

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Ministry of Industry and Commerce

No. 0265/MOIC.DIH
Vientiane Capital, dated 15 March 2019

Decision

On Decentralization in Administration for Industry and Handicrafts Processing Factories

- Pursuant to Law on Processing Industry No. 048/NA, dated 27 December 2013
- Pursuant to Law on Handicraft No. 02/NA, dated 25 August 2008
- Pursuant to Law on Chemical Management, No. 07/NA, dated 10 November 2016
- Pursuant to the Prime Minister's Decree on Role and Function of Ministry of Industry and Commerce No. 230/PM, dated 24 August 2017
- Pursuant to Proposal Letter of Ministry of Industry and Commerce No. 1439/DIH.FMD dated 20 December 2018

Minister of Industry and Commerce issues the Decision as follows:

Article 1 Objective

This Decision specifies the rights and duties of administrative agencies to manage and inspect industry and handicrafts processing activities in order to issue licenses, enterprise registration certificates, license extensions, factory expansion permits, chemical operating permit, chemical registration and waste disposal management certification include monitoring and technical inspection of raw material, products, safety and hygiene, environment, chemicals and condition of business operations of processing and handicraft factories nationwide.

Article 2 Decentralization in administration of the Ministry of Industry and Handicraft

Decentralization in administration of the Ministry of Industry and Handicraft consists of 3 levels as follows:

1. Central level is the Department of Industry and Handicraft as the secretariat to coordinate with relevant agencies in the administration of industry and handicraft processing factories nationwide;
2. Provincial level is the Division of Industry and Commerce of the Provinces and Vientiane Province as a central point to coordinate with relevant agencies in administration of industry and handicraft processing factories within the provinces and Vientiane Capital;
3. District level is the District Industry and Handicrafts Offices, who is responsible for coordinating with relevant agencies in administration of industry and handicraft processing factories within the relevant district.

Article 3 Rights and Duties of Department of Industry and Handicraft

Industry and Handicraft Department has administrative rights and duties to:

1. Issue, amend, withdraw and cancel licenses for large, medium and small-scale business activities administrated by Ministry of Industry and Commerce;

2. Issue, amend, withdraw and cancel business registration for large scale businesses in accordance with the Decision on Factory Management and List of Controlled Businesses administrated by Ministry of Planning and Investment as necessary and shall coordinate with relevant government agencies and local administration authorities on case by case basis;
3. Issue, suspend, withdraw and cancel operating permits relating to chemical industry and industrial chemical certificates;
4. Issue factory products certification in accordance with the Article 4 and 63 of Standard Law;
5. Issue waste disposal management certification for large factories in accordance with relevant laws and regulations;
6. Issue import and export permits and certificates of transfer of hazardous chemical category 2 and category 3 and hazardous waste;
7. Import certification of raw material, machinery, machinery parts, vehicle parts, factory equipment, factory construction equipment and approve large factories production upon consideration of the economic feasibility study, annual production plan and factory improvement and expansion plan;
8. Administrate, monitor and inspect the technical standards of raw material, products, health and safety, environmental protection, chemical control and condition of factory operations nationwide.

Article 4 Rights and Duties of Division of Industry and Commerce at Provincial Level and Vientiane Province

Division of Industry and Commerce at provincial level and Vientiane Province has administrative rights and duties to:

1. Issue, amend, withdraw and cancel licenses, approve extensions of business expansion plans in accordance with Law on Factory Management, namely small and medium scale factories as assigned by Ministry of Industry and Commerce. Shall inspect the small to medium factories prior to issuing the factory operation certificate. The Division of Industry and Commerce at provincial level and Vientiane Province shall contact relevant administrative authorities on case by case basis as necessary;
2. Issue factory product certification;
3. Issue waste disposal management certificate to small to medium size factories as stipulated in the relevant laws and regulations;
4. Propose to issue, suspend, withdraw and cancel licenses related to chemical and chemical substances and import and export permits for chemical and hazardous waste;
5. Administer, monitor and inspect technical standards of raw materials, products, health and safety, environmental protection, chemical control and condition for factory operations within Vientiane Capital;
6. Import certification of raw material, machinery, machinery parts, vehicle parts, factory equipment and factory construction equipment and approve large factories production upon consideration of economic feasibility study, annual production plan and factory improvement and expansion plan;
7. Evaluate, summarize and report on operations, technical standard of factory, operational condition of factory, chemical usage, provide statistics of industry and handicrafts industry and shall submit a report to Department of Industry and Handicrafts every 3 months.

Article 5 Rights and Duties of the District Industry and Handicrafts Offices

The District Industry and Handicrafts Offices has administrative rights and duties to:

1. Issue, amend, withdraw and cancel business licenses, approve extensions of expansion plan for small factory and businesses which employ less than 10 workers or operate a manufacturing facility using less than 10kW, which is not listed in the Law on Processing Industry. Not applicable to sawmill factories, wood processing factories and furniture factories and as determined by Industry and Handicraft Department;
2. Inspect small scale factories (family business) as assigned by Industry and Handicrafts Department at provincial level or Vientiane Capital;
3. Issue factory product certification;
4. Propose to issue, suspend, withdraw and cancel licenses related to chemical and chemical substances and import and export permits for chemical and hazardous waste;
5. Administer, monitor and inspect technical standards of raw materials, products, health and safety, environmental protection, chemical control and condition for factory operations within the district and Vientiane Capital;
6. Certify the annual operation plan as assigned by the Department of Industry and Handicrafts Department at provincial level or Vientiane Capital;
7. Evaluate, summarize and report on operations, technical standard of factory, operational condition of factory, chemical usage, provide statistics of industry and handicrafts industry and shall submit a report to Department of Industry and Handicrafts every 3 months.

Article 6 Implementation

Department of Industry and Handicrafts shall effectively instruct, monitor, inspect and aid implementation of this Decision in accordance with relevant laws and regulations and ensure unanimity nationwide.

Division of Industry and Commerce at provincial level and Vientiane Capital and District Industry and Handicrafts Offices shall coordinate with relevant agencies to effectively implement this Decision according to their level of authority as assigned to receive favorable outcomes.

Article 7 Effectiveness

This Decision shall enter into force on the day of signature and replaces the Decision on Rights and Duties of Inspection and Administration of Industry and Handicrafts Processing Factories No. 1195/MOIC, dated 19 June 2009.

Minister
[Seal and Signature]

Mrs. Khemmany Pholsena