

Unofficial translation



**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

Ministry of Finance

No. 2109/MOF
Vientiane Capital, date 26 June 2015

Decision

**On Implementation and Operation for the Development, Implementation and Operation of
National Single Window on Customs Procedures**

- Pursuant to the Customs Law No.04/NA, dated 20 December 2011;
- Pursuant to the Electronic Transaction Law No. 20/NA, dated 07 December 2012;
- Pursuant to the Decree on the Implementation and Operation of the National Steering Committee on Economic Integration No. 14/GO, dated 23 January 2015;
- Pursuant to the Forwarded Letter from the Department of Law, No. 433/MJ.PO, dated 01 April 2015.

The Minister of Finance hereby issued a Decision:

**Part I
General Provision**

Article 1: Objective

This Decision sets locations, functions, duties, rights, organizational structure, working system, and principles for development, implementation and operation of National Single Window on Customs Procedures to facilitate request and approval procedures for customs procedures for imports, exports and goods in transit by using modern electronic system in information and document exchange between governments, government and private sector and between private sectors in order to facilitate trade, enhance speed of goods distribution, reduce trade costs, increase competitive capacity in country, contribute to national socio-economic development and prepare for integrating to ASEAN Single Window.

Article 2: System Duties

National Single Window on Customs Procedures is electronic declaration system for documents that enable government sector and business sector related to import, export and goods in transit to exchange information, documents via single window in order to operate request and approval procedures in accordance with relevant laws and regulations.

Article 3: Government Policy on International Integration

This Decision is in line with government policy on economic integration especially commitments of Lao PDR under the signatory of Agreement to Establish and Implement the ASEAN Single Window in 2005. This Decision gives full rights to the development, implementation and open the start the operation of Single Window to enable transferring of documents, forms, statistics and all information in electronic form through such system, which is considered as necessary for business transactions that related to import, export and goods in transit procedures.

Article 4: Scope of Application

This decision applies to individuals or juridical persons that operate business via Single Window, including government officials, line ministries, departments, State-owned enterprises and private sector or any private companies that are related to the development and/or operation of the National Single Window on Customs Procedures.

Article 5: Operation Principles

The development, implementation and start operation of the National Single Window on Customs Procedures shall follow principles as below:

1. Ensure the compliance with domestic regulations and international standard;
2. Ensure the facilitation in document procedures via such system;
3. Enhance equal, harmonized and transparent services;
4. Encourage contribution and lead of line ministries;
5. Ensure frugal and economical worth;
6. Protect personal information and trade secret.

Part II

Organizational Structure

Article 6: Organizational Structure

Minister of Finance has the rights to approve the organizational structure for the operation related to the National Single Window, as below:

1. The Committee on the Development, Implementation and Start Operation of the National Single Window on Customs Procedures

2. Institutional arrangement;
3. National Single Window on Customs Procedures Developer;
4. Supervisory and Management Mechanism of National Single Window on Customs Procedures;

Article 6.1: Committee Structure

Members of Committee on the Development, Implementation and Start Operation of the National Single Window on Customs Procedures comprise of:

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|--|----------------|
| - Minister of Finance | President |
| - Director General of Customs Department, Ministry of Finance | Vice President |
| - Head of Permanent Office, Minister of Science and Technology | Vice President |
| - Representatives from line ministries | Members |

Relevant line ministries comprise of:

- 1) Ministry of Finance: Department of Taxation, Department of National Reserves, Information and Technology Center;
- 2) Ministry of Industry and Commerce: Department of Import-Export, Enterprise Registration Department;
- 3) Ministry of Public Works and Transport: Department of Transport;
- 4) Ministry of agriculture and Forestry: Department of Planning, Department of Plantation, Department of Live-stocks and Fishery, Department of Plant and Animal Protection;
- 5) Ministry of Information, Culture and Tourism: Department of Culture;
- 6) Ministry of Health: Department of Food and Drugs, Department of Supplementary Registration;
- 7) Ministry of Foreign Affairs: Department of Diplomatic, Department of International Organizations;
- 8) Ministry of Science and Technology: Department of Technology;
- 9) Bank of Lao PDR: Department of Monetary Policy;
- 10) Ministry of Energy and Mines: Department of Mining, Department of Energy;
- 11) Ministry of Water Resources, Nature and Environment: Department of Pollution Management;
- 12) Ministry of Planning and Investment: Department of Investment Promotion;
- 13) Government Office: Permanent Office, Department of Economic Analysis;
- 14) Ministry of National Defence: Permanent Office;
- 15) Ministry of National Security: Permanent Office;
- 16) Ministry of Post and Telecommunication: Permanent Office;
- 17) Ministry of Justice: Department of Laws;
- 18) Special and Specific Economic Zones: Committee on Special and Specific Economic.

Article 6.2: Institutional Arrangement

Institutional arrangement comprises of:

- Secretariat
- Legislative Research Unit, Procedures and other Specific Technical in each sector.

The Department of Customs is assigned as the Secretariat and focal point to coordinate with the system development company and both government and private sectors such as departments in relevant line ministries, the president of Lao National Chamber of Commerce and Industry, the president of Lao International Freight Forwarders Association (LIFA), warehouses, Young Entrepreneurs Associations of Laos, insurance companies, commercial banks and other private organizations in order to ensure effectiveness in development, implementation, operation and usage of National single Window on Customs Procedures.

Article 6.3: National Single Window on Customs Procedures Developer

The Secretariat is assigned to operate research and suggest the Minister of Finance on approval, procurement and assigning National Single Window on Customs Procedures Developer, which can be a private or government organization that has capacity and experience in developing information and technology system.

Article 6.4: Supervisory and Management Mechanism of National Single Window on Customs Procedures

The Secretariat is assigned to operate research and suggest the Minister of Finance on approval of the establishment and personnel in the Supervisory and Management Mechanism of National Single Window on Customs Procedures that can be an organization that work on full time basis and comprises of staff with experiences in developing information and technology system, importation, exportation, and international transportation.

Part III Rights and Duties

Article 7: Duties and Scope of Rights

The Committee has rights and duties as following:

- 1) To consult internally and approve the participation of relevant government and private sectors in provision of all issues related to the establishment of the National Single Window on Customs Procedures in order to seek solutions for problems together and for consensus with the same objective;
- 2) To set scope of all main responsibilities and regulations of each relevant sectors that are conditions for the establishment of the National Single Window on Customs Procedures in order to ensure the effectiveness of its operation;
- 3) To suggest Ministerial level of line ministries to consider facilitation in supply of information related to laws, decrees, regulations that are necessary for the development of the National Single Window on Customs Procedures including assign the rights to individuals or organizations on importation of the National Single Window on Customs Procedures;
- 4) To suggest Ministerial level of line ministries to consider revising existing laws, decrees, regulations in order to ensure smooth operation of the National Single Window on Customs Procedures;

- 5) To check demand level of businesses, banks, customs declaration service providers, warehouse managers, transport companies, insurance companies, distribution companies, and other stakeholders in order to specify in the service supply contract to be a reference for the operation of the National Single Window on Customs Procedures;
- 6) To report periodically to Ministerial level of line ministries on the progress of the establishment of the National Single Window on Customs Procedures and suggest working procedure improvement in order to ensure the effectiveness of the National Single Window on Customs Procedures;
- 7) To closely and regularly consult with supervisory authorities and system management of the National Single Window on Customs Procedures;
- 8) To suggest government to consider approval of issues that have impacts on security of government operation, sustainability of macro-economy, peace and society security i.e. Lao PDR.

Institutional Arrangement has duties and scope of rights as following:

- 1) To be a coordination focal point with relevant government and private sectors;
- 2) To lead the research, request for comments from relevant sectors on the content of contract document, assign the rights for the Implementation and Operation of National Single Window on Customs Procedures;
- 3) To be a coordination point between the system developer and line ministries that are related to the Implementation and Operation of National Single Window on Customs Procedures;
- 4) To build supervisory mechanism for the effective Implementation of National Single Window on Customs Procedures and supply to demand of development of each relevant stakeholders;
- 5) To research and consult about issues that are relevant to the Implementation and Operation of National Single Window on Customs Procedures in order to swiftly provide solution to problems from each period;
- 6) To research, suggest, draft and revise legislation related to the Implementation and Operation of National Single Window on Customs Procedures in order to ensure consensus legal effectiveness;
- 7) To lead the monitor, development evaluation and the Implementation and Operation of the National Single Window on Customs Procedures in order to ensure such system development to be compliant with socio-economic development policy of government in each period.

National Single Window on Customs Procedures Developer has duties and scope of rights as following:

National Single Window on Customs Procedures Developer has duties to coordinate, consult, research and suggest issues related to the development, implementation, and supervisory of the National Single Window on Customs Procedures as stated in the contract to transfer rights

for the development of the National Single Window on Customs Procedures as well as strictly follow laws and regulations of Lao PDR.

Supervisory and Management Mechanism of National Single Window on Customs Procedures has duties and scope of rights as following:

Supervisory and Management Mechanism of the National Single Window on Customs Procedures is an organization working on full time basis, that has swift ability as a leader in assigning personnel, finance and procurement supervisory in order to supply to demand from the operation of the National Single Window on Customs Procedures. Such organization may be in a form of state-owned enterprise or private company.

Supervisory and Management Mechanism of the National Single Window on Customs Procedures has supervisory and general coordination duties related to the operation of the National Single Window on Customs Procedures in order to effective operation as well as perform duties as following:

- 1) To provide measures on management that are transparent, fair, can be monitored in order to enable effective operation of the National Single Window on Customs Procedures and to be compliant with laws and regulations of Lao PDR;
- 2) To ensure there are facilities, equipment, personnel and other resources that are necessary to effectively operate the National Single Window on Customs Procedures;
- 3) To Ensure the appropriateness and quality of the installation, expansion, connection and operation between all suppliers that are related to facilities, equipment and softwares;
- 4) To Coordinate with governmental organizations that are relevant to planning, designing and setting detailed standards for pilot system testing;
- 5) To perform procurement for international consultants, be responsible for facilitation and operation in fields.
- 6) To conduct training for government officials and all relevant stakeholders especially business sector;
- 7) To monitor, inspect the creditability of information stored in the National Single Window on Customs Procedures;
- 8) To Perform inspection for causes, faults and ensure the correction of mistakes;
- 9) To Set up enquiry service unit on the operation of National Single Window on Customs Procedures; provide principles and operation procedures as well as perform staff procurement to be responsible for managing such service unit;
- 10) To allocate and train staff in the organization to increase their knowledge and enable them to perform duties and maintain information facilities;
- 11) To ensure efficient coordination and operation of the National Single Window on Customs Procedures in all relevant government organizations;
- 12) To test for effectiveness of system operation by setting target, verifying, assigning rights;

- 13) To inspect for an abnormality that arise from the National Single Window on Customs Procedures, in case of a legal violation it shall be reported to responsible officers;
- 14) To periodically present results from research on fees collection from using the National Single Window on Customs Procedures;
- 15) To disseminate monthly information on website about work related to the National Single Window on Customs Procedures and take lead in organizing workshop for businesses and government organizations to use the National Single Window on Customs Procedures;
- 16) To summarize and report annually or based on demand of the government on the outcomes of the National Single Window on Customs Procedures operation as well as provide recommendations on necessary improvement for better operation of the National Single Window on Customs Procedures.

Meeting and Reporting System:

The committee is to lead organizing meetings at least 2 times a year or periodically based on actual demand in accordance to the scope of rights and duties provided in article 8.

Part IV **The Supervisory and Usage of** **the National Single Window on Customs Procedures**

Article 8: System Entry and Information Exchange in the National Single Window on Customs Procedures

Ministry of Finance is to lead the issuance of regulations, principles for the system entry and information exchange in the National Single Window on Customs Procedures.

Line ministries and government organizations related to business transactions of importation, exportation and international transportation in Lao PDR has the rights to receive and use information, statistical figures from the National Single Window on Customs Procedures and has the rights to supply information, statistical figures to the National Single Window on Customs Procedures in order to achieve objectives and perform their duties that are relevant to import licensing procedures, export and cross-border goods transportation.

Article 9: Conditions for Provision of System User ID, Verification of System User ID, Scope of Rights of Users.

Based on the cooperation and coordination with line ministries, the Committee presents to the Minister of Finance to approve principles related to the regulations on provision of system user ID procedures, verification of system user ID, scope of rights of users, including civil servants, businesses, customs declaration service providers, and users of the National Single Window on Customs Procedures and others. Such regulations shall allow the usage of information technology for electronic transactions, in accordance with international standards on information exchange security and objectives of connecting to the ASEAN Single Window.

Article 10: Quality Guaranty of Information

Users of the National Single Window on Customs Procedures (including civil servants, businesses, customs declaration service providers and others) that supply information data to the National Single Window on Customs Procedures will be solely responsible for the accuracy and creditability of such information. Individuals or juridical persons who send inaccurate or not complete information shall be responsible in front of the civil and criminal laws of Lao PDR.

Institutional arrangement shall lead the research, mechanism and issue regulations in order to ensure accuracy and creditability of information that are supplied to the National Single Window on Customs Procedures, which the establishment of such system will provide mechanism for system entry and record of information data.

Article 11: Record and Maintenance of Electronic Information

The Decision allows the record and maintenance of electronic information sent to the system, which have passed the procedures and disseminated between line ministries or governmental organizations related to the National Single Window on Customs Procedures. Based on close consultation with all stakeholders, the Committee presents to the Minister of Finance to approve in principle of regulations and procedures for record and maintenance of each type of information to be in a form of electronic documents. Information data that are recorded and maintained in the National Single Window on Customs Procedures will be effective and legally enforced in Lao PDR and are considered as equivalent to paper documents in the time of justice procedures regardless whether to be related to government actions or business actions.

Article 12: Protection of Figures and Security of Information

Based on close consultation with line ministries, the Committee presents to the Minister of Finance to consider an approval of principles, regulations and procedures for information submission and information data evaluation in the National Single Window on Customs Procedures in order to protect personal and secret information by ensuring compliance with practices and international standards on security of information data. Such regulations shall be compliant with security standards of information data that are accepted in the ASEAN Single Window on Customs Procedures.

Article 13: Protection of Privacy

For the inspection and supervisory of the National Single Window on Customs Procedures, the Committee shall ensure there is a protection of privacy of all users in the system at all time. Any personal information or trade information of system users shall not be disclosed to the third parties unless there is a necessity in daily operation of the National Single Window on Customs Procedures or using such information in the law cases in civil and criminal courts.

Relevant line ministries and employees of such ministries shall receive appropriate training on how to protect secret and on conditions to secret protection and techniques to protect security of information that are personal secret of system users. Regulations of privacy protection of system users is effective on individuals who violate system users' privacy of the National

Single Window on Customs Procedures regardless whether they are government actions, business actions or others.

Article 14: Collection of Fees

Based on close consultation with line ministries, the Ministry of Finance has the rights to periodically collect fees for using the National Single Window on Customs Procedures according to the suggestion of the Committee. Setting the fees for using the system shall be appropriate, reasonable, and suit the business operation environment of the country in each period.

This Decision allows the payment process of all fees such as fees for using the National Single Window on Customs Procedures, duties-taxes, fees on electronic licensing of relevant line ministries through record of information in the National Single Window on Customs Procedures; assigns the Ministry of Finance to consult with all stakeholders in order to improve mechanism, procedures and regulations in payment and allocation of revenue from duties-taxes and all fees by ensuring technical security of the National Single Window on Customs Procedures to be compliant with international standards and laws and regulations of Lao PDR.

Part V

Relationships with Laws of Lao PSR

Article 15: Relationships with Civil and Criminal Laws

Civil and criminal laws are effective on cases where there is misuse of the National Single Window on Customs Procedures with the objectives of causing destroy creditability, damages and/or assault others.

Article 16: Relationships with the Law on Customs and Regulations on Customs

The operation of the National Single Window on Customs Procedures is related to some Articles of the Law on customs and regulations on customs that are currently applicable and will be revise in the future. The Supervisory and Management of the National Single Window on Customs Procedures shall coordinate with the Department of Customs to ensure internal harmonization, dissemination of regulations related to this Decision, Laws on Customs and Regulations on Customs including technical conditions and legislative regime of the ASEAN Single Window on Customs Procedures.

Article 17: Relationships with the Law on Electronic Transactions

The Law on Electronic Transactions is effective on all electronic transactions under the operation of the National Single Window on Customs Procedures.

Part VI

Disputes Settlement

Article 18: Disputes Settlement

The Supervisory mechanism for the operation of the National Single Window on Customs Procedures will settle disputes between individuals or organizations who uses the

National Single Window on Customs Procedures with peaceful method or arbitration between each side of disputes in accordance with the Law on Economic Disputes Settlement of Lao PDR dated 2005. Measures of ASEAN regulations on the Improvement of Mechanism for Disputes Settlement that were established in Vientiane Capital on 29 December 2004 is effective on any disputes arise from the Decision on the Establishment and Implementation of the ASEAN Single Window dated 9 December 2005 and the Regulation on the Establishment and Implementation of the ASEAN Single Window in the year 2006. The disputes settlement between Lao PDR and other countries who are not an agreement partners in this Decision or the ASEAN Regulations mentioned above shall settle with peaceful method by negotiations or arbitrations.

Part VII

Final Provision

Article 19: Seal and Budget

Institutional arrangement performs research, design seal, logo, marks or other characters that will be part of the operation related to the Development, Implementation and Operation of National Single Window on Customs Procedures in order to present to the Minister of Finance for consideration of approval.

Article 20: Coordination and Implementation

Institutional arrangement coordinates with relevant line ministries and businesses in order to implement and disseminate this Decision. Individuals and organizations who violate this Decision and regulations related to this Decision will receive warning, control measures, fines and bring to a court in accordance with relevant laws.

Article 21: Effectiveness

This Decision is effective from the date of signature.

Minister of Finance

(Signature and Seal)

Dr. Lian Thikeyo