



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Industry and Commerce

No:1237/MOIC.DIMEX

Vientiane Capital, Date:23 June 2015

Decision

On Import for Re-export and Temporary Export of Controlled Goods

- Pursuant to the Government's Decree on the Import and Export of Goods No.114/GoL, dated 06 April 2011;
- Pursuant to the Prime Minister's Decree on the Goods Import Licensing Procedures No.180/PM, dated 07 July 2009; and
- Pursuant to Prime Minister's Decree on the Rights and Duties of the Ministry of Industry and Commerce No. 552/PM, Dated 23 December 2011.

The Minister of Ministry of Industry and Commerce issues the Decision:

Section 1 General Provision

Article 1 Objective

This Decision sets out the principles, rules and measures on import for re-export and temporary export of controlled goods in order to facilitate the import, export and the transshipment of goods, compliant with the relevant laws and regulations of Lao PDR. It aims to enhance the development of foreign trade sector which plays an important role in national socio-economic development.

Article 2 Import for Re-export and Temporary Export of Controlled Goods

Import for re-export of controlled goods is the import of goods listed in the controlled goods category for re-export with or without further process, including the importation of raw materials or semi-finished goods for processing in Lao PDR prior to re-export; the importation of finished goods for keeping in a warehouse for a certain period or for transshipment. All imported goods subject to re-export are not allowed to be sold in Lao PDR.

Temporary export of controlled goods is the export of controlled goods from Lao PDR to another country in order to be shown, experimented, analyzed, maintained and so on, and then re-import such goods into Lao PDR. All temporarily exported goods subject to re-import are not allowed to be sold or transferred the ownership right to other party.

Article 3 Definition of Key Terms

The key terms in this Decision are defined as follows:

1. **Controlled goods** are goods that require import or export permits in the form of either automatic or non-automatic authorization.
2. **License for the import for re-export or temporary export of controlled goods** is a certified document for re-export or temporary export of controlled goods compliant with the relevant laws and regulations, which can be used for a certain period of time specified in this Decision.

Article 4 Scope of Application

This Decision is applied to individuals and business entities in Lao PDR or in foreign countries, which are operating business relevant to the import for re-export or temporary export of controlled goods in Lao PDR.

Section 2

Licensing Import of Controlled Goods for Re-export and Temporary Export of Controlled Goods

Article 5 Eligible Applicants for Import for Re-export and Temporary Export of Controlled Goods

Eligible applicants for import for re-export and temporary export of controlled goods are business entities, which are registered with the business type of ‘export-import’, ‘re-export’, or ‘import’, according to the enterprise registration certificate in Lao PDR.

Article 6 Document Requirements

Economic operator for import for re-export and temporary export of controlled goods must submit all documents listed below:

1. Request letter for import-for-reexport permit or temporary export permit for controlled goods;
2. Buying-selling agreement between seller in the country of origin or buyer in the country of destination and enterprises registered in the Lao PDR;
3. Enterprise registration certificate compliant with the type of business registration specified in Article 5;
4. Certificate of annual custom payment or other evidence of annual custom payment;
5. Invoice and packing list (signed by seller);
6. Tax and custom payment agreement between the enterprise and Lao Custom Department, Ministry of Finance.

Article 7 Procedures of Document Submission

1. Economic operator for re-export or the temporary export of controlled goods must submit all required documents specified in Article 6 of this Decision to the Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods;
2. The Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods examines the validity and sufficiency of submitted documents as a basis for issuing license for re-export or temporary export of controlled goods;
3. Economic operator declares license for re-export or temporary export of controlled goods and other supplementary documents specified in Article 6 of this Decision to the concerned authorities.

Article 8 Duration for Issuing License

The Administrative Authority for Import for Re-export and Temporary Export of Controlled Goods will issue the re-export or temporary export license to requestors within 10 working days after the day of receiving the application materials.

In case of invalid application materials, the Administrative Authority for Re-export and Temporary Export of Controlled Goods will contact the requestors and explain reasons for not being able to issue the license within 05 working days after the day of receiving the application materials.

Article 9 License Duration and Renewal

The license for import for re-export and temporary export of controlled goods remain in effect within 06 months. In case of modifying the contents of license, the economic operator must submit a request letter on the modification of license contents to the Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods.

For economic operators who cannot complete activities of import for re-export and temporary export of controlled goods within the timeframe specified in the license, they can renew the license duration for additional one time as 03 months, which in total does not exceed 09 months.

Article 10 Fee and Charge

Fee and charge for issuing license and editing license contents of the import for re-export and temporary export of controlled goods are based on those specified in the Presidential Decree and other regulations issued in each period.

Section 3
**The Administrative Authority of Import for Re-export and Temporary Export of
Controlled Goods**

**Article 11 The Administrative Authority of Import for Re-export and Temporary Export of
Controlled Goods**

The Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods is the Department of Import and Export, Ministry of Industry and Commerce (MOIC) in collaboration with concerned governmental authorities.

**Article 12 Rights and Duties of the Administrative Authority of Import for Re-export and
Temporary Export of Controlled Goods**

The Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods has the following rights and duties:

1. To disseminate and guide the implementation of this Decision and other relevant laws and regulations nationwide;
2. To consider and issue licenses for import for re-export and temporary export of controlled goods;
3. To administer the import for re-export and temporary export of controlled goods as set out in this Decision and other relevant regulations in collaboration with concerned governmental authorities;
4. To collect fees and charges for issuing licenses of import for re-export and temporary export of controlled goods;
5. To monitor and report to the management of MOIC on the implementation of works related to the import for re-export and temporary export of controlled goods;
6. To implement other rights and duties assigned by the management of MOIC.

Section 4
**Rights and Obligations for Economic Operators of Import for Re-export and Temporary
Export of Controlled Goods**

Article 13 Rights

Economic operator compliant with Article 5 of this Decision has the following rights:

1. To request for licenses for re-export or temporary export of controlled goods;
2. To be facilitated by governmental authorities relating to import for re-export or temporary export of controlled;
3. To be protected by relevant laws and regulations of Lao PDR on their rights and benefits.

Article 14 Obligations

The economic operator for import for re-export or temporary export of controlled goods has the following obligations:

1. To pay for taxes and relevant charges as set out in relevant laws and regulations;
2. To summarize and report progress of activities on import for re-export and temporary export of controlled goods to the Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods after the implementation or expiration of license;
3. Import for re-export or temporary export of controlled goods must be transported to the destination under the specified route, import-export check point, timeframe, and amount;
4. To comply with this Decision, laws and regulations of Lao PDR.

Section 5 Prohibitions

Article 15 Prohibitions for Officers

Officers working for the Administrative Authority of Import for Re-export and Temporary Export of Controlled Goods must avoid the following behaviors:

1. Abuse his/her power, position, duties to ask for benefits;
2. Abandon his/her assigned duties and avoid his/her responsibilities;
3. Ignore, lack of responsibility, provide false statement;
4. Hide, protect, and cooperate with wrongdoer for bribes or any other benefits;
5. Have other illegal behaviours.

Article 16 Prohibitions for Economic Operator for Import for Re-export and Temporary Export of Controlled Goods

Economic operator for import for re-export and temporary export of controlled goods must avoid the following behaviors:

1. Sell controlled goods as in subject to import for re-export or temporary export;
2. Transport controlled goods that are subject to import for re-export or temporary export in wrong route, timeframe, amount specified in the license;
3. Create fake documents or declare incorrect information;
4. Have other illegal behaviors.

Section 6 Awards for Good Performers and Measures against Violators

Article 17 Awards for Good Performers

Any business entity or governmental organization that has outstanding performance in the implementation of this Decision will be appreciated in the form of awards or other benefits according to relevant laws and regulations.

Article 18 Measures against Violators

Any business entity or organization that violates this Decision will be warned, imposed with disciplinary measures, fined or prosecuted according to relevant laws and regulations.

Section 7 Final Provisions

Article 19 Implementation

The Department of Import and Export, MOIC, is assigned to collaborate with relevant governmental agencies to strictly, effectively implement this Decision.

Article 20 Enforcement

This Decision will enter into force on the date signed below and 15 (fifteen) days after being published in the official Gazette.

**Minister
Ministry of Industry and Commerce**

[Seal and Signature]

Khemmani Pholsena