

Unofficial translation

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Industry and Commerce

No.0451/MOIC.DIIMEX

Vientiane Capital, dated 14 June 2021

Decision
On the Management of Goods in Transit

- Pursuant to the Decree on the Import and Export of Goods No.114/GOL, dated 06 April 2011;
- Pursuant to the Decree on the Organization and Operations of the Ministry of Industry and Commerce No. 230/PM, dated 24 July 2017;
- Pursuant to the order on facilitating import-export, temporary import, transit and movement of goods in Lao PDR No.12/PM, dated 16 October 2019;
- Pursuant to the circular of the Department of Import and Export, No.1922/DIMEX.BDT, dated 03 June 2021.

The Minister of Industry and Commerce issued the Decision:

Chapter 1
General Provisions

Article 1 Objective

This decision defines the principles, rules and measures regarding the management of goods transiting the Lao PDR in accordance with the laws, regulations, conventions and international agreements to which the Lao PDR is a party, aiming to build conditions to facilitate the transit of goods to contribute to the socio-economic development of the nation.

Article 2 Management of Goods in Transit

The management of goods in transit is the monitoring, inspection and authorization before bringing goods from any country through the customs territory of the Lao PDR to a third country.

The transit of goods in the list of goods that require permission to import or export or controlled goods must be obtained prior to the transit of the goods. For the transit of goods that are not included in the list of goods, the documents must be notified in accordance with the procedures set forth in the Customs Law and other relevant regulations without asking for permission.

Article 3 Definition

The terms in this Decision are the following meaning:

- 1. Controlled goods** refer to goods that are included in the list of goods that require automatic and non-automatic import or export licenses that the Ministry of Industry and Commerce determines from time to time;
- 2. License** refers to a document certifying permission to bring goods under the control through the Lao PDR in accordance with the laws and regulations of the Lao PDR;
- 3. Import and Export Management Agency** refers to the sectors that manage and issue licenses to bring goods through the Lao PDR border.

Article 4 Scope

This Decision applies to individuals, business entities and organizations both domestic and foreign which operate in bringing controlled goods through the customs territory of the Lao PDR.

Chapter 2

Applying for the Transit Permission of Controlled Goods

Article 5 Conditions of Applicants for the Transit Permission of Controlled Goods

Applicants who wish to apply for the transit permission through the territory of the Lao PDR shall meet the following conditions:

1. Enterprise that has been registered as an enterprise and has been licensed to operate the business of importing and exporting goods under the laws and regulations of the Lao PDR;
2. Company that is not registered as an enterprise in the Lao PDR that aims to bring controlled goods through the territory of the Lao PDR must give the right to a representative who is authorized to operate the business of importing and exporting controlled goods in the Lao PDR as the one who performs the document procedures instead.

Article 6 Applying for Transit Permission of Controlled Goods

The request for permission shall be submitted in advance before the goods arrive at the Lao PDR customs office according to the period determined by the Import and Export Administration.

Those who meet the conditions set forth in Article 5 of this Decision must submit documents to the import and export management agency that manages each type of product for consideration as follows:

1. Application according to the printed form as prescribed by the Import and Export Management Agency;
2. Copy of enterprise registration and business license;
3. Copy of invoice and packing list;
4. Certificates of export from the exporting country, import from the country of destination or purchase and sale Agreement between trading partners of the country of origin and destination;
5. Certificate of transferred ownership right from the owner of the goods to the transit operator in the case gives the right to someone else to do the document instead.

Article 7 Consideration of Issuing a License

After receiving complete and correct documents as stipulated in Article 6 of this Decision, the Import and Export Management Agency shall consider issuing a license within three working days from the date of receiving the documents.

In case the document is incomplete or incorrect, the proposer must be informed immediately so that it can be improved.

In case of not being able to issue a license, the reasons must be given correspondence to the proposer within two business days from the date of receipt of complete and correct documents.

Article 8. Validity and Renewal of License

The license is valid for six months and can be renewed once for a period of three months.

Request to renew the license shall be submitted to the import and export management agency that issued the license before the license expires twenty days by attaching the following documents:

1. Application form as prescribed by the Import and Export Management Agency;
2. Original license.

Article 9 Modification of License Content

Modification of the content of the license is editing the content about the product list, quantity, value, checkpoint and so on.

Those who intend to modify the content of the license must submit the following documents to the import and export management agency that issued the license:

1. Application form prescribed by the Import and Export Administration;
2. Original license;
3. The Invoice and the package list in the case have been changed from the original version.

Article 10 Reissuance of License

If the license is damaged or destroyed and the trader wants to reissue the license, the trader must submit the following documents to the import and export management agency that issued the license:

1. Application form prescribed by the Import and Export Administration;
2. Certificate of damage or destruction certified by the trader.

Article 11 Movement of Controlled Goods in Transit

A movement shall go through the international checkpoints and be under the control of customs authorities and related management agencies. Transit goods shall be in their original condition and transported on the route and date specified without distribution, use or remaining in Lao PDR.

In case it is necessary to change vehicles or transfer goods, it is necessary to comply with the customs and other related laws of the Lao PDR.

Chapter 3

Rights and Obligations for Transit Operator of Controlled Goods

Article 12. The Rights of the Transit Operator of Controlled Goods

The transit operator has the following rights:

1. To bring authorized controlled goods through the border of Lao PDR;
2. Propose to renew, modify the content, cancel or reissue the license;
3. To be facilitated by the state management organization;
4. Receive the protection of their legitimate rights and interests according to relevant laws and regulations.

Article 13. Obligations of the Transit Operator of Controlled Goods

The transit operator of controlled goods has the following obligations:

1. Pay duty, tax and other fees and charge as stipulated in laws, regulations, treaties and international agreement to which the Lao PDR is a party;
2. Keep documents for each operation to bring controlled goods through the border for at least three years from the date of detailed tax notification to the customs officer at the checkpoint;
3. Summarize and report on the implementation of the controlled goods through Lao PDR to the import and export management agency that issues a license every three months according to the form determined by the import and export management agency;
4. Notify the import and export management agency that issued the license in correspondence in case of no longer use of the license;

5. Carry controlled goods through the border correctly following the route, entry-exit checkpoint, time and amount as specified in the license;
6. Cooperate and facilitate the government officials in tracking and inspecting the implementation of bringing controlled goods through the border;
7. Carry out payment according to the regulations set by the Bank of the Lao PDR;
8. Perform other obligations as defined in relevant laws and regulations.

Chapter 4

Implementation of Transit Goods Management

Article 14 Management of Goods in Transit

Management of goods in transit is implemented by the Import and Export Management Agency, which includes the two levels as follows:

1. The central level is the relevant ministries that manage the goods in transit according to their rights and roles;
2. The provincial level is the department of the province, the capital that has been assigned to manage and issue licenses for goods to be managed.

Article 15 Rights and Duties of the Central Import and Export Management Agency

In managing the controlled goods in transit, the Central Import and Export Management Agency has the rights and duties as follows:

1. Research, issue policies and regulations on the management of goods in transit to present to the upper level for consideration;
2. Advertise, disseminate and consultant the implementation of this Decision and other related regulations to society widely;
3. Consider issuing, renewing, modifying the content and canceling the license;
4. Manage, monitor and inspect transit goods management activities in coordination with related sectors;
5. Summarize and report on the management of goods in transit to their superiors and the Ministry of Industry and Commerce on a regular basis;
6. Keep copies sets of license documents for at least three years or as determined by the management sector;
7. Coordinate with the Ministry of Industry and Commerce in creating and revising the list of controlled goods;
8. Use the rights and perform other duties as defined in the laws, regulations and treaties to which the Lao PDR is a party.

Article 16 Rights and Duties of Provincial Import and Export Management Agencies

In managing the importation of controlled goods in transit, the Provincial Import and Export Management Agency has the following rights and duties:

1. Implement the management of controlled goods through the border in accordance with the policies and legislation set out from time to time;
2. Disseminate legislation and information related to the management of bringing controlled goods through the border to relevant parties at the provincial level and the business sector in general;
3. Consider issuing, renewing, modifying content and canceling licenses according to their roles;
4. Collect, summarize the situation and provide statistical information related to the management of goods in transit to report to their superiors on a regular basis;
5. Keep copies of complete license documents for at least three years or as determined by the management sector;
6. Use the rights and perform other duties as stipulated in the laws and regulations of the Lao PDR and under conventions and international agreements to which the Lao PDR is a party.

Chapter 5

Final Provisions

Article 17 Implementation

The Department of Import and Export and the Department of Industry and Commerce of the province coordinate with the relevant sectors in order to implement this decision in a highly effective manner.

Article 18 Enforcement

This Decision will be effectiveness after the date of signature and published on Lao official Gazette.

This Decision replaces the Decision on the movement of transit goods through Lao PDR No. 1238/MOIC.DIMEX, dated 23 June 2015.

Minister

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