

Unofficial translation

LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

Ministry of Industry and Commerce

No. 0588/MOIC.DIMEX
Vientiane Capital, dated 12 July 2021

Instruction on Certification of Origin for Goods Eligible for Special Preference Treatment

- Pursuant to the Decree on Organization and Movement of the Ministry of Industry and Commerce Ref. No. 230/PM, dated 24 July 2017;
- Pursuant to Decree on the Origin of Import and Export Goods Ref. No. 228/PM, dated 22 April 2010;
- Pursuant to the proposal of the Department of Import and Export Ref. No. 2273/MOIC.DIMEX, dated 08 July 2021.

This Instruction is set out to implement the Decree on the Origin of Import and Export Goods No. 228/MP, dated 22 April 2010 and determine the regulations and measures to fit in the current situation, correctly in accordance with the laws, regulations and treaties that the Lao PDR is a party to facilitate the work of certifying the origin of the goods that the Lao PDR has received trade preferences which are implemented in a constant and highly effective manner.

The Minister of Industry and Commerce issues the Instruction:

I. Certification of Origin for Preferential Goods

Certification of Origin for Preferential Goods is a certification that the goods originated or went through the production process in Lao PDR for the purpose of claiming trade preferences according to the conditions of the rules of origin of goods of the country granting preferences. In the case of importing countries that grant trade preferences, if they do not need a Certificate of Origin, companies/factories, manufacturers, exporters do not need to request a certificate of origin.

Applicants for certification of the origin of goods that have been given preferences mean companies/factories, manufacturers, exporters or representatives who have been granted trade preferences.

The verification of the origin of preferential goods includes two steps: requesting a Confirmation of Product Eligibility and a Certificate of Origin of preferential goods with the following details:

1. Confirmation of Product Eligibility: CPE

The Confirmation of Product Eligibility is a document to certify that the product has taken place or gone through the production process in the Lao PDR and meets all the requirements according to the rules of origin of products that have received trade preferences.

Issuance of Certificate of Origin is to be used as a basis for requesting a certificate of origin for preferential goods and shall be issued to all categories of goods to be exported that use a certificate of origin for preferential goods, whether the goods are Wholly obtained or produced goods of Lao PDR or Not-Wholly obtained or produced Goods without using raw materials within Lao PDR.

1.1. Required Documents for a Confirmation of Product Eligibility

Applicants for a certification of origin for preferential goods can request certificate of the origin of products from the issuing authorities throughout the country by attaching the following documents:

- 1) An application template designed by the Department of Import and Export;
- 2) Import Invoice;
- 3) Letter of the details of goods, production process, production cost and price of goods and working process in accordance with the templates designed by the Department of Import and Export;
- 4) Document of obtained and imported materials;
- 5) Annual export capacity declaration letter;
- 6) Specimen of signatures of a company, a template is designed by the Department of Import and Export;
- 7) Copied business license and relevant business operation licenses;
- 8) Copied annual tax payment certificate.

1.2. Consideration for Issuing Confirmation of Product Eligibility (CPE)

After receiving the complete and correct documents according to paragraph 1.1 of roman I of this Instruction, the officer certifying the certificate of origin for preferential goods must inspect the company/factory to see the actual production process or the place where the goods are stored immediately, no later than three business days to ensure accuracy in accordance with the regulations on the origin of goods under the relevant trade preferences. The actual collection of information at the company/factory is to be collected according to the form set by the Department of Import and Export.

The deadline for issuing the CPE is within three business days after the completion of the inspection of the company/factory.

The CPE is issued for one certificate per product according to the six-digit levels of products in accordance with the Lao PDR's AHTN and tax rates on the basis of the ASEAN Harmonized System (HS) Code that is promulgated from time to time.

1.3. Validity and Renewal of CPE

The CPE is valid within one year. An applicant who should submit an application for CPE's renewal prior to the expired date one month in advance in compliance with paragraph 1.1 of roman I of this Instruction.

2. Certificate of Origin under the Preferential Scheme

There are three types of issuing the certificate of origin of preferential goods, namely the certificate of origin of preferential goods normally (manual), electronic certificate of origin issuing system: (e-CO) and self-certification of the originating goods (Self-Certification).

Issuance of certificates of origin that have received trade preferences through the electronic system and self-certification of the originating goods are in accordance with the Agreement on the issuance of Certificates of Origin electronically, the Agreement on the self-certification of the originating goods through the registration system as an exporter under trade preferences, the Agreement on the self-certification of the originating goods under the ASEAN Trade Agreement and other related legislation.

For the issuance of the certificate of origin that have received trade preferences in the usual approach, the following should be done:

2.1. Relevant Documents to Obtain a Certificate of Origin

An applicant who wants to obtain the usual Certificate of Origin must have the documents as follows:

- 1) The application form according to the type prescribed by the Department of Import and Export;
- 2) CPE or copied of the Certificate of Origin;
- 3) Certificate of Origin of preferential goods which have been filled in;
- 4) Export invoice and packing list;

- 5) Detailed tax declaration and consignment note in the case of issuing a certificate of origin that have received retroactive trade preferences.

For the copy of the document, it must be signed and stamped by the person requesting to certify the origin of the goods that have received trade preferences.

2.2. Filling the Information on a Certificate of Origin

Filling the information on a certificate of origin for preferential goods, exporters shall:

- 1) The information added to the Certificate of Origin of the privileged goods must match the information of the attached document and not be printed beyond the line of each box;
- 2) The language used shall be English in capital letters;
- 3) The Certificate of Origin of the privileged goods that has been filled in must be clean, with clear letters, no erasures, scratches or additions anywhere;
- 4) Data filling is to be printed line by line without leaving any space. In the case of unused space on the end of the line, draw a line to the end of the line so that no additional information can be added.

2.3. Consideration for Issuing a Certificate of Origin for Preferential Goods

After receiving the complete and correct documents according to paragraph 2.1 and 2.2 of roman I of this instruction, the issuing authorities certifying the certificate of origin must consider issuing the certificate of origin of the privileged goods within two business days from the date of receipt of the complete and correct documents.

2.4. Entering the Number of a Certificate of Origin for Preferential Goods

Entering the number of the Certificate of Origin for preferential goods by the competent authorities to enter eight digits, starting with the code number of the year, the last two digits, followed by the code number of the competent authorities, two digits and the serial number of four digits respectively. For certificates of origin of certain types of privileged goods, the country code or abbreviation must be added in front of the eight-digit code number. Entering the number of the certificate of origin of the privileged goods can be done using a typewriter or a number stamp.

2.5. Certifying and Reissuing a Certificate of Origin in Case of Lost or Damaged

In the event that the certificate of origin of the privileged goods is lost or damaged, the applicant for the Certificate of Origin of the privileged goods can bring a copy of the Certificate of Origin to be certified by the competent authorities certifying the origin of the privileged goods or propose to reissue the Certificate of Origin by attaching the following documents:

- 1) The application form according to the type prescribed by the Department of Import and Export;
- 2) Copy of certificate of origin of privileged goods;
- 3) Certificate of loss or damage from the company/factory;
- 4) Certificate of origin of privileged goods that has been completed in case of re-issuance of Certificate of Origin.

The time limit for certifying a copy of the Certificate of Origin of Privileged Goods is one business day and for re-issuing the Certificate of Origin of Privileged Goods is two business days from the date of receipt of complete and correct documents.

2.6. Modification of Information in the Certificate of Origin of Privileged Goods

Modification of the information in the certificate of origin of privileged goods is modified in the event of an error from the competent authority certifying the origin of privileged goods or from the applicant for certification of the origin of privileged goods.

Modification of the information in the certificate of origin of the privileged goods caused by the mistake of the official certifying the origin of the privileged goods must be signed and certified by the authorized officer to confirm the correctness of the modified contents without paying a fee for such certification.

To modify the information in the Certificate of Origin of the privileged goods caused by the mistake of the applicant for the certificate of origin, the applicant for the Certificate of Origin shall submit to the competent authorities of the Certificate of Origin of the privileged goods to issue a new form by attaching the following documents:

- 1) The application form according to the type prescribed by the Department of Import and Export;
- 2) Certificate of Origin of the privileged goods that have received trade preferences and filled in information;
- 3) Original and photocopy of the certificate of origin of the privileged goods;
- 4) Other documents related to the modification on case by case basis.

2.7. Fees for the Issuance of Certificates of Origin for Preference Goods

Fees for issuing Certificates of Origin for **Preference** goods shall be in accordance with the government resolution on fees and service charges that have been announced from time to time. In the case of re-issuing the Certificate of Origin of the preference goods or modifying the information in the Certificate of Origin caused by the mistake of the applicant, the same fee shall be charged as for the issuance of the Certificate of Origin of the preference goods.

2.8. Purchasing the Forms of the Certificates of Origin for Preference Goods

Applicants for certification of the origin of preference goods can purchase printed copies of the certificate of origin no more than 50 sets/time/Form type. Before submitting the request for the next purchase, a summary of the use of the certificate of origin of the goods with trade preferences purchased in the previous of time must be attached according to the Form specified by the Department of Import and Export.

For the cost of the Forms of the certificate of origin of goods that have received trade preferences, follow the government resolution on fees and service charges that have been announced from time to time.

II. Office of Authorities who Issue the Certification of Origin for Goods Eligible for Special Preference Treatment

1. Sectors Issuing the Certificate of Origin for Goods Eligible for Special Preference Treatment

The authorities who issue the certificate of origin for goods eligible for special preference treatment are the authorized organizations which include:

- 1) Department of Import and Export, Ministry of Industry and Commerce;
- 2) Vientiane Capital, Provincial Office of Industry and Commerce;
- 3) One Stop Service Investment Unit in the Special Economic Zones;
- 4) Lao National Chamber of Commerce and Industry in the Central, Province and Vientiane Capital;
- 5) Other sectors which are assigned by the Minister of Industry and Commerce to issue a certificate of origin.

2. Requirements for Issuing the Certificate of Origin of Goods Eligible for Special Preference Treatment

authorities certifying the origin of goods eligible for special preference treatment as defined in paragraph 1, roman II of this instruction, except for the Department of Import and Export, before issuing a Certificate of Origin, must be approved by the Minister of Industry and Commerce and they must have at least two officials who have undergone training on the rules of origin of goods and received a certificate from the Department of Import and Export.

3. Application for Issuing the Certificate of Origin of Goods Eligible for Special Preference Treatment

Office of authorities certifying the origin of goods eligible for special preference treatment as defined in paragraph 1, roman II of this instruction which are willing to issue a Certificate of Origin shall submit the document set to the Department of Import and Export for consideration and propose to the Minister of Industry and Commerce for further consideration and be able to issue a Certificate of Origin accordingly.

The application shall include:

- 1) An application submitting to the Department of Import and Export;
- 2) A reference letter from the Office of Promotion and Management of Special Economic Zone in case of a One Stop Service Unit for Investment located in a Special Economic Zone;
- 3) A certificate from the Lao National Chamber of Commerce and Industry, provincial and Vientiane Capital levels.

4. Consideration for Issuing the Certificate of Origin of Goods Eligible for Special Preference Treatment

The Department of Import and Export shall check the accuracy and completeness of the documents submitted by the relevant parties. In the event that the document is incorrect or incomplete, it is necessary to inform the parties to be informed for further improvement. In case the document is completely correct, the Department of Import and Export shall revise and report to the Minister of Industry and Commerce for consideration and guidance.

After receiving approval from the Minister of Industry and Commerce, the Department of Import and Export shall notify the training plan on the rules of origin to the parties applying for the right to issue the Certificate of Origin, organize training session as well as evaluate the understanding of the trainees. When it is seen that the trainee has an understanding of the rules of origin of goods, the Department of Import and Export shall issue a certificate for recognition.

Upon the completion of the training, the Department of Import and Export shall propose to the Minister of Industry and Commerce to consider issuing an Agreement to issue the certificate of origin to the competent authorities for certification of origin of goods eligible for special preference treatment that meet the conditions set forth in paragraph 2, roman II of this instruction within five official days.

5. Evaluation of the Implementation of the Authority Office who Issues the Certificate of Origin

The authorities who issue goods eligible for special preference treatment shall evaluate their implementation and report to the Department of Import and Export prior to the 10th January of next year in accordance to a template specified by the Department of Import and Export.

In the event of the competent authorities for issuing goods eligible for special preference treatment cannot meet the requirements specified in paragraph 2 roman II of this Instruction, The Department of Import and Export has the right to propose to the Minister of Industry and Commerce to suspend or revoke the right to issue certificates of origin.

III. Rights and Duties of the Authorities who issue the Certificate of Origin of Goods Eligible for Special Preference Treatment and Applicants Applying for a Certificate of Origin

1. Rights and Duties of the Authorities who issue the Certificate of Origin of Goods Eligible for Special Preference Treatment

1.1. Department of Import and Export

In addition to the rights and duties stipulated in Article 18 of the Decree on the Rules of Origin for Imported and Exported Goods No. 228/PMO, dated 22nd April, 2010, the Department of Import and Export also has the following specific rights and duties:

- 1) Study and propose to the Minister of Industry and Commerce to consider assigning qualified parties who have undergone training from the Department of Import and Export to be the competent authorities issuing a Certificate of Origin of goods eligible for special preference treatment throughout the country;
- 2) Revise and consider issuing the Confirmation Product of Eligibility to all companies/factories and all product items that enjoy special preference treatment;
- 3) Direct, encourage, monitor, inspect and evaluate the implementation of work on the certification of the origin of goods eligible for special preference treatment throughout the country on a regular basis every year;
- 4) To be the point of coordination with the competent authorities certifying the origin of goods eligible for special preference treatment and other parties both domestically and abroad in the implementation of the work of certifying the origin of goods;
- 5) Coordinate and cooperate with the international community, including negotiations on the rules of origin;
- 6) Verify the origin of goods eligible for special preference treatment as assigned by the Ministry of Industry and Commerce in accordance with this instruction and related laws and regulations;
- 7) Collect fees and service charges according to the statute on fees and service charges that have been announced from time to time;
- 8) Order the printing of Certificate of Origin of all kinds of privileged goods, as well as to send them to the competent authorities certifying the origin of other privileged goods throughout the country according to the proposal to order printing;
- 9) Summarize the sample signatures and seals of the competent authorities certifying the origin of products eligible for special preference treatment throughout the country and send them to the authorities of the relevant importing countries on a regular basis;
- 10) Review the details and information of companies/factories that request to issue certificates of origin eligible for special preference treatment in the country on a regular basis;
- 11) Keep a complete copy of the Certificate of Origin of the privileged goods for at least three years;
- 12) Utilize the rights and perform other duties according to the law and as assigned by the superior.

1.2. Provincial, Vientiane Capital Office of Industry and Commerce, One Stop Service Unit for Investment in Special Economic Zones, National, Provincial, Vientiane Capital Chamber of Commerce and Industry and other sectors who are authorized to issue the Certificate of Origin

Provincial, Vientiane Capital Office of Industry and Commerce, One Stop Service Unit for Investment in Special Economic Zones, National, Provincial, Vientiane Capital Chamber of Commerce and Industry and other sectors who are authorized to issue the Certificate of Origin have rights and duties as follows:

- 1) Verify the origin of goods eligible for special preference treatment as assigned by the Ministry of Industry and Commerce in accordance with this Instruction and relevant laws and regulations;

- 2) Revise and consider issuing product Confirmation of Product Eligibility to all companies/factories and all product items that use special preference treatment;
- 3) Submit a request to print the Certificate of Origin of the privileged goods to the Department of Import and Export and bear the costs associated with the printing by attaching a summary of the Certificate of Origin of the privileged goods that was wrongly printed and not used;
- 4) Summarize the sample signature and seal of its competent authority and send it to the Department of Import and Export within 1st October of each year regularly;
- 5) Collect fees and service charges according to the statute on fees and service charges that have been promulgated from time to time;
- 6) Follow up with detailed customs declarations and shipping documents from applicants for certification of the origin of goods eligible for special preference treatment after issuing the certificate of origin;
- 7) Compile and research statistical data on exports that use Certificates of Origin for goods eligible for special preference treatment to report to the high management on a regular basis;
- 8) Summarize the details and information of companies/factories requesting the issuance of certificates of origin for goods with special privileges and send them to the Department of Import and Export no later than 31st December of each year;
- 9) Keep a complete copy of the document certifying the origin of the privileged goods for at least three years;
- 10) Cooperate and provide information on the certification of the origin of goods eligible for special preference treatment to the Department of Import and Export as proposed;
- 11) Evaluate the implementation of the work of issuing the Certificate of Origin of privileged goods, the certificate of origin of the goods, the collection of statistics and the collection of detailed information of the company/factory every year and report to the Department of Import and Export before the 10th January of the following year regularly;
- 12) Propose to the Department of Import and Export to organize training and disseminate the work on the origin of goods as appropriate;
- 13) Utilize other rights and perform other duties as assigned by the Ministry of Industry and Commerce.

2. Rights and Duties and Applicants Applying for a Certificate of Origin

The applicants applying for a Certificate of Origin have rights and duties as follows:

- 1) Apply for a Confirmation of Product Eligibility to the competent authorities in accordance with paragraph 1.1 of roman I of this Instruction and apply for a Certificate of Origin again in case the conditions for obtaining the product have changed or new products have been exported;
- 2) Apply for a Certificate of Origin of goods with special privileges to the competent authorities certifying the origin of goods with special privileges in accordance with paragraph 2, roman I of this Instruction;
- 3) Submit a request for certification of the origin of goods eligible for special preference treatment to the competent authorities certifying the origin of products eligible for special preference treatment where they are produced/collected or based on their convenience;
- 4) Submit the detailed tax declaration and the goods shipment document to the competent authorities certifying the origin of the goods eligible for special preference treatment within five business days from the date of export of the goods;
- 5) Propose or sue the competent authorities certifying the origin of goods eligible for special preference treatment regarding the performance of their duties when it is

found that there is improper behavior as defined in the relevant laws and regulations;

- 6) Provide documents and information that are factually correct when applying for certification of the origin of goods eligible for special preference treatment;
- 7) Cooperate and provide documents or information related to the certification of the origin of goods eligible for special preference treatment to the competent authorities certifying the origin of products when necessary as proposed;
- 8) Keep a copy of the certificate of origin of goods with special privileges and all related documents for at least three years;
- 9) Report on the implementation of document inspection by the official of the destination country of the importer, especially in the event of problems that do not facilitate their exports from time to time;
- 10) Study and research the product origin regulations and other related regulations.

IV. Measures for Violators

1. Measures to Authorities who Certify the Certificate of Origin

The competent authorities certifying the origin of goods with special privileges, if they have behavior such as prolonging the time limit specified in this Instruction for insufficient reasons to claim benefits from the applicant for certification of origin of goods with special privileges, certifying the origin of products with special privileges without correcting the principles or colluding with applicants for certifying the origin of goods by falsifying documents, etc., will be taken various measures as follows: warning, administrative education, disciplinary action, transfer of duties, dismissal or dismissal from public office according to each case of light or serious offense. If the violation is a criminal offense, it will be prosecuted according to the criminal law.

2. Measures to the Applicants who Apply the Certificate of Origin

Applicants for certification of the origin of products with special privileges, if they have behavior such as falsification of certificates of origin of products with special privileges, falsification of Certificates of Origin of products, providing false information, smuggling goods that are not of origin to certify the origin of products with special privileges, etc. will be taken the following measures: warning, administrative education, removal of the confirmation of product eligibility or the certificate of origin of products with special privileges, withdrawal of the right to request certification of origin with special privileges or temporary suspension of business activity according to each case. If the violation is a criminal offense, it will be prosecuted according to the criminal law.

V. Implementation

The Department of Import and Export is assigned to coordinate with the relevant parties as well as to direct all the competent authorities certifying the origin of goods eligible for special preference treatment to implement this instruction to be highly effective.

VI. Effectiveness

This Instruction is effective after the date of signature and published fifteen days on Lao official gazette.

This instruction replaces the instruction on the Preferential Rules of Origin No. 0118/MOIC.DIMEX, dated 31st January, 2020.

Minister

Dr. Khampeang Saysompeang