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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURE¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES

LAO PEOPLE'S DEMOCRATIC REPUBLIC

The following notification, dated 23 January 2014, is being circulated at the request of the delegation of Lao People's Democratic Republic.

Outline of system

1. The import licensing system in Lao PDR is maintained generally under Decree No. 180/PM of 7 July 2009 "On Import Licensing Procedures" (Decree No. 180/PM), within the general principles set-out by Decree No. 114/GoL of 6 April 2011 "On Import and Export of Goods" (Decree No. 114/GoL).

Both automatic and non-automatic import licensing systems operate in Lao PDR. The Ministry of Industry and Commerce in close consultations with relevant ministries and state agencies defines the list of goods subject to automatic and non-automatic import licensing systems. This consultation mechanism is carried out based on general principles set-out by Decree No. 114/GoL.

Defining and supervising the implementation of the policy for import licensing for each type of goods fall under the responsibility of the ministry supervising such goods. For example, the Ministry of Health defines and supervises the implementation of the policy for import licensing of medicines and food. In addition to supervising the implementation of the policy for import licensing, the Ministry of Industry and Commerce serves as the focal point to inform the public of the list of goods subject to import licensing requirements in order to facilitate international trade. The rules and regulations for import licensing procedures are administered in a transparent, fair and impartial manner.

Purpose and coverage of licensing

2. The list of goods subject to automatic and non-automatic licenses mentioned in Annex A and Annex B of the Notification no. 0076/MOIC.DIMEX, dated 13 January 2012 are the following:

Annex A

- 1) Road vehicle, except road vehicle with three wheels;
- 2) Petrol and gas;
- 3) Logs, trunks, barks and transformed timber;
- 4) Unmilled rice, low standard rice, premium rice, semi-milled or fully milled rice whether filtering or not;
- 5) Steel bars and transformed steel;

¹ See document G/LIC/3.

- 6) Cement, mortar, concrete;
- 7) Printing product;
- 8) Mineral and Mineral products; and
- 9) Timber exploitation machines, logging machines, chain saw including parts and equipment thereof.

Annexe B

- 1) gold bars;
- 2) explosives used in industry; and
- 3) guns and bullets for training and sports.

3. The licensing regime applies to products originating in and coming from all countries.

4. Automatic import licensing is applied for statistical and monitoring purposes. The licensing is not intended to restrict the quantity or value of imports.

The non-automatic licensing regime is not intended to restrict the quantity or value of imports. The purposes of utilizing non-automatic import licensing procedures are necessary for national security; protection of human, animal or plant life or health; or protection of environment.

5. The licensing system is a statutory requirement of Decree No. 180/PM as implemented by relevant authorities of the Lao PDR. The legislation does not leave designation of products to be licensed to administrative discretion. The licensing system may be abolished without legislative approval.

Procedures

6. Not applicable.
7. No quantitative limit on importation of a product or on imports from a particular country.

In the case of Automatic licensing regime

- (a) In accordance with Article 2.2(a)(ii) of WTO Agreement on Import Licensing Procedures, an application for a licence may be submitted on any working day prior to the customs clearance as defined by Article 6.2 of the Decree No. 180/PM. Properly submitted applications shall be approved immediately on receipt, to the extent administratively feasible, but within a maximum of 10 working days.
- (b) A licence can be granted immediately on request, to the extent administratively feasible.
- (c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.
- (d) Consideration of licence applications is effected by a single administrative body.

In the case of Non-automatic licensing regime

- (a) The applications must be processed within 30 working days.
- (b) Licence cannot be granted immediately on request.
- (c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.
- (d) Consideration of licence applications is effected by a single administrative body.

8. Beyond the failure of an applicant to meet standard criteria, a request for import licence may be refused by the relevant authority. The reasons for refusal of issuing a licence are provided in writing to the applicant. The applicants have the right to appeal against such a refusal in front of

the higher authority and/or to seek recourse to the court of the Lao PDR in accordance with the Law No. 7/NA of 9 November 2005 "On Handling Petition" to reverse such a refusal.

9. All individuals, entities and organizations are eligible to apply for a licence as long as they meet the specific requirements.

10. The application for a licence contains the general information regarding the applicant (name, address, contact details) and product in question (quantity, value, country of origin, point of importation).

The following documents have to be annexed to the application for a licence:

- Copy of valid enterprise registration certificate or concession certificate (for applicants domiciled in Lao PDR);
- Copy of valid business registration certificate issued by the competent authority of the relevant country (for applicants residing outside of Lao PDR); or
- Copy of Valid ID card or Passport.

11. At the time of actual importation, the import licence must be presented to the customs at the port where the entry takes place.

12. Please refer to Presidential Decree No. 003/PPO of 26 December 2012 "On Fees and Service Charges".

13. No deposit or advance payment is required in connection with the issue of licenses.

Conditions of licensing

14. An import licence is valid for one year and can be extended not exceeding three months.

15. There is no penalty for the non-utilization or a portion of a licence.

16. Import licence is not transferable.

17. There are no other conditions attached to the issue of a licence.

Other Procedural requirements

18. There are no other administrative procedures required prior to importation.

19. Foreign exchange is provided for goods to be imported as agreed between commercial banks and importers.
