the MSG approved the scoping study report, which is attached in the Annex.

Status of the Forestry Independent Administrator (Technical Specialist of NCS)

Technical Specialist stated that the Forestry IA undertook a mission in Myanmar from 9th Oct to 13th Oct, and met the related departments. Necessary reports and documents were requested from the departments and have been received so far. Currently, employment data is being requested. However, the Forest Department does not conduct activities by itself, but sub-contract to companies, so the issue is still being discussed. The Myanmar Timber Enterprise is asked to provide definitions of export sale, local sale and tax paid to the government. IRD and Custom Department are requested to provide data on tax payment made by the sub-contractors. The IA will need to send the draft scoping study report on 6th Nov. If the MSG does not have any queries, the IA will not visit Myanmar. If the MSG needs clarifications on any matter, the IA will come. The MSG has to review the draft scoping report by 20th November, after which data collection will begin. The final report will be on 5th Feb. and there are four weeks for buffer.

Mr. Nagbalee Warner from Liberia will be in the country from 4th to 6th December to attend the FLEGT meeting. So the MSG has to decide whether the MSG or the Technical and Reporting Sub-committee would have a meeting with Mr. Nagbalee Warner. If the MSG members have questions for Mr. Warner, they send to U Htun Paw Oo.

CSO representative asked whether the forestry report will include companies' income tax and corporate tax; whether sub-contracts are hired according to the procurement procedures; whether the MTE and the Forest Department have Other Accounts; whether to include confiscated timber in the report; whether to include beneficial ownership; and how to define Beneficial Ownership.

Based on the EITI, despite revenue from minor forestry products being small, it is necessary to include revenue streams at the sub-national level so related data should be included. Since discussion on the topic are expected in the parliament in the future, U Win Myo Thu recommended to include minor forest products in the scoping study.

According to a research by NRG, the MOGE holds the largest other accounts while MTE holds the second largest followed by MGE. Government representative added that residual timber by state and region will be included in the report and the MTE has comprehensive data.

The MSG agreed to hold a Technical and Reporting sub-committee meeting with Mr. Nagbalee Warner from Liberia on 5th Dec at the NCS Office.

Status of Beneficial Ownership Consultancy Procurement (MOBD)

MOBD presented the status of beneficial ownership consultancy procurement based on the Selection Committee Meeting held on 13th Oct, and the evaluation report from the meeting. Request for expression of interest was posted on MOPF and International Secretariat websites from 10th to 28th September, and a total of 6 consultancy firms submitted their EOIs. They are (1) Enviro-Crisis, (2) Catalyst Development, (3) Adam Smith International, (4) Michael Barron and EC. (5) Leapfrog International and (6) Moore Stephens. The Selection Committee is made up of 7 members (U Kyaw Thet, U Than Htay Aung, U Maung Dun, U Win Tin, U Khin Maung Han, Dr. Sein Win and Daw Moe Moe Htun), and the members except U Kyaw Thet attended the meeting. The Committee members evaluated the EOIs based on the shortlisting criteria:

- (1) Minimum 10 years' experience in corporate and/or investment law, business administration, or commercial/financial operations for oil, gas or mining companies, or similar fields, preferably in Myanmar or SE Asia
- (2) Knowledge of the oil, gas and mining sectors or other natural resources sectors, preferably in Myanmar or the SE Asian region.
- (3) A track record in similar work. Prior international or local experience implementing EITI is not necessary.
- (4) Consultants will be required to disclose any actual or potential conflicts of interest, together with commentary on how any such conflict can be avoided.

The Committee members evaluated the firms, which had submitted their EOIs, and the Enviro-Crisis received 38 %, Catalyst Development received 35 %, Adam Smith International received 69 %, Michael Barron and EC. Received 56 %, Leapfrog

International received 35 % and Moore Stephens received 68% respectively. Thus the Adam Smith International has been selected. U Sun Win also presented strong and weak points of each firms.

The Adam Smith International (ASI) will have to submit financial and technical proposals by 9th November, which the Selection Committee will later review and evaluate.

A committee member added that the ASI has now been selected as primary choice; however, the MSG will need to consider the technical and financial proposals.

MOBD explained that the Selection Committee selected the ASI based on its comprehensive knowledge and experience on EITI, experience in preparing beneficial ownership roadmap. ASI also has experience in Myanmar since it prepared Institutional and Regulatory Assessment (IRA) in 2013. However, if the Technical and Financial proposals are beyond the MSG's planned amount and scope, then the firm with the second highest score would be considered.

CSO representative added that according to the international procurement policy, technical proposal weighs 70 % while financial proposal 30%. That indicates that financial issue should not be taken into account primarily, but the technical aspect. He added that the MSG should accept if the proposals are not too much beyond the MSG's expectation so that the process can move quickly

MOBD said that the Selection Committee Meeting will be held on November 17, and after the Selection Committee makes the decisions, then contract can be signed within a month.

Then, MOBD moved on to the topic of meeting held by the World Bank, MOBD and NCS. According to the Implementation Manual, an MSG meeting in Nap Pyi Taw should be held in government premises and if a meeting is to be held in a hotel, no objection from the World Bank is required. However, based on the request by the CSO during the 7th MSG meeting to hold a meeting at a neutral place, Kempinski Hotel was chosen as a meeting venue.

There was some delay since no objection from the World Bank was required. The issue has been reported to U Maung Maung Win (MEITI Chair) and the World Bank has already given no objection. However, the Implementation Manual needs to be reviewed and revised since it requires no objection for holding a meeting at hotel in Nay Pyi Taw.

Then, CSO representative discussed that the MSG should understand that EITI process is now funded by donors and donors will always be cautious of auditing. But it is not convenient to request no objection is required every time a meeting is held in Nay Pyi Taw. So he urged to revise the implementation Manual but it is important to consider government funding for the long-term.

Acknowledging reporting companies in EITI (Technical Advisor of NCS)

Technical advisor requested MSG to discuss how to acknowledge companies, which are reporting on beneficial ownership template voluntarily, and how to include acknowledgement in the report.

Private sector's representative said the reporting companies should be recorded and acknowledged by the Ministries.

CSO representative said private sector should be given incentives for involving in EITI. Based on the EITI standards, social licensing should be allocated since such practices have already taken place internationally. In order to do so, EITI bill is required. The EITI bill also shows how strong the MSG is. In the future EITI process, reward and penalty system should be practiced. For the time being, he could accept that the respective ministries and the MSG should acknowledge the reporting companies.

Private sector's representative said companies are cooperating in the EITI because it is a national process. Companies do not need any acknowledgement. Primarily, the MSG should consider how to provide (1) incentives (2) security and (3) protection.

CSO representative said it is acceptable for the companies to demand security and protection. For the time being, although it is not possible due to political situation and the private sector situation, social licensing in accordance international standard is crucial and a standard has to be developed.

Concerning how to give credit to the reporting companies, private sector representative suggested to compare with other countries' experience. Protection and security are not possible at the moment. Myanmar is still in the process of peace negotiation; only the government can able to do so.

CSO representative said everyone should be cautious not to cause "discrimination" in EITI process. Because companies with strong investment and finance can start perform according to the EITI standard. However, small and medium companies might have a difficult time and it will not fair. By doing so, the small and medium companies might be discouraged.

In addition, there are many small and medium enterprises in Myanmar. Although well-performing companies should be credited, companies, which cannot keep up, should be taken into account. The MSG should consider comprehensively. And the companies should understand that EITI process can benefit them, which are accountable, and even if an issue arises, the CSO can stand with the company. So it is important for the companies to keep up with the international standards and national reform process.

Private sector representative said large companies benefit a lot from involving in EITI process. And by encouraging small and medium enterprises in the EITI, transparency will be reputed internationally and the companies will perform better.

U Win Htein said Myanmar does not have EITI law. In Mongolia, before the EITI law was enacted, EITI process was included in related laws such as Mining Law. The MSG should consider how Myanmar wants to pursue.

A private sector representative said the new Company Act passed by the Amyotha Hluttaw has provisions on beneficial ownership and it can be useful for the EITI process.

A private sector representative discussed that one of the benefits of EITI is revenue transparency. Internationally, government has weakness in revenue management while companies do not comply with regulations. Sometimes laws from one ministry can

contradict with laws from another. Thus it is important to pass rules and regulations, which can be complied, across the country. For the time being, the goal is to produce the EITI report successfully and all three constituents should work together. As the private sector representative, no crediting is required.

For example: There are two types of companies in the forestry sector, (1) hard wood companies and (2) furniture companies. The Forest Department sometimes treats these companies differently, causing misunderstandings among the companies. Based on this, the EITI process should not consider giving credit in order to avoid such issues.

Then a CSO representative added that if the EITI Law is to be drafted, the law should give favorable environment for the private sector in order to inclusive. The MSG should consider how to include small and medium enterprises.

Then a CSO representative said since EITI is included in the peace process, ethnic armed Organizations (EAOs) should able to understand the EITI process and principles. Also in order to pass EITI law, the role of parliament is important, and the MSG should consider liaising with the EAOs and the parliament. In order to do so, the MSG should set up a timeline.

Technical Advisor summarized the discussion as follows:

- To initiate EITI Bill
- To incorporate the EITI process in existing laws
- To explain the EITI process to the parliamentarians
- Concerning EAOs, awareness workshops should be held with the EAOs which have signed cease fire agreement so that the MSG should think about the time line for these activities

Then a CSO representative asked the status of implementing the recommendations from the first EITI report.

a CSO representative added that in order to become an EITI compliant country, the weakness in the report are not an issue, but reforms based on the recommendations from previous report are more important. He has learned a question has been submitted at the parliament and the related Ministry is going to respond the question. The NCS should follow and monitor the process.

Technical Advisor explained that government departments have produced letters on the status of implementation while preparing the Annual Progress Report. The government departments want to take actions based on the recommendations, but are not able to do so. One of them is the company registration number. Since this year report is going to include higher number of companies, the company numbers recorded by departments are different and it is a challenge.

A CSO representative replied that a technical solution is required. Since the MSG can only make suggestions and the departments are the implementers, the reform should start from the IRD. And this issue should be discussed at the leading authority meeting.

The MSG decided that the identification no/ registration number is an issue and some companies' names are wrong. Thus a database system is required. The issue should be discussed at the working committee meeting or at the leading authority meeting.

Technical Advisor also suggested that the summary of the scoping study report is only 15 pages long so that it should be translated (not the whole scoping report which has 122 pages, which can have financial constraints.) There is a budget planned for it as well.

The MSG decided to translate the summary of the scoping study report.

Also the Technical and Reporting Sub-committee will determine the scope of the forestry report, and the Forest Department, Myanmar Timber Enterprise will also attend the meeting.

Regarding Sub-national units (SNU) formation, a letter was submitted on 13th August. U Soe Win who is the national Coordinator is following up. Also the President Office has asked MATA for registration.

A CSO representative said the MATA is operating according to the Standard 1.3, and since the government is not aware of that due to an information gap in the government. If it required submitting documents, the NCS office should coordinate in submitting documents to the President's Office.

A CSO representative said the MSG has the Communications Strategy and it should include how to coordinate with different stakeholders. Since EITI is primarily about debate, not data, the Communications Strategy should include outreach plan of how to liaise with the public and the stakeholders; how to hold press conference; and how to organize debates.

Technical Advisor replied that the current Communications Plan only includes the titles and details are yet to be developed. So the Communications Plan need to be detailed such as the 3-months or 6-months plans, including timeline and activities. The funding source is the World Bank.

In addition, three companies that are chosen for field visits have been abolished. The MSG will be requested to recommend for choosing other top 3 companies. The MSG chose 3 companies, which met the criteria for the field visit for 2014-2015 and 2015-2016.

The MSG also discussed that respective officials will need to be informed about the trip details weeks prior to the field visit. The NCS would need to start preparing necessary documents for permission the field trip to Hpa-khant. The request letter should include pro and cons of field trips, and a possible situation where a field trip was not possible. Security should not be the reason for non-permission. The authority should be fully informed that if a field trip were cancelled due to security reasons, it would be a recommendation in the report.

Later, a CSO representative discussed that a CSO representative had been refrained from copying documents for campaigns and taken to a police station, and asked the MSG to discuss how the MSG would like to assist.

A representative from the General Administration Department, Ministry of Home Affairs, replied the arrest was by the sub-national government, and the GAD Headoffice has not made any instructions.

She continued that the GAD had released a letter, requesting to cooperate in the EITI process. She also mentioned that EITI process should be known at the local level so it is very important to form sub-national units (SNU). Only after that, GAD personnel at the sub-national level in will understand about the EITI process.

After that, the MSG members decided to include grievance procedures in the Communication Strategy and it will be discussed at the Communications and Outreach sub-committee.

Later U Win Htein said the some stakeholders who are involved in the EITI Process do not understand what EITI is. So the NCS should translate 2016 Standard and other necessary documents and distribute to all the stakeholders.

Closing Remark

Vice Chair U Win Htein thanked everyone for attending the MSG meeting, and he urged the departments to assist the companies which are facing difficulty in reporting for the second EITI report. He also mentioned his gratitude to all the stakeholders for involving in the national process for the reputation of the government and the country.

Fourth MSG Meeting Decisions (30th June 2017)

Sr. No.	Description	Action Taken By	Status
1	To meet and discuss separately with other interested donors for the fund needed additionally for the work plan.	The Work plan and Governance Sub-Committee of MSG and other interested donors	Done

Fifth MEITI-MSG Meeting Decisions (28th July 2017)

Sr. No.	Description	Action Taken By	Status
1	Agreed and decide to hire translator for the translation of Implementation Manual and EITI Standard 2016.	MEITI-NCS Team	On going

Sixth MEITI-MSG Meeting Decisions (11th September 2017)

Sr. No.	Description	Action Taken By	Status
1	For field visit for ground check, MSGs agree first priorities such as Jade & Gem stone, PhaKhant and Sharing To decide the name when material threshold is developed	NCS office	On going
2	A total of 6 MSGs members (2 participants in each sector) will participate in BO conference conducted at Jakarta, Indonesia with the Invitation of International Secretariat and NRG I will support all cost.	NRGI	On going

Seventh MEITI-MSG Meeting Decisions (2nd October 2017)

Sr. No.	Description	Action Taken By	Status
1	All identified payment flows will be included in the reconciliation scope without applying a materiality threshold. Agreed the threshold of USD 50,000 to disclose material payments not listed in the reporting template		Done
2	Confidentiality provision between partners in the PSC needs to be waived to permit EITI reporting by the operator on behalf of the PSC partners.	MOGE	Done

3	Unilateral disclosure by MGE/IRD/CD of revenues collected from companies not selected in the reconciliation scope		Ongoing
4	All in-kind payment for mining sector has to be disclosed in the reconciliation report including the list of the debt in each company All outstanding companies with in-kind payment in detail disclosure will be attached as an annex in this two-year report.		Done
5	Companies selected in the scope will be required to state the number of expatriates and the number of nationals employed by industry and in each extractive company MIC will be asked to provide complete data		Done
6	1. The completed template is signed by the head of the agency/SEE; 2. The template is stamped using the organization's official stamp 3. Reporting entities will be required to submit the detail of payment date by date and payment receipt by payment receipt		Ongoing
7	3. The Auditor General provides a signed declaration which confirms that the Government Agency's template (Only financial data) conforms to the data included in its Annual Report, and that this report itself has been audited, following international auditing standards.		Ongoing
8	<u>For reporting companies:</u> 1. The completed templates (including BO declaration) are signed by the Chief Financial Officer or Chief Executive Officer/director 2. The template is stamped using the company stamp 3. Reporting entities will be required to submit the detail of payment date by date and payment receipt by payment receipt		Ongoing
9	<u>If companies do actually carry out annual audits as per the auditing requirements</u> 4. Provide proof of Audited financial accounts 5. The company's external auditors provide a signed declaration that the audit report was prepared on the accrual-basis and is consistent with the declarations made on the cash basis in the company's EITI		Ongoing

	template and that the audited report was prepared in accordance with international auditing standards.		
10	IRD/CD will need to consider the completeness of data provided: •Get the database of extractive companies from MONREC and MOEE •Provide complete data on all payments received	IRD/CD	Ongoing
11	IRD has to engage the process to collect data on revenues collected from extractive sector based on the list of companies provided by the MONREC and MOPF MONREC has to also consider the submission of disaggregated data for revenues collected from small scale operators		Ongoing
12	Confidentiality provision needs to be waived to permit EITI reporting. The waiver can be a short-form written instrument (e.g. side letter) between MOGE and each individual operator		Done
13	Companies involved in EITI report should be given credits or MSG recognition	MSG/NCS	Ongoing
14	Government Working Committee meeting and Leading Committee meeting need to be held in October.		Done
15	MSG decides MOGE to be disclosed other accounts information and total amount up to now.	MOEE/MOGE	Ongoing

8th MSG Meeting Decisions (6 November 2017)

Sr. No.	Description	Time	Action Taken By	Remark
1.	Companies which have not reported to submit templates (both soft-copy and hard-copy) shall submit by 10 th Nov	10 th Nov	Remaining companies, MGE, MOGE and DOM	
2.	The NCS coordinate with the MSG in order to send letters to line ministries in case some companies do not submit templates by 10 th Nov	10 th Nov	MSG, NCS	
3.	MOGE shall send an official letter to submit data on the remaining 23 companies on 8 th Nov and to send a letter to the IA and NCS, explaining the status of companies which are in the study period and cannot provide data	8 th Nov	MOGE	
4.	NCS assist companies which did not attend the reporting-template training, and plan a schedule for assistance	7 th Nov	NCS	
5.	IRD reconcile companies that have	10 th Nov	IRD and NCS	

	changed address and which have foreign addresses, and send the information to the NCS. If the data is not available by 10 th Nov, IRD will make an announcement in newspapers			
6.	OGPD to submit a softcopy of reporting template to Moore Stephens on 7 th Nov and to include royalties in value	7 th Nov	MOGE	
7.	Forest Department to send soft copy of reporting templates including land rental fees	7 th Nov	Department of Forestry	
8.	For the central committee, to send necessary data from MGE to Moore Stephens	7 th Nov	MGE	
9.	Officials from the Auditor General Office to have a meeting with the related personnel from the four departments under MOPF to discuss, in details, data certification, required data, and to agree a time when the departments can send data to the OAG	14 th Nov	OAG, MOPF and NCS	
10.	<p>Since only one week is available for a field visit, the MSG decided to conduct field visits to only top 3 companies for 2014-2015 and 2015-2016.</p> <p>The IA has suggested the companies for field visit as mentioned below, however, 3 of them have been abolished. So the MSG assessed and has recommended the companies, which are operating.</p> <ol style="list-style-type: none"> 1. Myanmar Win Gate Gems and Jewellery Mining (2014-2015) 2. Sein Lom Taung Tan Gems Ltd. (2014-2015) 3. Ya Za Htar Ne Gems Co., Ltd (2014-2015) 4. Great Genesis Gems (2015-2016) 5. Wai Aung Gabar Gems Co; Ltd (2015-16) <ul style="list-style-type: none"> • To inform companies about the trip including the details at least 2 weeks in advance. • NCS to prepare required documents for permission • The MSG also discussed that respective officials will need to 			

	<p>be informed about the trip details weeks prior to the field visit. The NCS would need to start preparing necessary documents for permission the field trip to Hpa-khant.</p> <ul style="list-style-type: none"> The request letter should include advantages of field trips and consequence in case of no field trip. Security should be the reason for not permitting a field trip. The authority should be fully informed that if a field trip is cancelled due to security reasons, it will be become of the recommendations in the EITI report. 			
11.	U Zaw Bo Khant suggested that field visits should be negotiated with the MGE since foreigners are not allowed in Hpa-khant usually for security reasons, and to consider companies which are in possible locations			
12.	OAG to verify data for reporting Departments under MOPF, IRD, Treasury, Budget Department and Custom Department	30 th Dec	OAG	
13.	To arrange a Technical and Reporting Sub-committee meeting with Mr. Nagbalee Warner on 5 th December 2017.	5 th Dec	NCC, and the Technical and Reporting Sub-committee	
14.	Approving the MEITI Main Scoping Study Report	6 th Nov	MSG	
15.	To present financial and technical proposals by Adam Smith International which has been selected for beneficial ownership	9 th Nov	Selection Committee	
16.	To draft EITI bill which all the stakeholders can involve so that EITI process can continue regardless of government transmission. Before EITI Bill can be passed, to include EITI process in the existing laws and to discuss EITI process at the Pyidaungsu Hluttaw	Last week of November and the first week of December	MSG	
17.	To liaise with the 8 EAOs which have signed cease fire agreement to raise awareness Since EITI is included in the	Last week of November	MSG	

	NCA,	and the first week of December		
18.	NCS to follow up on the implementation of the recommendations from the first report To discuss to build a database system of companies tax identification no:/registration no: at the Leading Committee, and to get instructions on how and which department can initiate	Coming Leading Committee meeting	NCS	
19.	To distribute the forestry scoping study report to the MSG members for comments within this week, and to approve the scoping report at the coming Technical and Reporting Sub-committee	20 th Nov	MSG and NCS	
20	To summarize and translate the summary of the scoping study report. Will be funded under the operation cost of NCS	7 th Nov	NCS	
21	The MSG decided to include the following in the forestry scoping report <ul style="list-style-type: none"> • To disclose other accounts • To analyze whether sub-contracting process are in line with procurement policy or are transparent • To include confiscated teak and harwood (Form 8) • To include sub-national management on minor forestry products • To include cooperate income tax 		Forestry IA	
22	To complete and review the Action Plan and the Communications Plan	Within November	NCS	
23.	For NCS to send an enquiry letter, with the information provided by MATA, to the GAD for the case of a MATA representative being restricting from making photocopies of documents and being taken to a police station in Hpa-an, Karen State			
24.	The Communications and Out-reach sub-committee to include grievance procedures in the Communications Plan/strategy	21 st Nov	NCS and the communications and out-reach sub-committee	

25.	NCS coordinate with State/Region in order to form sub-national coordination units (SNU)	Within November	NCS	
26.	To hold the 9 th MSG meeting	4 th Dec	MSG and NCS	
27.	To hold Technical and Reporting sub-committee meeting	20 th Nov	NCS and Technical and Reporting sub-committee	
28.	To hold Communications and Outreach sub-committee meeting	20 th Nov	NCS and Communications and Outreach sub-committee meeting	
29.	To hold Selection Sub-committee meeting and the Mining Cadastre meeting	17 th Nov	NCS, Selection Sub-committee meeting and the Mining cadastre meeting	
30	To hold Working Committee meeting	23 rd Nov	Workplan and Governance Committee	
31.	To distribute draft translation of the 2016 EITI Standards and other related documents to the stakeholders		NCS	

Annex 1 – Meeting Attendance List

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No.	Name	Organization	Title	Email
1	U Win Htein	DOM	DG (Retd.)	uwinhstein58@gmail.com
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5	U Nay Lin Soe	IRD (MOPF)	Director	naylinsoe.ird@gmail.com
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