**Unofficial translation**



**Lao People’s Democratic Republic**

**Peace Independence Democracy Unity Prosperity**

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**Ministry of Communication, Transport**

**Post and Construction No.: 104/MCTPC**

**Dated: 12 January 2000**

**Regulation**

***on***

**Waterway Transport**

* Pursuant to the Prime Minister’s Decree No.: 66/PMO, dated 20 May 1999 on the Organization and Operation of the Ministry of Communication, Transport, Post and Construction.

**The Minister of Communication, Transport, Post and Construction**

**hereby issues Regulation:**

**CHAPTER I**

**General Provisions**

**Article 1. Objectives**

 This Regulation is issued in order to manage the organization and operation of internal and international waterway transport in accordance with the directions and policies of the Party and laws and regulations ensuring efficient service and safety.

**Article 2. Definition of Waterway Transport**

 Waterway transport refers to the transport of goods, passengers, materials, or animals by any types and sizes of vessels or on internal rivers, reservoirs, lakes, canals, other waterways, and borders waterway between countries.

**Article 3. Obligations for Waterway Transport**

 Transporters by waterway transport are obliged to ensure safety and environmental and socio-economic order. Moreover, transporters shall fulfill other obligations in accordance with applicable laws and regulations.

 A private boat is also required to fulfill such obligations.

**Article 4. Scope of Application**

 This Regulation applies to the goods and passenger transport business operation including specific and private transport by boats or ships run or trailed by all kinds and sizes of motors in Lao PDR and between countries, except for traditional transport such as by a motor boat, a paddle boat and a raft.

**CHAPTER II**

**General Regulation for the Management of Waterway Transport**

**Article 5. Types of Waterway Transport**

 Waterway transport in the Lao PDR consists of the following:

1. ‘Waterway transporting enterprise’ refers to internal and international waterway transport services;
2. ‘Specific transport’ refers to the transport of goods, equipment, materials, animals, or people specifically serving its own enterprise or organization;
3. ‘Private transport’, refers to the transport of equipment, materials, animals, or persons to serve personal affairs that is not a specific transport and not general transport services.

**Article 6. Scope of Waterway Transport**

 The scope of waterway transport refers to the specified area of waterway routes for goods and passenger transport ships, which is classified into two types as following:

* Internal transport;
* International transport.
1. Internal waterway transport refers to transport along the rivers within a province or between provinces;
2. International waterway transport refers to transport along rivers from the Lao PDR to foreign countries and vice versa.

**Article 7. Types and Sizes of Transporting Ships**

 Transport ships are divided into two types and three sizes:

1. Goods-transport ships consist of three sizes:
* ‘Small-sized goods-transport ship’ refers to a transport ship with a capacity of less than 5 tonnes;
* ‘Medium-sized goods-transport ship’ refers to a transport ship any sizes including pulling-trailing ship with a capacity of over 5 tonnes;
* ‘Large-sized goods-transport ship’ refers to a ship any sizes including pulling-trailing ship with a capacity of over 50 tonnes;
1. Passenger-transport ships consist of three sizes:
* ‘Small-sized passenger-transport ship’ refers to a ship with 5 to 15 seats;
* ‘Medium-sized passenger-transport ship’ refers to a ship with over 15 seats but not exceeding 50 seats;
* ‘Large-sized passenger-transport ship’ refers to a ship with more than 50 seats.

**Article 8. Eligible Criteria for a Helmsman**

 A helmsman shall meet the following criteria:

* To have a valid shipmaster’s license in accordance with laws and regulations;
* To have good health
* To comply with operating ships laws and regulations;
* To operate a ship within the given time stipulated by regulations;
* To not operate a ship when under the influence of alcoholic or taking drugs.

**Article 9. Technical Inspection**

 All transport ships must pass the technical inspection and have a certificate of such inspection place in the ship according to regulations.

**Article 10. Docking of Ships**

 All transport ships shall dock at and depart from goods or passenger ports or harbors stipulated by the Communication, Transport, Post and Construction authority.

**CHAPTER III**

**Approval for Waterway Transport Operation**

**Article 11. Approval for Waterway Transport Operation**

 Approval for internal and international waterway transport operation shall comply with Article 16, 17, 18, and 19 of the Business Law and the Law on the Promotion of Domestic Investment. Foreign investment shall comply with Articles 23, 24, 25, and 26 of the Law on Promotion and Management of Foreign Investment in the Lao PDR and other applicable laws and regulations.

**Article 12. Criteria for Applicants who will receive Approval for Waterway Transport Business**

 Individuals, legal entities, or organization that receives an approval to incorporate and register a waterway transport business shall have the following criteria:

* Having professional waterway transport capability;
* Having financial capability;
* Conducting the waterway transport profession honestly.

 In addition to the above criteria, an applicant shall comply with requirements stipulated in the Business Law and waterway transport related laws and regulations.

**Article 13. Use of Enterprise Registration Certificate for Waterway Transport**

 An enterprise registration certificate for a waterway transport cannot be used by, leased out to, or transferred to others.

**Article 14. Criteria of Ships to be used in the Waterway Transport Enterprise, Specific, and Private Transport**

 A ship to be used for the operation of waterway transport enterprise, specific, and private transport shall meet the following criteria:

* To be registered as a transport ship;
* To have a registered ship number plate;
* To have a proper standard based upon technical transport requirements;
* To have insurance;
* To pay fees or fulfill obligations in accordance with regulations.

 In addition, Items 1 and 4 of Article 61 of the Customs Law shall be complied.

**Article 15. Insurance**

 A ship used for the operation of waterway transport enterprise, specific, and private transport shall have insurance, especially third-party insurance. For international transport ships, apart from the third-party insurance, helmsman and all assistants are required to have insurance.

**Article 16. Transport Ship Master’s License**

 A transport ship master’s license refers to a permit issued to a transport enterprise ship based on types, technical standards, and transport area approved by a Communication, Transport, Post and Construction authority.

 A ship used for specific or private transport to serve an enterprise or a business shall also have a ship master’s license.

**Article 17. Transportation of Dangerous Materials**

 For transportation of dangerous materials such as chemicals, flammable substances, or explosive materials by a transport enterprise, specific, or private transport, it shall be permitted by the Ministry of Communication, Transport, Post and Construction on the basis of cooperation with relevant authorities and shall strictly comply with regulations regarding the transportation of dangerous materials.

**Article 18. Responsibility of a Waterway Transporter**

 A transporter for waterway goods transport shall be responsible for compensation if the goods are not transported to the destination, for a delay which disadvantages to the owner of the goods, and for damage caused to or loss of goods because of transporter’s fault.

 A transporter for waterway passenger transport shall be responsible for compensation if such passenger transport does not reach the destination, if passengers are unsafe, or for loss of passengers’ personal items because of transporter’s fault.

 In addition, the transporter may be sanctioned by criminal measures in case of criminal offenses.

**CHAPTER IV**

**International Transport**

**Article 19. International Waterway Transport**

 International waterway transport shall follow an agreement signed between the Government of the Lao PDR and foreign countries, a treaty or international convention to which the government is a party.

**Article 20. Foreign Transport Ships**

 A foreign transport ship operating transportation between foreign country and the Lao PDR shall dock at and depart from a port designated by the Ministry of Communication, Transport, Post and Construction, and shall comply with regulations regarding waterway traffic and laws and regulations of the Lao PDR.

**CHAPTER V**

**Awards for Good Performance and Measures against Violators**

**Article 21. Awards for Good Performance**

 Individuals or organizations providing quality waterway transport which ensures safety, social order, and good environmental protection, pays for goods- and passenger-transport fees in accordance with regulations shall be permitted to continue operating their business, and rewarded by other appropriate benefits and incentives as specified in the Law on the Promotion of Domestic Investment and the Law on Promotion and Management of Foreign Investment in the Lao PDR.

**Article 22. Measures against Violators**

 Individuals or organizations that violate this Regulation on Waterway Transport shall be educated, fined, or punished in a severe or light manner in accordance with laws and regulations.

 In addition, violators may be sanctioned by further penalties as following:

* Suspension of business.
* Withdrawal of license.
* Seizure of vehicles used when committing an offense.

**CHAPTER VI**

**Final Provisions**

**Article 23. Implementation**

 The Department of Transport in collaboration with relevant authorities are assigned to implement this Regulation effectively.

**Article 24. Effectiveness**

 This Regulation is effective from the date of signature. Any provisions or regulations which conflicts with this Regulation shall be cancelled.

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**Minister of Communication, Transport,**

**Post and Construction**

***[Signature and Seal]***

**Phao BOUNNAPHON**