MYANMAR ASSOCIATION OF INSOLVENCY PRACTITIONERS

CODE OF PROFESSIONAL CONDUCT

This is a Code of Conduct for members of the Myanmar Association of Insolvency Practitioners (MAIP), and is consistent with the statutory duties and obligations imposed on insolvency practitioners registered under Part III of the Insolvency Law 2020.

Where any word or phrase used in this Code is defined in the Insolvency Law or Regulations, the word or phrase will have the meaning given to it in that Law or those Regulations.

Integrity

1. An insolvency practitioner must be honest in all professional and business relationships.
2. An insolvency practitioner must be not misrepresenting any facts known to him or her; nor any opinion formed in respect of them.
3. An insolvency practitioner must comply with all relevant laws and regulations and avoid action that discredits the insolvency profession or would bring it into disrepute.
4. An insolvency practitioner must not make any undue or unlawful gains for him or herself or any related parties, or cause any undue preference for any other persons.
5. An insolvency practitioner must conduct him or herself with courtesy and consideration towards all with whom he or she deals in the course of an insolvent administration.
   (a) When the rehabilitation processing's
   (b) When the recusing the company as a going concern
   (c) When in relation to incorporated MSME, under Part IV, rehabilitation process come into effect.
   (d) When an appointment and power of provisional liquidator.

(e) When liquidation taken to have commenced

6. In the conduct of his or her practice, an insolvency practitioner must take positive steps to ensure that he or she, together with any partners, co-directors or professional employees, complies with the Code. Such steps may include:
   (a) The establishment and publication of acceptable practices and procedures within the practice;
   (b) Regular monitoring of compliance with the Code;
   (c) Ensuring participation in the education and training programs by the MAIP; or
   (d) Conducting regular seminars or information sessions in respect of the requirement of the Code and the conduct of insolvency practice generally.

Professional competence

7. An insolvency practitioner must maintain his or her professional knowledge and skills at the level required to render competent professional service.
8. An insolvency practitioner must not accept an appointment under the Insolvency Law unless he or she has sufficient expertise to conduct the insolvent administration of the entity to which he or she is to be appointed, together with sufficient resources for that purpose.
9. An insolvency practitioner must act diligently and in accordance with all technical and professional standards, including any guidelines issues by the MAIP or the Insolvency Practitioners Regulatory Council (Council).
10. An insolvency practitioner must not act in bad faith or be negligent while preforming his functions and duties under the Insolvency Law or the Regulations.

Objectivity

11. In respect of any appointment under the Insolvency Law, an insolvency practitioner's business and professional decisions must not be tainted by bias, conflict of interest, coercion, or the undue influence of any party, whether directly connected to insolvency proceedings or not.

Independence and impartiality

12. An insolvency practitioner must be, and be seen to be, completely independent in his or her professional relationships and should conduct, and be seen to conduct, any inappropriate or undisclosed external influence.
13. An insolvency practitioner appointed to an insolvent entity or person under any provision of the Insolvency Law should not acquire, directly or indirectly, any of its assets, nor knowingly permit any party related to the insolvency practitioner to do so, unless it is demonstrated to the MAIP Board that there is no impairment of objectivity, independence or impartiality in the insolvency process and the AIPM Board grants its prior approval to the acquisition.
14. An insolvency practitioner must not accept an appointment under the Insolvency Law if he or she or any of the following persons is not independent in relation to the insolvent entity and its related parties:
    (a) Any of the insolvency practitioner's relatives;
    (b) Any of insolvency practitioner's partners or co-directors; or
    (c) If he or she is an employee, any proprietor, partner or director of the Firm of which insolvency practitioner's is an employee.

Gift & Hospitality

15. As an Insolvency Practitioner in the field of integrity and anti-corruption, it is essential to remain independent and free from bias at all times. Therefore, particular caution must be exercised regarding gifts and hospitality. Accepting cash or easily convertible gifts, gifts or hospitality from contractors or mission stakeholders, or any items that could influence the outcome of a case (except nominal value items or customary professional event invitations) must be handled in line with established policies — including value thresholds, gift registers, and approval procedures. It is necessary to reject any gifts or hospitality from individuals related to your cases, and also prohibit acceptance through family

members or related parties. Rejection of such offers must be considered standard practice.

Disclosure of Interest

16. An insolvency practitioner must disclose:

(a) prior to his or her appointment, the nature and extent of any advice that may have been given by him or her or any associate, to the company, MSME or natural person to which he or she has been appointed
(b) the existence of any pecuniary or personal relationship with the company, MSME or natural person to which he or she has been appointed as soon as he or she becomes aware of it; and
(c) the existence of any pecuniary or personal relationship between him or her and any person or persons entitled to a distribution from a company, MSME or natural person in respect of which he or she has been appointed.

17. Disclosure under the preceding paragraphs:

(a) will be in the form of a written declaration to his or her appointor and to the committee of creditors, or if there is no committee, to creditors generally;
(b) will not substitute for compliance with an insolvency practitioner's obligations of independence and impartiality;
(c) will not be required when the appointment is as receiver; and
(d) in the case of paragraph 15(a), the disclosure to the committee of creditors, or to creditors generally, will be after his or her appointment.

Representation of correct facts and correction misapprehensions

18. An insolvency practitioner must not conceal any material information or knowingly make a misleading statement to the MAIP Board, the Council, or any court.

19. Where an insolvency practitioner misapprehends a fact or facts or in making a decision, exercising a judgment, or making a statement, inadvertently relies on a

fact that is incorrect or untrue, he or she must notify any affected party or parties as soon as practicable after he or she becomes aware that the fact or facts are incorrect or untrue.

Timeliness

20. An insolvency practitioner must adhere to the time limits prescribed in the Insolvency Law and Regulations and discharge of his or her duties in a timely fashion.

Remuneration

21. An insolvency practitioner may claim reasonable remuneration for necessary work properly performed in respect of an insolvent administration, together with disbursements; however, he or she must:

(a) claim no more than he or she is entitled to claim under the Insolvency Law and the Regulations; a

(b) maintain sufficient ledgers and records to satisfy any independent body charged with reviewing the insolvency practitioner's remuneration under the Insolvency Law or Regulations that the claim is reasonable and is for no more than the practitioner is entitled under the Insolvency Law and the Regulation.

22. An insolvency practitioner is only entitled to draw remuneration once it is approved and according to the terms of the approval.

Transparency and information management

23, An insolvency practitioner must report openly and promptly to those who have an interest in the outcome of the insolvency process. Such reports must transparently disclose as much detail of the actions and dealings of the practitioner as the circumstances of the case allow.

24. An insolvency practitioner must make efforts to ensure that all of his or her communications, whether in the form of notices, reports, updates, directions, or clarifications, are made in manner which is honest, simple, clear, accurate, succinct, and easily understood by the recipients.

25. For any decision taken, and insolvency practitioner must ensure that contemporaneous written records are maintained with respect to:

(a) the reasons for taking the decision;
(b) any information relevant to the decision, such records to be sufficient to enable a reasonable person to form an opinion on the appropriateness of the decision or decisions and any action taken as a consequence.

26. An insolvency practitioner must have in place appropriate procedures to receive, investigate and respond to complaints or grievances made by those with an interest in the outcome of an insolvent administration conducted by him or her or his or her Firm.

27. An insolvency practitioner must co-operate with any complaint or grievance process conducted by the Council or the MAIP Board, or any person or committee to whom conduct of such a process has been delegated.

28. An insolvency practitioner must appear, co-operate and be available for inspections and investigations carried out by the MAIP Board, or any person or committee authorized by the Board for that purpose.

29. An insolvency practitioner must provide all information and records as may be required by the MAIP Board, or any person or committee authorized by the Board to collect such information and records.

30. An insolvency practitioner must be available and provide information for any periodic study, research or audit conducted by the MAIP Board.

Confidentiality

31. An insolvency practitioner must respect the confidentiality of information acquired as a result of professional and business relationships or by reason of his or her role in an insolvency process. He or she must not disclose any such information to third parties without proper and specific authority unless there is a legal or professional right or duty to disclose.

32. Information acquired as a result of professional and business relationships or by reason of a practitioner's role in an insolvency process must not be used for the personal advantage of the insolvency practitioner.

Occupation, employability and restrictions

33. An insolvency practitioner must refrain from accepting too many appointments, if he or she is unlikely to be able to devote adequate time to each of those appointments.

34. An insolvency practitioner must not accept employment or engage in any business which in the opinion of the MAIP Board is inconsistent with his or her duties and obligations as an insolvency practitioner or injurious to the reputation of the insolvency profession.

Type of Threat, Assessment & Prevention

35. An Insolvency Practitioner must avoid the following circumstances that can potentially threaten fundamental ethical principles:

(a) Self-interest threat – Making decisions in favor of one's own personal or financial interests while being involved in the recovery of debts or assets for a case or assignment.

(b) Self-review threat – Being appointed as an integrity or compliance professional for an organization or individual whose affairs one has previously managed or been involved with, creating a risk of reviewing one's own prior work.

(c) Advocacy threat – Excessively promoting or defending the interests of a client, mission, or party, resulting in compromised objectivity or overlooking potential ethical or professional concerns.

(d) Familiarity threat – Becoming overly sympathetic due to long-standing relationships, leading to biased support or, conversely, animosity, both of which may impair independence and fairness.

(e) Intimidation threat – Being influenced by pressure from powerful individuals (such as those with financial or political influence), leading to decisions that are unjust or lacking professional integrity.

These threats can undermine ethical fairness, honesty, impartiality, and the overall foundational values of professional conduct. Therefore, integrity professionals must:

- Adhere strictly to ethical standards and legal/regulatory frameworks;
- Establish internal quality control policies and procedures within their work environment;
- Maintain documented safeguards and action plans to address and mitigate ethical threats.

Members should assess whether these threats are present in their work environment or engagements and evaluate the severity.

The following methods should be used for prevention.

Prevention/ Safeguards:

- Declining certain engagements
- Rotation of personnel
- Independent reviews
- Disclosure of conflicts
- Training and awareness