

Myanmar Engineering Council Law

Pyidaungsu Hluttaw Law No. 37/ 2013

11th Waning of Tazaungmone 1375 M.E

28th November 2013

The Pyidaungsu Hluttaw hereby enacts this law.

Chapter 1

Title and definition

1. This law shall be called the **Myanmar Engineering Council Law**.
2. The expressions contained in this law shall have the meanings given hereunder:
 - (a) **Engineering Subject** means a subject dealing with the design, construction and maintenance of buildings, equipment, vehicles, machineries, apparatus, energy and materials and with production processes - based on knowledge and technical know-how gained by studying, learning and practicing mathematics, science, commerce and sociology - which are beneficial to mankind with the least impact on the environment, natural resources and human resources;
 - (b) **Specialized engineering subject** means a major subject in engineering such as civil engineering, mechanical engineering, electrical engineering, etc;
 - (c) **Technology** means engineering technology, i.e. methods used in practice, ways and means, procedures and processes of production and related technology;
 - (d) **Main ministry** means any Union ministry specified by the Union government to implement the duties contained in this law;
 - (e) **Council** means the Myanmar Engineering Council organized by this law;
 - (f) **Council member** means any member of the Myanmar Engineering Council;
 - (g) **Executive Committee** means the committee organized by this law from amongst the council members;
 - (h) **Technician** means a person who obtained a technical diploma recognized by the council according to this law;
 - (i) **Graduate technologist** means a person who received a technology degree recognized by the council according to this law;
 - (j) **Engineer** means a person who received an engineering degree recognized by the council according to this law;



- (k) **Registration certificate** means a "registered technician certificate", "registered graduate technologist certificate" or a "registered engineer certificate" issued by the council according to this law;
- (l) **Registered engineer certificate** means a "registered engineer certificate", "registered senior engineer certificate", "registered professional engineer certificate", "registered limited engineer certificate" or "registered limited professional engineer certificate", issued by the council according to this law;
- (m) **Registered engineer certificate** means a registration certificate issued by the council to a person who has specific qualification evidenced by a certificate issued by any department or organization relating to an engineering subject recognized by the council, or to a person who has specific qualifications evidenced by his registration with the council as an engineer according to this law;
- (n) **Registered senior engineer certificate** means a registration certificate issued by the council to an engineer who has the qualifications for an senior engineer as evidenced by his having passed an examination held by the council in an engineering subject after his having received (another) registration certificate under this law;
- (o) **Registered professional engineer certificate** means a registration certificate issued by the council to an engineer who has specific qualifications and who has received a registered senior engineer certificate under this law;
- (p) **Registered limited engineer certificate** means a registration certificate issued by the council according to the stipulations to a foreign engineer who conforms to the specifications under this law.
- (q) **Registered limited professional engineer certificate** means a registration certificate issued by the council under this law to a foreign registered professional engineer who conforms to the stipulations according to an ASEAN mutual recognition arrangement.

Chapter 2

Objectives

- 3. The Objectives of this law are as follows:
 - (a) to develop the dignity, ethical principles and ability of Myanmar citizen engineers, graduate technologists and technicians who are working in the engineering services sector;



- (b) to explore beneficial, useful and good methods to research and develop the State's natural resources and human resources with the least environmental impact by a combination of engineering technology and information technology;
- (c) to guide, control, maintain and take necessary action with regard to specified standards and norms relating to specified subjects, systematic methods, safety and ethical principles and duties in teaching engineering subjects and in technological research and services;
- (d) to perform engineering and technological activities of the State and tasks assigned by the relevant ministry or organization from time to time;

Chapter 3

Formation of the Myanmar Engineering Council

4. The main ministry shall form the selection committee of the Myanmar Engineering Council consisting of not more than seven persons, composed of personnel from ministries, government organizations and non-government organizations concerned with engineering and of suitably experienced engineers selected with the consent of the Union government.
5. The selection committee shall form the council consisting of 60 members in accordance with the stipulations as follows:
 - (a) Personnel from the main ministry and ministries concerned with engineering subjects
15 persons
 - (b) Personnel from departments concerned with the teaching of engineering and technology, scholars of engineering at universities, colleges and institutes 15 persons
 - (c) Experienced engineers from non-governmental organizations
concerned with engineering subjects 15 persons
 - (d) Well-known, experienced engineers from outside 15 persons
6. The selection committee council shall select and assign a chairman, a vice-chairman and a joint secretary. The council members shall select a vice-chairman, a secretary, a joint secretary, a treasurer and 8 executive members from amongst them in accordance with the stipulations.
7. Fifteen members of the council shall form an executive committee to perform the functions and duties of the council; the executive committee shall consist of the chairman of the council as executive committee chairman, the vice-chairpersons of the council as vice-chairpersons, the council's secretary as secretary, the council's joint secretary as joint secretary, the council's treasurer as treasurer, and the council's executive members as members.

8. The term of the council and of the council members shall be as follows:
 - (a) the term of the council is 4 years starting from the formation day;
 - (b) the term of the council members is the same as the term of the council;
 - (c) the chairman of the council is allowed to hold the office for one term;
 - (d) a council member is allowed to hold the office continuously for two terms;
 - (e) a vacant post for a council member shall be substituted pursuant to a selection according to the rules. The term of the substituted council member shall be the remainder of the term of the previous council member;
 - (f) the selection committee of the council shall form a new council within 60 days from the day of termination of the existing council and shall hand over the duty.

Chapter 4

Duties and Powers of the Council

9. The duties of the council are as follows:
 - (a) Announcing, from time to time, which engineering degrees, technology degrees and technology diplomas are recognized by the council;
 - (b) recognizing, or refusing to recognize, the degrees and diplomas conferred by any technological university, engineering university, any technological college or institute in the country or abroad, and the registration certificates issued under this law by any organization or department concerned with an engineering subject;
 - (c) specifying work-related qualifications of the degree and diploma holders which are required for any kind of registration certificate to be issued under this law;
 - (d) specifying the ethical principles to be followed by engineers, graduate technologists and technicians, controlling whether the ethical principles are followed, and taking action in case of non-compliance;
 - (e) studying and scrutinizing matters in order to develop and upgrade the qualifications and standards of engineers, graduate technologists and technicians; coordinating with government departments and organizations and NGOs ;
 - (f) issuing, after having scrutinized the application, registration certificates; compiling and maintaining a list of registration certificates and publishing it occasionally;
 - (g) advising, supporting, and cooperating with the main ministry, other relevant government ministries and other organizations relating to required norms and the compilation of ethical



principles in engineering to develop and upgrade the quality and standard of all engineering subjects and technological works;

- (h) advising, supporting, and cooperating with the main ministry and other relevant Union ministries upon studying methods developed internationally in engineering subjects and technological teaching with a view to create qualified engineers, graduate technologists and technicians capable of developing engineering subjects and technological teaching;
- (i) advising and, as necessary, supporting the main ministry, other relevant Union ministries and other organizations to secure continuous teaching for engineers, graduate technologists and technicians according to their engineering subject and technological work requirements. Holding theoretical and practical classes, workshops and seminars for continuous development. Arranging participation in international and regional meetings and conferences as representative of the State;
- (j) advising and supporting the main ministry, other relevant Union ministries and other organizations on research and development so as to develop and upgrade engineering subjects and technological standards;
- (k) scrutinizing, in accordance with the approval or the instruction of the main ministry, whether the specified procedures, standards, norms and rules for quantity analysis are in conformity with the requirements of consulting engineers and engineering and technological companies and organizations, contractors and contracting companies within the country and abroad; conveying the council's opinion and remarks to the relevant Union ministry and Government organizations;
- (l) the council shall form the office of the chief registrar with the approval of the main ministry to carry out the duties of the council and the executive committee under this law;
- (m) performing the duties assigned to it from time to time by the main ministry so as to successfully achieve the objectives of the council.

10. The powers of the council are as follows:

- (a) Formation of the following work committees and specifying the duties of the respective committees –
 - (1) work committee for scrutinizing registration certificates;
 - (2) work committee for the maintenance of ethical principles;
 - (3) work committee for the maintenance of discipline;
 - (4) work committee for the compilation of norms, rules for quantity analysis and engineering procedures;



- (5) work committee for continuous learning of engineering subjects;
 - (6) work committee for companies and organizations relating to the scrutiny and recognition of engineering subjects;
 - (7) work committee for the scrutiny and recognition of the quality of specialized engineering subjects;
 - (8) other work committees to be formed as required;
 - (b) specifying the term of registration certificates, extending the term and refusing to extend the term;
 - (c) issuing registration certificates, refusing their issuance, suspending and cancelling them;
 - (d) specifying registration fees, registration fees for extensions, default overdue fees for overdue applications to extend the term of registration;
 - (e) coordinating and collaborating, within the country and abroad, with engineers and technicians in an international and regional context to further the interests of the State;
 - (f) formation of the relevant working groups for specialized engineering subjects;
 - (g) separately specifying exemptions and required rules and regulations regarding the issuance of registration certificates.
11. The council may hand over and assign duties and powers to the executive committee to implement the objects of this law effectively.
12. The council may form an office led by the chief registrar and assign duties of the council and of the executive committee to it as necessary. Branch offices of the council led by a registrar may be formed and opened in the regions and states and duties may be assigned to them.

Chapter 5

Termination of Council Membership

13. The council shall terminate the membership of a council member at the suggestion of the executive committee in the event of any of the following having occurred:
- (a) resignation;
 - (b) having been absent three times in a row from meetings without permission of the council;
 - (c) having been out of reach of the council for 6 months or longer without permission of the council;
 - (d) suspension or cancellation of the registration certificate;

- (e) punishment with imprisonment for having committed an offence related to "the moral character";
- (f) having been found, upon examination by the council, to be a person "without morals";
- (g) incapability to perform the council's duty due to any mental disease, unsound mind or disability or any other reason.
- (h) death.

Chapter 6

Convocation of Meetings

- 14. Meetings of the council shall be convened in accordance with the following stipulations-
 - (a) Regular meetings of the council shall be held every three months and special meetings shall be held when necessary;
 - (b) Regular meetings of the executive committee shall be held once in a month and special meetings shall be held when necessary;
 - (c) A special meeting shall be called if a minimum of one fourth (25%) of the council members so demand by official letter;
- 15. The nearest meeting shall review whether to approve the performance of the executive committee.
- 16. The Council shall report its performance to the main ministry from time to time.

Chapter 7

Finance

- 17. The council shall set up a fund composed of the following monies to implement the stipulations under this law –
 - (a) registration fees, annual fees, overdue fee and other monies to which the council is entitled;
 - (b) donated money and aid money from organizations and donors within the country or abroad;
 - (c) money by which the fund is officially increased.
- 18. The council –
 - (a) shall strive to meet its expenses only from the fund;
 - (b) shall submit a request, through the main ministry, to use funds of the Union with the approval of the Union government if the fund is not sufficient to meet its expenses.

19. The council shall systematically perform financial functions in accordance with the existing financial rules, regulations and directives.

Chapter 8

Application for, and Issuance of, Registration Certificates for Graduate Technologists and Technicians

20. If the holder of a technological degree or technological diploma, conferred by any engineering university, any technological university, any technological college or any technological institute within the country or abroad, wishes to obtain a registered graduate technologist certificate or a registered technician certificate, he shall apply to the council in accordance with the stipulations.
21. (a) The executive committee, on behalf of the council, shall scrutinize the application under section 20 in accordance with the stipulations and if it approves the application, it shall fix the terms and conditions of the registration and issue, upon payment of the specified registration fee, the registered graduate technologist certificate or the registered technician certificate. If it refuses the application, it shall refuse to issue the registered graduate technologist certificate or the registered technician certificate.
(b) The term of the registered graduate technologist certificate or the registered technician certificate shall be fixed when it is issued under sub-section (a).
22. If the holder of a registered graduate technologist certificate or registered technician certificate wishes to extend the term of his certificate, he shall apply in advance within 60 days before the expiry of the term to the council. If the stipulated period has been exceeded, he may apply after paying overdue fees in accordance with the stipulations.
23. (a) The executive committee scrutinizes the application under section 22 on behalf of the council in accordance with the stipulations and if it approves it, the term of the registered graduate technologist certificate or the registered technician certificate shall, upon payment of the specified extension fee, be issued. If the executive committee does not approve the application, the extension of the registered graduate technologist certificate or the registered technician certificate shall be refused.
24. (a) A registered technician certificate holder may apply to the council in accordance with the stipulations to obtain a registered graduate technologist certificate upon the specified period having elapsed;

- (b) The executive committee shall, on behalf of the council, issue a registered graduate technologist certificate to a registered technician who has passed the examination held by the council in the respective specialized engineering subject and who meets the specified qualifications of a registered graduate technologist, and fix the terms and conditions of the registration.
25. (a) A registered graduate technologist certificate holder may apply to the council in accordance with the stipulations to obtain a registered engineer certificate upon the specified period having elapsed.
- (b) The executive committee shall, on behalf of the council, issue a registered engineer certificate to a registered graduate technologist who has passed the examination held by the council in the respective specialized engineering subject and who meets the specified qualifications of a registered engineer, and fix the terms and conditions of the registration.

Chapter 9

Application for, and Issuance of, Registration Certificates for Engineers

26. If a holder of an engineering degree, conferred by any engineering university or any technological university within the country or abroad, or a person who has received a certificate of recognizance issued by any department or organization concerned with an engineering subject recognized by the council and who meets the qualifications specified by the council, wants to obtain a registered engineer certificate, he shall apply to the council in accordance with the stipulations.
27. (a) The executive committee shall, on behalf of the council, scrutinize the application under section 26 in accordance with the stipulations and if it approves the application, it shall fix the terms and conditions of the registration and issue, upon payment of the specified registration fee, the registered engineer certificate. If it refuses the application, it shall refuse to issue the registered engineer certificate.
- (b) The term of the registered engineer certificate shall be fixed when it is issued under subsection (a).
28. (a) A registered engineer certificate holder may apply to the council to obtain a registered senior engineer certificate in accordance with the stipulations upon the specified period having elapsed.
- (b) The executive committee shall, on behalf of the council, issue a registered senior engineer certificate to any person who has passed the examination held by the council in the respective

- specialized engineering subject and who meets the specified qualifications of a registered senior engineer, and fix the terms and conditions of the registration.
29. (a) A registered senior engineer certificate holder may apply to the council to obtain a registered professional engineer certificate in accordance with the stipulations upon the specified period having lapsed.
- (b) The executive committee shall, on behalf of the council, issue the registered professional engineer certificate.
30. (a) If a foreign engineer who meets the requirements applies to the council for issuance of a registered limited engineer certificate, the executive committee shall, on behalf of the council, fix the permitted engineering subjects, the permitted status, the permitted region, the permitted time and other terms and conditions and issue, upon payment of the registration fee and the annual fees, the registered limited engineer certificate.
- (b) If a foreign registered professional engineer who meets the requirements in accordance with the ASEAN Mutual Recognition Arrangement on Engineering Services applies to the council for issuance of a registered limited professional engineer certificate, the executive committee shall, on behalf of the council, fix the permitted engineering subjects, the permitted status, the permitted region, the permitted time and other terms and conditions and issue, upon payment of the registration fee and the annual fees, a registered limited professional engineer certificate.

Chapter 10

The Duties and Rights of Registered Engineers, Graduate Technologists and Technicians

31. Any registered engineer, graduated technologist and technician -
- (a) shall abide by the rules, procedures, orders and directives enacted under this law;
 - (b) shall abide by the ethical principles of engineers, graduate technologists and technicians stipulated by the council;
 - (c) shall have the right legally engage in the specified engineering and technological work related to their subject;
 - (d) shall have the right to use the title, specified in the relevant registration certificate received in accordance with the stipulations, together with his name;
 - (e) shall have the right to advise the council for the council to successfully discharge its duties;

- (f) shall have the right to submit his grievances to the council and the right to obtain advice from the council.
- 32. Any registered engineer, graduate technologist and technician shall follow the relevant stipulated rules and regulations and the duties, and enjoy the rights contained in section 31, sub-section from (a) to (f).
- 33. If a registered engineer is qualified, as specified by the council, he has the right to be selected as council member.

Chapter 11

Administrative Action

- 34. If, whoever has received a registration certificate, is found to have breached any rules contained in the registration certificate or violated any prohibition contained in a rule, order or directive enacted under this law or in any stipulation of this law, the executive committee may take the following administrative actions-
 - (a) giving a warning;
 - (b) assessing a suitable fine;
 - (c) suspending the registration certificate;
 - (d) cancelling the registration certificate.

Chapter 12

Appeals

- 35. Any person who is dissatisfied with an administrative action or any decision passed by the executive committee may appeal to the council within 60 days from the day on which he received the punishment or the decision was passed.
- 36. The council may, on appeal under section 35, approve, amend or cancel the administrative action or the decision of the executive committee.

Chapter 13

Prohibitions and Penalties

- 37. No one shall perform any engineering work and technological work which are specified as being dangerous to the public by a rule enacted under this law without having received a registration



- certificate issued by the council, except for engineers appointed in a government department or an organization in the performance of their duties.
38. No engineer, graduate technologist and technician shall use, together with his name, a title which is not compatible with his status.
39. No registered engineer, graduate technologist and technician-
- (a) shall transfer his registration certificate to anyone or allow it to be used by anyone;
 - (b) shall fail to return his registration certificate to the council within 30 days from the day on which a decision is passed, or an administrative action is taken, under this law to cancel the registration certificate.
40. Anyone convicted of having violated the prohibition contained in section 37 shall be punished with imprisonment for not more than 2 years or with a fine or with both.
41. any registered engineer, graduate technologist or technician convicted of having violated the prohibition contained in section 38 shall be punished with imprisonment of not more than 1 year or with a fine or with both.
42. Any registered engineer, graduate technologist or technician convicted of having violated the prohibition contained in 39 shall be punished with imprisonment of not more than 1 year or with a fine or with both.
43. Any registered engineer, graduate technologist or technician convicted of having violated any prohibition under this law shall be punished with imprisonment of not more than 6 months or with a fine or with both.

Chapter 14

Miscellaneous

44. Any registration certificate issued to any engineer by the Myanmar Engineer Scrutinizing Board prior to the enactment of this law shall be regarded as a registration certificate issued under this law with the same validity.
45. A council member who is not a civil servant shall, while performing his duties under this law as member of the executive committee or member of a working group formed under sub-section (b) of section 10, be regarded as a civil servant.
46. A council member and members of the executive committee who is not a civil servant shall be entitled to enjoy the allowances and the rights specified by the main ministry with the approval of the Union Government-



- (a) shall have the rights specified by the main ministry from time to time;
 - (b) shall have the right, for travels undertaken in the performance of his duties, to enjoy a travel allowance for actually incurred expenses and a daily allowance specified by the main ministry from time to time;
 - (c) shall have the right, for his attendance of meetings related to the council, to enjoy a remuneration specified by the main ministry from time to time.
47. The prior permission of the main ministry shall be obtained before prosecuting any offences under this law.
48. No council member, executive committee member or member of a working committee shall be civilly or criminally liable for tasks performed under this law if he acted *bona fide*.
49. Engineers, graduate technologists and technicians appointed in government departments or government organizations may apply to the council to obtain a registration certificate in accordance with the relevant procedures with effect as from the day of enactment of this law.
50. The main ministry shall support, co-operate and collaborate as necessary in order to effectively implement the functions and duties contained in this law.
51. The council may accept technological and other assistance and donations from domestic and foreign organizations and donors.
52. When implementing the stipulations of this law-
- (a) the main ministry may issue required rules, regulations and bye-laws with the consent of the Union government after consultation with the council;
 - (b) the council may issue required notifications, orders, directives and procedures with the consent of the main ministry.

I hereby sign according to the Constitution of the Republic of the Union of Myanmar.

(Signed) Thein Sein

President

Republic of the Union of Myanmar