

**LAO PEOPLE'S DEMOCRATIC REPLUBIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

Ministry of Industry and Commerce

No 0144/MOIC.DIMEX  
Vientiane Capital, dated 26 February 2021

**Decision**

**On the Business of Importing and Exporting Precious Objects**

- Pursuant to the Law on Combating and Suppressing Money Laundering and Financing Terrorism No. 50/SPO, dated July 21, 2014;
- Pursuant to the President's Degree on the Management of Foreign Currency and Precious objects No. 01/PPD, dated March 17, 2008;
- Pursuant to the Decree on the import and export of goods No. 114/Gol, dated April 6, 2011;
- Pursuant to the Decree on the Organization and Activities of the Ministry of Industry and commerce No. 230/Ni, dated July 24, 2017;
- Pursuant to the announcement of the Department of Import and Export No. 0695/DIMEX.GAD, dated February 23, 2021.

**Minister of Industry and Commerce issued the following decision:**

**Chapter I  
General Provision**

**Article 1 Objectives**

This decision defines the principles, regulations and measures regarding the management, monitoring and inspection of the business of importing and exporting precious objects in order to make the business run properly, in accordance with the laws and regulations of the Lao PDR along with regional and international principles aimed at protecting the rights and benefits of business operators, users and the benefits of the state to contribute to the socio-economic development of the nation.

**Article 2 Import and Export Business of Precious Objects**

The business of importing and exporting precious objects is the business of buying and selling precious objects by buying from abroad to sell by wholesale-retail in Lao PDR or buy from manufacturers in Lao PDR export to overseas.

**Article 3: Definitions**

The terms used in this Decision have the following meaning:

1. **Precious objects** refer to metal and value things such as silver and gold, diamonds, pearls, precious stones, white gold and other items made of precious metals according to the Harmonized System code (HS Code) 7102, 7103, 7104, 7110, 7111, 7113, 7114, 7115 and 7116 Except for gold bars, gold beads, silver bars and silver beads non-ornament managed by the Bank of the Lao PDR and mineral products managed by the Ministry of Energy and Mines;

2. **Business license** refers to a operating business license to import and export precious objects, which is a document certifying the rights and obligations to carry out the business of importing precious objects for domestic distribution and export;
3. **Beneficiary** refers to the person who owns the ultimate benefit from any business activity or transaction, including those who have the power to control the legal entity.

#### **Article 4. Scope**

This decision applies to individuals, legal entities, both domestic and foreign, who are active in the business of importing and exporting precious objects. For the business of buying and selling precious objects within the country, there will be separate management regulations.

## **Chapter 2 Business Operation of Import and Export of Precious Objects**

#### **Article 5 Conditions of Business Operation for Import and Export of Precious Objects**

Business operation for import and export of precious objects shall meet the following conditions:

1. Have been a legal entity registered as an enterprise in accordance with the Law on Enterprises;
2. Have a business license to import and export precious objects;
3. Have a capital for business operations with a clear source and shall deposit in the account of the business at least 30% of the registered capital;
4. Business operators and shareholders shall have a clear profile of never being convicted by a court of first offense as stipulated in Article 8 of the Law on Combating Money Laundering and Financing Terrorism.

#### **Article 6 Required Documents for Applying a Business License**

To apply for a business license of import and export precious objects require the following documents to be submitted to the Department of Import and Export:

1. Completed application in accordance with the format of the Department of Import and Export;
2. A copy of the enterprise registration certificate and a copy of the application package for enterprise registration;
3. Statement of business operators and shareholders for ninety days from the business bank and financial certificate from a bank established in Lao PDR.
4. Criminal Record Certificate of business operators and shareholders according to the conditions stipulated in clause 4, article 5 of this Decision

#### **Article 7 Consideration of Issuing the Operating Business License**

After receiving complete and correct documents as stipulated in Article 6 of this Decision, the Department of Import and Export shall consider to issue the operating business license within three working days from the date of receiving the documents.

In case the document is incomplete or incorrect the Department of Import and Export must notify the applicant immediately to correct it.

In the case of not being able to issue the operating business license the Department of Import and Export shall notify the applicant the reason in official letter within two working days from the date of receipt of the document.

#### **Article 8 Valid date, Extension and Content Modification of Operating Business License**

The business license for the import and export of precious objects is valid for five years and can be renewed by submitting a document for renewal thirty days before the expiration date.

Renewal and modification of the content of the business license must be submitted to the Department of Import and Export as follows:

1. Application in accordance with the format of the Department of Import and Export;
2. The original version of the business license for importing and exporting precious objects.

#### **Article 9 Cancellation or Elimination of Operating Business License**

The operating business license to import and export precious objects will be canceled or elimination in the following cases:

1. Business operators do not fulfill their obligations as stipulated in Article 12 of this Decision;
2. Business operators propose to stop business operations voluntarily;
3. There is a judgment issued bankruptcy by a People's Court or to stop doing business according to the law.

#### **Article 10 Import and export of precious objects**

After obtaining the operating business license for the import and export of precious objects, business operators can import and export precious objects by completing the documents according to the regulations and customs declaration procedures at the checkpoint.

### **Chapter 3**

#### **Rights and Duties of Business Operators to Import and Export of Precious Objects**

#### **Article 11 Rights of Business Operators to Import and Export Precious Objects**

The import and export business operators of precious objects have the following rights:

1. Importing precious objects for distribution and exporting precious objects as specified in the business license;
2. Apply for renewal, modification of information or cancellation of business license;
3. Have other rights as stipulated in the laws and regulations of the Lao PDR.

#### **Article 12 Obligations of Import and Export Business Operators**

Import and export business operators of precious objects have obligations the following:

1. Pay taxes and other obligations according to the laws and regulations of the Lao PDR;
2. Provide an annual business plan within ninety days from the date of issuance of the business license according to the format as defined by the Department of Import and Export;
3. Create internal regulations on combating money laundering and terrorist financing;
4. Summarize and report actual import and export statistics to the Department of Import and Export, Ministry of Industry and Commerce. The six-month report is to be sent before the 30th of May, while the annual report is to be sent before the 30th of December every year. The Department of Import and Export will create a format form for import and export precious objects business operators to compile and report uniformly across the country.
5. Keep a complete set of documents related to the actual business of import and export, such as applications, business registrations, financial account activity reports, purchase

- or sales contracts with buyers or sellers in the case of import or export for distribution, repair orders from customers in the case of import or export for repair, Invitation documents to participate in exhibitions or related documents in case of import or export to participate in exhibitions and other related documents within a period of five years;
6. Collected summaries and provide detailed information on domestic and foreign customers and transactions as defined in the Law on Combating Money Laundering and Terrorist Financing to the Department of Import and Export on a regular monthly, quarterly, six-monthly and yearly;
  7. Notify the Department of Import and Export and other related sectors before fifteen business days in case of changes of the information of business operators and shareholders including real beneficiaries, suspension or cancellation of business;
  8. To cooperate in monitoring and providing information to the Department of Import and Export and other related sectors as proposed and unconditionally;
  9. To fulfill their obligations as stipulated in the Law on Anti-Money Laundering and Financing of Terrorism and other obligations according to laws and regulations.

## **Chapter 4**

### **Business Management of Import and Export Precious Objects**

#### **Article 13 Business Management of Import and Export Precious Objects**

Business Management of the import and export of precious objects includes three steps as follows:

1. The central level is the Department of Import and Export;
2. The provincial level is the Department of industry and commerce of the province, the capital city;
3. The district level is the Office of industrial and commercial of the district or city.

#### **Article 14 Rights and Duties of the Department of Import and Export**

The Department of Import and Export has the following rights and duties:

1. To consider, make and improve regulations on the business management of the import and export of precious objects to offer to the upper-level consideration by creating and improving them in accordance with the conventions and international agreements that the Lao PDR is a party to or the condition of economic growth of the Lao PDR;
2. Disseminate this decision along with related laws and regulations, information on the import and export of precious objects for society to be aware of across the country;
3. Check the correct and keep the documents of the import and export business of precious objects for five years as well as check all the changes that the import and export business has notified to ensure complete accuracy according to the regulations;
4. To issue, suspend, withdraw, cancel, re-issue business licenses to import and export precious objects;
5. Coordinate with the Department of Industry and Commerce of the province, the capital city, the office of industry and commerce of the district, city and related agencies to manage and monitor the activities of business operators importing and exporting precious objects across the country;
6. Summarize and report on the implementation of management activities of the business import and export of precious objects to the upper level regularly;
7. Use rights and perform other duties as prescribed by law and regulations.

### **Article 15 Rights and Duties of the Department of Industry and Commerce in the Province or the Capital City**

The Department of Industry and Commerce of the province or the capital city has the following rights and duties:

1. Disseminate guidance on the implementation of this Decision along with other related policies, laws and regulations, information on the import and export of precious objects for the general public to be aware of within the boundaries of their provinces and capitals;
2. Encouraging and monitoring the activities of the import and export business of precious objects established in the province, the capital city, in fulfilling their obligations and operating in accordance with the law;
3. Propose to the Department of Import and Export to consider suspending or revoking the business license in the case of a business operator importing and exporting precious objects established in the province, the capital city if it does not comply with its rights and obligations stipulated in this Decision or violates other relevant laws and regulations;
4. Summarize and report the managing activities of the import and export business of precious objects established in the province, the capital city, to the Department of Import and Export on a regular basis;
5. Use rights and perform other duties as assigned by the superior.

### **Article 16 Rights and Duties of the Office of Industry and Commerce of the District**

The Office of Industry and Commerce of the district has the following rights and duties:

1. Disseminate and guide for the implementation of this decision along with other related policies, laws and regulations for the public to be informed widely in their districts and cities;
2. Encouraging and monitoring the activities of the import and export business of precious objects established in the district and cities to operate in accordance with laws and regulations;
3. Summarize and report managing the activities of the import and export business of precious objects established in the district, city to the Department of industry and commerce of the province, capital on a regular;
4. Use rights and perform other duties as assigned by the superior.

## **Chapter 5**

### **Incentive to Good Performers and Measures against violator**

#### **Article 17 Incentive to Good Performers**

An individual, legal entity or organization who performs outstanding implementation of this Decision shall receive praise or other policies according to laws and regulations.

#### **Article 18 Measures against Violators**

An individual, legal entity or organization who violates this Decision shall be subject to give a warning, education, discipline, to fine, pay for the damage, compensate or criminal punishment depending on the seriousness of the violation.

## **Chapter 6**

### **Final provisions**

#### **Article 22 Implementation**

Assign the Department of Import and Export to collaborate with the Department of Industry and commerce of the province, capital city, the Office of Industry and commerce of the district, city and related agencies in the strict implementation of this decision and to be highly effective.

#### **Article 23 Effectiveness**

This Decision is effective from the date of signature and 15 days from the date of publication on Official Gazette.

**Minister**  
**Khemani Pholsena**