



Lao People Democratic Republic
Peace Independence Democracy Prosperity

Prime Minister's Office

No: 180/PM

Vientiane Capital, dated 7 July 2009

Decree
On Import Licensing Procedures

- Pursuant to the Law on the Government of the Lao PDR No. 02/NA, dated 6 May 2003;
- Referencing the proposal of the Minister of Industry and Commerce No. 1318/MOIC.DIMEX, dated 30 June 2009.

The Prime Minister of Lao PDR decrees:

Chapter I
General Provisions

Article 1. Objectives

This Decree stipulates principles, rules and procedures for import licensing, which shall be implemented uniformly throughout the country and administered in a simple and transparent manner in line with the international conventions of which Lao PDR is a member, with a view to promoting the flow of international trade, to strengthen the development of the national economy and to contribute to the poverty alleviation of the Lao people.

Article 2. Interpretation of Terms

For the purpose of this Decree, the following terms shall be interpreted as follows:

1. Import licensing is defined as all administrative procedures used for the operation of import licensing regimes requiring the submission of an application and related documentations to the relevant Government authority as a prior condition for importation of goods into the customs territory of the Lao PDR;

2. Goods subject to import licensing mean goods which an importer shall apply for a license from the competent authority prior to the importation. The Ministry of Industry and Commerce shall coordinate with the relevant Ministries and shall issue separately a notification on the list of goods subject to import licensing.

3. Import licensing authorities mean the Government authorities with import licensing competence according to the laws and regulations of the Lao PDR.

4. Applicants for import licenses are individuals, enterprises, organizations or legal entities entitled to import goods according to the laws and regulations of the Lao PDR.

5. Automatic import licensing is defined as import licensing where approval of the application is granted immediately in all cases or not later than ten working days if applicants meet the legal requirements.

6. Non-automatic import licensing is defined as import licensing not being automatic as defined in the paragraph 5 mentioned above. Non-automatic licensing is normally used where there is quantitative restriction (quotas) on the import of a product.

Article 3. Scope of the Decree

This Decree shall be applicable to all goods subject to import licensing by persons, organizations or legal entities that are entitled to import those goods.

The Decree shall not be applied to goods subject to the Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade measures. Detailed regulations governing that will be separately drafted.

Chapter II Basic principles

Article 4. Principles on import licensing procedures

1. The import licensing shall be prescribed and administered in a simple, transparent, fair and impartial manner.

2. Lao and foreign applicants shall be treated on equal footing before the law in applying for and obtaining import licenses.

3. The import licensing authority shall publish all rules and information concerning procedures for submission of applications; including the eligibility criteria for applicants; the import licensing authority/body to be approached; and lists of goods subject to import licensing in the Government Gazette, whenever practicable, 21 days prior to the effective date of the requirements but in all cases prior to the effective date. Any subsequent changes to the procedures or list of goods shall be published in the same manner and

within the same time periods as specified above as to enable all business entities and relevant governmental agencies to become familiar with them.

Article 5. Principles on procedures for the submission of applications and procedures for the renewal of the import licenses

1. The application forms and renewal forms as well as application procedures and renewal procedures of the import licenses must be as simple as possible. Applicants are to be allowed a reasonable period to submit license applications. Where there is a closing date for applications, this period should be at least 21 days with an extension if insufficient applications are made.
2. Applicants shall have to approach only one Government authority in connection with an application for an import license, but where it is strictly necessary to have more than one Government authority; there shall not be more than three. The Ministry of Industry and Commerce shall coordinate with the relevant sectors and shall issue a notification on the Government authorities with import licensing competence.
3. No application shall be refused for minor documentation errors that do not alter the basic data contained therein and any penalty should not be greater than the equivalent of a warning provided that such errors are obviously made without fraudulent intention or gross negligence.
4. Licensed import of goods shall not be refused for minor discrepancies or variations in value, quantity or weight from the amount shown on the license for reasons consistent with normal trade practices.
5. The foreign exchange necessary to pay for the licensed import of goods shall be allocated on the same basis as for goods not requiring import licenses.
6. The import license is valid for 1 year and shall be used within the validity period, and shall become invalid automatically upon the expiration of the period.

In case, where the import license has not been utilized or incompletely utilized, within the validity period due to valid reasons, the importer shall file an application for extension with the original license to the import licensing authority within the valid period of the original one. The import licensing authority shall terminate the original license and reissue the new one, but such extensions can only be done once and shall not exceed 3 months.

7. Once the import license is issued, no individual, company or organization is allowed to alter the contents of the license without authorization. Where alteration is needed, the importers shall file an application for alteration. The application will not be considered if the licensed period is invalid.

8. If the import license is lost, the importer shall report the loss to the import licensing authority immediately, which may terminate the original import license and issue a new license after verification of the report.

9. If applications are refused, the importers shall, on request, be given a reason for the refusal. In cases where the importers are still not satisfied with the solutions provided by the relevant authority, the importers have the right to lodge complaints to the higher relevant authority or to seek recourse to the court of the Lao PDR in accordance with the Civil Law Procedures of Lao PDR for a modification or reversal of the determination.

Chapter III **Form of Import licensing procedures**

Article 6. Automatic import licensing

1. All applicants meeting the legal requirements on eligibility for automatic import licensing shall be treated equally to apply and to obtain licenses.
2. Applications for automatic import licensing may be submitted on any working days prior to customs clearance of the goods.
3. Properly submitted applications must be approved immediately if it is administratively possible, but within a maximum of 10 working days.

The Ministry of Industry and Commerce will coordinate with relevant Government authorities with import licensing competence in the identification of all documents required for import goods.

4. The Ministry of Industry and Commerce will prescribe the goods to be under automatic import licensing, in coordination and consultation with relevant Ministries. The Ministry of Industry and Commerce is responsible for notifying this list to all business entities. Notification issued by the said Ministry shall be published on the websites of the import-licensing agencies and publicly posted at such agencies' offices. In cases where automatic import licensing is no longer necessary, it shall be immediately annulled.

Article 7. Non-automatic import licensing

1. Non-automatic licensing procedures are normally used when there are quantitative restrictions (quotas) on the import of goods. Outside the said restrictions, the procedures themselves shall not cause further obstacles for import of goods.
2. Where non-automatic import licenses are applied for reasons other than implementing quantitative restrictions or where there are exceptions to non-automatic import licenses, licenses issuing authorities shall provide sufficient information for granting import licenses to all business entities and relevant governmental agencies to know and to implement them.

3. When applications are considered on a first-come, first-served basis, they must be processed within 30 working days. If all applications are considered simultaneously, the period of processing must not be longer than 60 days, with the period beginning on the day following the closing date of the announced application period.

4. The Ministry of Industry and Commerce will prescribe the goods to be under non-automatic import licensing, in coordination and consultation with relevant Ministries. The Ministry of Industry and Commerce is responsible for notifying this list to all business entities. Notification issued by the said Ministry shall be published on the websites of the import-licensing agencies and publicly posted at such agencies' offices.

In cases where non-automatic import licensing is no longer necessary, it shall be immediately annulled.

Chapter IV Awards and Sanctions

Article 8. Awards

Any person, organization or legal entity with outstanding performance in the implementation of this Decree and related regulations shall receive the appropriate awards and other benefits.

Article 9. Sanctions

Importers forging, altering or trading import licenses shall be subject to measures such as warning, education, suspension or cancellation of license of the right from imports according to the seriousness of the circumstances. Where the circumstances are serious enough such as a criminal offense, the Criminal Laws and proceeding will be applied.

Employees working for the import licensing authorities, who violate this Decree, shall be subject to measures such as warning, education, removing from their posts or dismissing from employment according to the seriousness of the circumstances. Where the circumstances are serious enough such as a criminal offense, the Criminal Laws and proceeding will be applied.

Chapter V Final provisions

Article 10. Implementation

The Ministry of Industry and Commerce shall coordinate with related Government authorities on the issuance of import licenses and report the implementation of this Decree to the government. The said Ministry shall act as coordinating body supplying information on import licensing procedures to the World Trade Organization Secretariat

and WTO member countries in accordance with the obligations prescribed in the WTO Agreement on Import Licensing Procedures once Lao PDR becomes member of this organization.

The Ministry of Industry and Commerce, Ministry of Finance, Ministry of Agriculture and Forestry, Ministry of Public Health, Ministry of Information and Culture, The Bank of Lao PDR, National Authority of Post and Telecoms and relevant sectors both of central and provincial level shall strictly implement this Decree.

Article 11. Effectiveness

This Decree enters into force 90 days after its signing. Any regulations or provisions in contradiction with this Decree shall be abolished.

Prime Minister of the Lao PDR
[signed and sealed]
Bouasone Bouphavanh