

Unofficial translation



Lao's People Democratic Republic
Peace Independent Democracy Unity and Prosperity

Ministry of Industry and Commerce

No. 1206 /MOIC.DIMEX

Vientiane Capital, dated 25 December 2020

Decision

On Self Certification of Origin under the ASEAN Trade in Good Agreement

- Pursuant to the Decree on the Organization and Implementations of the Ministry of Industry and Commerce, No. 230 / PM, dated 24 July 2017;
- Pursuant to the Prime Minister's Decree on Rules of Origin for the import and export of goods, Ref. No. 228/PM, dated 22 April 2010.
- Pursuant to the proposal letter from Department of Import and Export. No 3523/MOIC.DIMEX, dated 18 November 2020;

Minister of Industry and Commerce issues the Decision as follows:

Section I

General Provisions

Article 1 Objective

This decision is to determine the principles and regulations managing the implementation of self-certification of origin under the ASEAN Trade in Goods Agreement (ATIGA) to facilitate exporters in order to ensure that the implementation of such work compliance with the laws and regulations of Lao PDR and ASEAN.

Article 2 Self-Certification of goods of origin under the ASEAN Trade in Goods Agreement

Self-certification of goods under the ASEAN Trade Agreement is the process of self-certification of exporters by using the declaration of origin of each export in accordance with the rules of origin under the ASEAN Trade in Goods Agreement.

Article 3. Interpretation of the Terms

Terms used in this Decision shall have the following meaning:

1. **Exporter** means factories and import-export companies with the rights export of goods;
2. **Certified Exporter: CE** means exporters who obtains Certificate of Rights issued by the Department of Import and Export to certify their origin under the ASEAN Trade in Goods Agreement (ATIGA);
3. **Certificate of Certified Exporter** means an official document certifying the rights to be an exporter who can self-certify the origin of goods under the ATIGA;
4. **Origin Declaration** means a document stating the details of the origin of goods that the exporter self-certifies the origin of goods in order to notify the tax authorities of the importing country on the application for special privileges, reduction or exemption the import tariffs as stipulated in the procedures for the issuance of certificates of origin under the ATIGA
5. **Self-certification of origin** means self-certification of origin under the ASEAN Trade in Goods Agreement (ATIGA).

Article 4 Scope of Uses

This Decision applies to individuals and legal entities, both internal and external, which carry out self-certification of origin under the ASEAN Trade in Goods Agreement (ATIGA) in Lao PDR.

Sector 2

Self-Certification of Origin

Article 5. Procedure for self-certification of origin

Self-certification of origin is the exporter's self-certification of origin in accordance with the Certificate of Rights issued by the Department of Import and Export which the exporter does not have to go to the authorities to certify the origin of the goods that have been granted special privileges for each export.

Self-certification of origin of each export of goods must have a Certificate of Rights that is still an active in accordance with the rules and regulations and a detailed statement of origin of the goods that contains the following information:

1. Information and code of the exporter who has the right to self-certification the origin of the goods;

2. The name of the goods, the product code according to the list of tariffs (HS Code) at the level of 06 digits, the quality and quantity of the goods;
3. Conditions of origin and the country of origin of the goods;
4. FOB price in case of applying regional value-added rules;
5. Trademark (if any);
6. In the case of back-to-back self-certification of origin, the number and date of the original document of origin and the code of the exporter who is authorized to certify the origin of the goods of the first exporter country.

Article 6. Application for Certified Exporters

Exporters who intend to do self-certification of origin under the ASEAN Trade in Goods Agreement must meet the requirements as specified in Article 7 and must submit the documents as specified in Article 8 of this Decision to the Department of Import and Export for consideration.

Article 7. Conditions of Certified Exporters

Applicants who wish to register to be a Certified Exporter should follow the conditions below:

1. Be an exporters that is a registered business has the right to produce or export goods according to the law of Lao PDR;
2. Acknowledge and understand the rules of origin of the ATIGA;
3. Experience in exporting goods and using Form D at least ten times;
4. Transparent business records in certifying the origin of goods;
5. There must be a system for recording and monitoring information on the certification of clear origin for at least three years;
6. To fulfill its obligations to the state completely and regularly.

Article 8 Documents supporting the issuance of the Certified Exporters

Documents to apply for the certified exporters shall following documents:

1. Application in the printed form prescribed by the Department of Import and Export;
2. Exporter information according to the printed form specified by the Department of Import and Export;
3. A copy of the Certificate of Product Eligibility (CPE) issued by the Office of the Certified Authority of Origin.

Article 9. Consideration of issuing the Self Certification of Certificate

After receiving the complete and correct documents, the Department of Import and Export must issue the Certificate of Certified Exporters within two working days. After issuing the certificate, the Department of Import and Export must record the information of the exporters who have been authorized in the ASEAN Self-Certification Database System.

In case of incomplete or inaccurate documents, the Department of Import and Export shall notify the applicant within one working day from the date of receipt of the document and provide instructions for the applicant to correct and complete.

In case of not being able to issue the certificate, the Department of Import and Export must notify the applicant within two working days from the date of receipt of the document.

Article 10. Validity and Renewal of Self Certification of Certificate

The certificate is valid for two years and can be renewed an unlimited number of times.

For each renewal application, the applicant shall be submitting the application form to the Department of Import and Export before the certificate expired thirty days, including the following documents:

1. Application for renewal of the certificate in the printed form prescribed by the Department of Import and Export;
2. Original Certificate of Certified Exporters;
3. A copy of the certificate of origin issued by Office of the Certified Authority of Origin.

Sector 3

Rights and obligations of exporters who obtain self certification of certificate

Article 11 The right of exporters to obtain self certification of certificate

The exporters who obtain the right to issue self certification have the rights as following:

1. Self Certification of the origin for export to ASEAN member countries according to the list of goods as specified in the certificate of certified exporters;
2. To update the information of the certificate in case there is a change in the information on the origin or the need to add the list of exported goods;
3. Obtain other rights as specified in the relevant laws and regulations of the Lao PDR.

Article 12 Obligations of exporters who obtain self certification of certificate

The exporters who obtain the right to issue self certification have the obligations as following:

1. Inform the Department of Import and Export in case of need to change the name, location, director of the enterprise unit of the exporter;
2. Keep documents related to the production of goods and completed certification of origin for at least three years from the date of self-certification of origin;
3. To cooperate in explaining, clarifying and providing detailed information on the implementation of self-certification of origin to the relevant authorities, both domestic and foreign;
4. Summarize the monthly report to the Department of Import and Export no later than the 10th day of the next month;
5. Implement other obligations as specified in the relevant laws and regulations of Lao PDR and ASEAN.

Sector 4

Prohibitions and measures against violators

Article 13 Prohibitions

Prohibited of certifies exporter's behavior as following:

1. Report false information as a matter of fact;
2. Falsification of documents or use of forged documents;
3. Certified the origin that has not specified in the certificate of certified exporters;
4. Other behavior that violates the relevant laws and regulations of Lao PDR and ASEAN.

Article 14 Measures against violators

Exporters who have been granted certificate of certified exporters for self certification against this decision will be subject to the measures as following:

1. The first offense will be warned and recorded for guilty, the second will be suspended and the third will be revoked the certificate of certified exporters;
2. To be responsible for post import duties to the importing country and other responsibilities as specified in the laws and regulations of the importing country.

Sector 5

Self-certification of origin

Article 15. Implementation of self-certification of origin

The implementation of self-certification of origin consists of two steps as following:

1. At the central level is the Department of Import and Export;

2. At the provincial level is the Provincial Department of Industry and Commerce, Vientiane Capital.

Article 16 Rights and obligations of the Department of Import and Export

The Import and Export has the rights and Obligations on Self Certification as following:

1. Research and formulate legislation, regulations on the implementation of the self certification of the origin in order to propose higher authorities for consideration;
2. Disseminate and guide the implementation of this decision and the regulations on self-certification of origin to the relevant officials of the government and the business sector to be widely informed throughout the country;
3. To consider, issue, suspend and revoke the certificate, as well as to take warning measures and make a record of acknowledging the guilt of the violators of this decision;
4. Record, amend and delete the information of exporters who have the right to self certify the origin of the Lao PDR in the system of the database of the origin of the ASEAN;
5. To be the focal point for the self-certification of the origin in order to coordinate with the relevant parties, both domestic and foreign;
6. To be in charge of organizing training for the relevant staff and exporters on the procedures and methods for the implementation of self-certification of origin;
7. To monitor and inspect the production process of goods at the factory of the exporter who has the right to self-certification of the origin in case of re-inspection of the origin by the customs authorities of the import country;
8. Summarize and report on the self-certification of the ASEAN to the Management Ministries and the ASEAN Secretariat periodically;
9. To use rights and perform other obligations as specified in the relevant laws and regulations of the Lao PDR.

Article 17 Rights and obligations of the Provincial Department of Industry and Commerce, Vientiane Capital

The Provincial Department of Industry and Commerce, Vientiane Capital has the rights and obligations on self-certification of the origin as following:

1. Disseminate, guide the implementation of this decision and other relevant regulations to the relevant officials of the government and the business sector to be widely informed within their province and capital;

2. To cooperate with the Department of Import and Export in monitoring and inspecting the premises of exporting factories that have the right for the origin;
3. To monitor the production and export of exporters who have the right for self-certification of origin within their own province, capital to summarize the report to the Department of Import and Export;
4. Use the rights and perform other obligations as assigned by the Ministry of Industry and Commerce.

Sector 6
Final Provisions

Article 18 Implementation

Assign the Department of Import and Export and the Provincial Department of Industry and Commerce, the Vientiane Capital, shall implement [this decision] in collaboration with related agencies in order to achieve highly beneficial results.

Article 19 Effectiveness

This decision shall enter into force from the date of signature and public in the official gazette 15 days.

It will be replace decision on Management and Implementation of The Second ASEAN Self Certification Pilot Project. No. 0442/MOIC.DIMEX, dated 06 March 2013.

Minister

(Signed and Sealed)

Ms. Khemani Pholsena