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Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

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Government of Lao PDR

No. 114/GoL

Vientiane Capital, date 6 April 2011

Decree on Import and Export of Goods

- Pursuant to the Law on the Government of Lao PDR, No. 02/NA, dated 6 May 2003;
- Pursuant to the Enterprise Law, No. 11/NA, dated 9 November 2005;
- Pursuant to the Customs Law, No. 05/NA, dated 20 May 2005;
- Pursuant to the proposal from the Minister of Industry and Commerce No.0547/MOIC, dated 21 March 2011.

The Government decrees:

Chapter 1

General Provisions

Article 1. Purpose

This Decree determines principles, rules and measures on import and export of goods in order to facilitate, promote and administer the import and export, aiming at developing and strengthening socio-economy and contributing to the improvement of people's standard of living.

Article 2. Import and Export

Import and export means to bring goods into or export of goods out of Lao PDR , including temporary import and temporary export; and transshipment as set out under this Decree.

Article 3. Terms interpretation

Terms used in this Decree shall have the meaning as follows:

1. **“Goods”** means materials or products that have economic values;
2. **“Import”** means bringing goods into Lao PDR, including temporary import;
3. **“Export”** means taking goods out of Lao PDR, including temporary export;
4. **“Temporary import”** means bringing goods into Lao PDR temporarily and re-exporting them to the country of origin or the third country;
5. **“Temporary export”** means taking goods out of Lao PDR temporarily and re-importing them into Lao PDR;
6. **“Transshipment”** means transshipping goods from one country through the territory of Lao PDR to a third country;
7. **“Importer”** means any individual, entity or organization residing in or outside Lao PDR who engages in the import of goods;
8. **“Exporter”** means any individual, entity or organization residing in or outside Lao PDR who engages in the export of goods;
9. **“Import and Export Administration Authorities”** means governmental agencies having authority to administer and license the import and/or export of each type of goods;
10. **“Trade facilitation”** means the facilitation, expedition, simplification and transparency for the import and export of goods.
11. **“Non-discrimination”** means the application of rules and measures in an equal manner between nationals and foreigners and between foreigners themselves in respect of goods, importers and exporters in compliance with treaties to which Lao PDR is a party;
12. **“Transparency”** means the participation of relevant stakeholders in the process of issuing rules and measures regarding import and the predictability and disclosure of such rules and measures to the public in compliance with treaties to which Lao PDR is a party.

Article 4. Principles of the Administration of Import and Export

The administration of import and export shall comply with the following principles:

1. Trade facilitation;
2. Non-discrimination;
3. Transparency; and
4. Compliance with laws and treaties to which Lao PDR is a party.

Article 5. Scope of Application

This Decree applies to importer, exporter, the Import and Export Administration Authorities and officers of such authorities.

Chapter 2

Administration of Import and Export

Article 6. Administration of Import and Export

The administration of import-export shall include the following measures:

1. Prohibition of import or export;
2. Licensing requirements for import and export;
3. Requirements on Sanitary and Phytosanitary measures and technical regulations; and
4. Application of trade remedy measures.

The application of measures for the administration of import and export shall comply with principles as set out in Article 4 of this Decree.

Article 7. Prohibition of Import or Export

The Import and Export Administration Authorities have the rights to prohibit the import or export of goods.

Goods in the list of prohibited import or export may be imported or exported only if authorized by the Government of Lao PDR. The procedures of such authorization are set out in a separate regulation.

Article 8. Licensing Requirements for Import and Export

The Import and Export Administration Authorities have the rights to require importer or exporter to obtain import or export license prior to import or export of goods.

The import licensing procedures are set out in a separate regulation.

The export licensing procedures shall be applied the same as the import licensing procedures.

Article 9. Requirements on Sanitary and Phytosanitary Measures and Technical Regulations

The Import and Export Administration Authorities have the rights to require importer and exporter to provide certificates on sanitary and phytosanitary (SPS) measures or to comply with technical regulations (TBT) prior to import and export of such goods in accordance with relevant regulations.

Article 10. Trade Remedy Measures

The Import and Export Administration Authorities have the rights to introduce trade remedy measures such as anti-dumping measure, countervailing measures and safeguard in accordance with cases and conditions under treaties to which Lao PDR is a party.

Chapter 3

The Import and Export Administration Authorities

Article 11. The Import and Export Administration Authorities

The Import and Export Administration Authorities includes, but are not limited to, authorities in the following sectors: industry and commerce; agriculture and forestry; public health; science and technology; information and culture; national defense; public works and transportation and others.

Ministry of Industry and Commerce is the focal point to coordinate with line ministries to determine and to issue the following:

1. List of prohibited import;
2. List of prohibited export;
3. List of goods subjected to import licensing;
4. List of goods subjected to export licensing;
5. List of goods subjected to requirements on sanitary and phytosanitary measures and technical regulations; and
6. List of the Import and Export Administration Authorities for each type of goods included in the above lists.

Article 12. Rights and Duties of the Import and Export Administration Authorities

The Import and Export Administration Authorities shall have the following rights and duties with respect to the scope of their responsibility as follows:

1. To formulate policy and measures with respect to import and export;
2. To issue regulations as tools to implement the import and export administration;
3. To disseminate and guide the implementation of this Decree and other relevant laws and regulations;
4. To consider and issue the import and export licenses;
5. To administer the import and export as set out in Chapter 2 of this Decree;
6. To receive and response to petitions of importer or exporter with regard to import and export administration;
7. To collect fees and charges in relation to import and export administration in accordance with relevant laws and regulations of Lao PDR;
8. For authorities of other sectors, to cooperate with the Ministry of Industry

and Commerce in order to implement its rights and duties as set out in this Decree;

9. To monitor, examine, summarize, report and propose the solutions with respect to the import and export administration; and
10. To implement other rights and duties as set out in relevant laws and regulations.

Chapter 4

Rights and Obligations in the Import and Export

Article 13. Rights in the Import and Export

Any importer or exporter shall have the rights to import or export goods according to each following case:

1. To import or export goods subject to licensing after obtaining import or export license from the Import and Export Administration Authorities.
2. To import or export goods subject to sanitary and phytosanitary measures (SPS) and technical regulations (TBT) after passing the control or certification of sanitary and phytosanitary measures (SPS) or technical regulations (TBT) from the Import and Export Administration Authorities or from any other certification authorities of international standards and of the exporting country or a third country recognized by the Government of Lao PDR.
3. To import or export goods which are not in the lists mentioned in paragraph 1 or 2 above by proceeding the customs clearance at the relevant customs checkpoint directly.

Article 14. Separation between the Rights to Import and Export and the Distribution Rights

The rights to import and export shall be separated from the distribution rights. Any individual or entity, domestic or foreign, will obtain the distribution rights if he/she is licensed to operate distribution business of relevant goods in compliance with relevant laws and regulations of Lao PDR.

Article 15. Rights to Petition

Importer and exporter have the rights to petition on the import and export to the relevant Authority for any damages caused by non-compliant practices of officers in accordance with relevant laws and regulations.

Article 16. Obligations of Importer and Exporter

Importer and exporter have the following obligations:

1. To comply with this Decree, Customs Law and other relevant laws and regulations;
2. To provide relevant information on their import or export to the Import and Export Administration Authorities upon requests.

Chapter 5

Temporary Import, Temporary Export and Transshipment

Article 17. Temporary Import

The temporary import shall be conducted as follows:

1. Importer can import any goods in order to re-export according to each case as set out in Article 13 of this Decree;
2. If there is any changes, processed or added materials or equipments which turn goods into a different category, the re-export shall comply with each category of goods as set out in Article 13 herein.
3. Goods allowed to import into Lao PDR temporary for re-export, shall be re-exported within the timeframes as set out by the customs-related laws and regulations.

Article 18. Temporary export

The temporary export shall be conducted as follows:

1. Exporter can export goods in order to re-import according to each case as set out in Article 13 of this Decree;
4. If there is any changes, processed or added materials or equipments which turn goods into a different category, the re-export shall comply with each category of goods as set out in Article 13 herein.
2. Goods allowed for temporary export shall be re-imported within the timeframes as set out by the customs-related law and regulations.

Article 19. Transshipment

The transshipment shall be conducted as follows:

1. Importer or exporter can import or export [engage in transit shipment] of transit goods according to each case as set out in Article 13 of this Decree;
2. The transit shipment through Lao PDR shall strictly follow the determined routes, entry and departure checkpoints, and timeframe. The transit goods shall be in the same amounts and conditions upon entry and exit from the Lao PDR under the surveillance by Customs officers of Lao PDR.

Chapter 6

Prohibitions

Article 20. Prohibition for Officers

In their duties, officers are prohibited from:

1. Abusing his/her power, position, duties to ask for benefits;
2. Exceeding his/her power threatening, using violence, weapons, harassment or intimidation.
3. Abandoning his/ her assigned duties or avoiding his/her responsibilities;
4. Being indifferent, negligent; irresponsible or providing false statement;
5. protecting, hiding and cooperating with any wrongdoers for bribes or any other benefits ;
6. Disclosing the confidential information of importer or exporter other than for the purpose of import or export administration without the consent of the importer or exporter; or
7. Having other illegal behaviors.

Article 21. Prohibition for Importer and Exporter

Importer and exporter are prohibited from:

1. Import or export goods subject to prohibition of import and export unless authorized by the Government of Lao PDR;
2. Import or export goods subject to licensing prior to obtaining a license;
3. Import or export goods subject to the requirements on sanitary and phytosanitary measures (SPS) or technical regulations (TBT) prior to being controlled or certified the SPS and technical regulations (TBT).

Chapter 7

Awards for Good Performers and Measures against Violators

Article 22. Awards for Good Performers

Any individual, entity or organization with outstanding performance in the implementation of this Decree shall receive the appropriate awards or other benefits according to relevant laws and regulations.

Article 23. Measures against Violators

Any individual, entity or organization violating this Decree may be subjected to warning, disciplinary measures, fines, or prosecution as set out in relevant laws and regulations.

Chapter 8

Final Provisions

Article 24. Implementation

The Ministry of Industry and Commerce shall coordinate with relevant line ministries to implement this Decree strictly.

Article 25. Effectiveness

This Decree shall replace Decree on Export and Import, No. 205 / PM, dated 11 October 2001 and shall enter into force 90 days after its date of signature.

Any rules, provisions which are in contradiction with this Decree shall be superseded.

On behalf of the Government of Lao PDR

Prime Minister