



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No: 57 /NA

Vientiane Capital, dated on December 24, 2014

Customs Law
(Revised Version of Certain Articles)

Customs Law (Revised version) was approved by the 2nd Ordinary Session of the VII National Assembly Meeting and was promulgated on the implementation by the Presidential Decree No. 057/President, dated January 16, 2012;

In order to be consistency with socio-economic development plan and the national revenue collection plan, the Customs Law was revised as follows:

Article 3 (Revised) Explanation of Terms

1. **Customs Administration** means the Department of Customs, Customs Border Checkpoints and other Customs Organization which are under the Ministry of Finance that are responsible for the implementation of Customs Law and other laws and regulations in a centrally uniform manner thorugout the country;
2. **Customs Authority** means a customs officer duly appointed to implement the duties in Customs Administration at each level, perform the revenue collection, monitor and investgate any customs offense in accordance with Customs Law, regulations and Law on Criminal Procedure;
3. **Other Obligations** means the fees and charges.

Aritle 69 (Revised) Appeal Settlement Commitee

The Appeal Settlement Committee shall be appointed by the Minister of Finance, consisting of two levels, as follows:

1. Appeal Settlement Committee at International Customs Border Checkpoint with the membership consisting of the Director of International Customs Border Checkpoint acting as a chairman, the representatives from Provincial/Vientiane Capital Finance Division, relevant sectors and/or customs experts from where the International Customs Border Checkpoint is located;
2. The Central Appeal Settlement Committee with the membership consisting of the Director-General of Customs Department acting as the chairman, representatives from other Departments under the Ministry of Finance, other concerned ministries and experts on Customs matters.

Article 70 (Revised) Procedures for Settling Appeals

The procedures for settling appeal on Customs valuation, HS classification and Rule of Origin shall be implemented as follows:

1. After receiving an appeal, within thirty (30) working days, the Appeal Settlement Committee at the International Customs Border Checkpoint shall proceed the settlement of the appeal and notify the decisions to the applicant accordingly.
2. In the case of non-satisfaction of decision made by the Appeal Settlement Committee at the International Customs Border Checkpoint, the applicant has the right to submit his/her appeal to the Appeal Settlement Committee at the central level within fifteen (15) days from the date of receiving such decisions;
3. In case there is an objection to the decisions of the Appeal Settlement Committee at the central level, the applicant has the right to further submit the appeal to the People's Court within thirty (30) days from the date of receiving such decisions. The People's Court decision is effectively enforceable.

Article 74 (Revised) Organizational and Personnel Structure of the Customs Administration

Organizational Structure of the Customs Administration is as following:

1. **Customs Administration consists of:**
 - Divisions; and
 - Units.
2. **Customs Border Checkpoints consist of:**
 - International Customs Border Checkpoint;
 - Local Customs Border Checkpoint; and
 - Traditional Customs Border Checkpoint.
3. **Other Customs Organization (in case of any establishment)**

The Personnel Structure of the Customs Administration is as following:

1. **Customs Administration consists of:**
 - Director-General and Deputy Directors-General;
 - Director and Deputy Directors of Divisions;
 - Head and Deputy Heads of Units;
 - Customs authorities; and
 - Some voluntary and assistance staff.
2. **Customs Border Checkpoint consists of:**
 - Director and Deputy Directors of International Customs Border Checkpoint;
 - Head and Deputy Heads of Sub-Units at International Customs Border Checkpoint;
 - Director and Deputy Directors of Local and Traditional Customs Border Checkpoints;
 - Customs Authorities; and
 - Some Voluntary officers.

The criteria and conditions including the standard requirements of each position, appointment, transfer, dismissal and re-assignment of personnel are defined in other regulations.

Article 75 (Revised) Rights and Duties of the Customs Administration (was described in the Article 111/1 and 111/2)

Article 76 (Revised) Personnel Structure (was described in the Article 74)

Article 79 (5) (Revised) the use of weapons, technical equipments and tools in performing thier duties if necessary.

Article 110 (Revised) Organization Management on Customs Activities and Performance

The Government centrally and uniformly supervises customs activities and performance nationwide by assigning the Ministry of Finance to be a direct responsible body and to be the focal point for collaboration with other ministries and relevant local administration.

Organization Management on Customs Activities and Performance consists of the following:

1. The Ministry of Finance;
2. The Customs Administration; and
3. Customs Border Checkpoints.

Article 111 (Revised) Rights and Duties of the Ministry of Finance

The Ministry of Finance has the rights and duties to administer customs activities as follows:

1. To research strategies, policy plan, laws and other regulations relating to the customs activities for submission to the government for consideration;
2. To make plans, issue regulations, agreements, decisions, orders, instructions relating to customs activities;
3. To propagate and disseminate policies, laws and other regulations relating to customs activities throughout the country;
4. To supervise, support, monitor and inspect the implementation of customs law, other regulations and the performance of the duties of Customs Administration throughout the country;
5. To develop the capacity building and training plans for customs authorities in accordance with the regulations;
6. To agree on the appointment, transfer, dismissal of customs personnel under its responsibility after the approval is made by the local administrations;
7. To cooperate and liaise with other central agencies, local administration on the implementation of law and other regulations relating to customs activities;
8. To cooperate and liaise with foreign countries, both at regional and international levels on customs activities;
9. To summarize and report to the Government and the National Assembly on customs activities regularly; and
10. To exercise the rights and perform other duties as stipulated in the laws and regulations.

Article 111/1 (Revised) Rights and Duties of the Customs Administration

The Customs Administration has the rights and duties to administer customs activities as follows:

1. To act as a secretariat to the Ministry of Finance, in doing the research on strategies, policy plan, laws and other regulations relating to Customs activities;
2. To make the research on issuance of the agreements, the orders, the instructions and technical notifications relating to customs activities;
3. To implement, disseminate the strategies, policies, laws and other regulations relating to customs activities under its jurisdiction;
4. To research and propose the establishment of customs warehouse to the Ministry of Finance for consideration;

5. To supervise, guide, encourage and monitor the organization and the implementation of customs activities carried out by customs authorities throughout the country in accordance with the law and regulations;
6. To collect and provide the export and import data and statistics on customs activities;
7. To develop the plans for capacity building, training, allocation, rotation, appointment, promotion, transfer or dismissal and re-assignment of customs personnel based on the regulations by coordinating with the local administration;
8. To research, make a decision on declarant's application based on its scope of roles and responsibilities under the laws and regulations;
9. To conduct post clearance audit activities, inspection and anti-smuggling activities, proceed and settle customs related cases;
10. Investigate customs cases and file customs cases to People's Prosecutor to litigate cases in court;
11. To coordinate and cooperate with central agencies and local administrations with regard to customs activities;
12. To implement the agreements, conventions, protocols, treaties and other international agreement in which Lao PDR is a party, coordinate and cooperate with other countries at regional and international levels on customs activities as assigned by the Ministry of Finance;
13. To summarize and report to the Ministry of Finance on customs activities regularly; and
14. To exercise the rights and perform other duties as stipulated in the laws and regulations.

Article 111/2 (New) Rights and Duties of Customs Border Checkpoint

Customs Border Checkpoint has the rights and duties to administer customs activities as follows:

1. To act as a secretariat to the Customs Administration, disseminate and implement the laws and other regulations relating to Customs activities;
2. To create and implement revenue collection plan, fees and service charges of the fiscal year in timely manner;
3. To collect customs revenue, fees and service charges to the national treasury based on the law and regulations with the transparency, in timely manner;
4. To supervise, guide, encourage and monitor the implementation of customs activities carried out by customs authorities at the Customs Border Checkpoint;
5. To provide the service, monitor and facilitate the clearance of the imported and exported goods including the goods in transit quickly and accurately in accordance with the law and regulations;
6. To consider and make a decision on the declarant's application;
7. To prevent any violations of the customs law, regulations including other related laws and regulations, take the actions against the customs offenders within its roles;
8. To monitor and evaluate the performance of customs declarants who comply with the law and regulations relating to customs activities;
9. To collect, summarize and provide the export and import data and statistics;
10. To coordinate with other concerned government agencies and local administrations relating to their performance of duties;
11. To summarize and report customs activities to the Customs Administration and local administrations regularly; and
12. To exercise the rights and perform other duties as assigned by the Customs Administration.

Article 111/3 (New) Rights and Duties of Local Administrations and Other Agencies

The other related agencies and local administrations have the rights and duties to encourage the revenue collection to be reached the plan and in timely manner and to manage the expenditure as described in the financial rule, to coordinate with related customs authorities on the management of customs activities in accordance with their roles and responsibilities.

In addition, the local administration still has the rights and duties as follows:

1. To supervise, guide on political thinking to customs authorities who perform their duties at Customs Border Checkpoint within its administration in order to raise the awareness of law and regulations relating customs activities;
2. To facilitate and involve with the dissemination of law and other regulations relating to customs activities within its administration to ensure the understanding uniformly and implement strictly;
3. To monitor, inspect, encourage and cooperate with customs authority to perform the rights and duties;
4. To provide recommendations to the Ministry of Finance to nominate, appoint, rotate, transfer, dismissal, rewards and discipline of the personnel of the Customs Administration within the local administration.

Article 114 (Revised) Rights and Duties of External Audit Organization

The External Audit Organization has the rights and duties to examine the operation of customs activities of the Customs Administration within their scope of rights and duties to ensure efficiency, transparency and fairness of customs activities.

Article 115/1 (New) The Audit of Customs Authorities

In case of doubt or complaints from individuals, entities or organizations that customs authorities are wealth unusually, involve with corruption activities the auditing organization on customs activities has the right to inspect as defined in Article 115 of this law.

Article 119 (Revised) Measures against Customs Authorities of the Customs Administration

Any customs authority of the Customs Administration who violates the Customs Law and regulations shall be punished with following measures:

1. Educate, warn and record into his/her resume if he or she performs inadequate response to the tasks assigned or makes other violations in which do not create any loss of customs revenue, fees and service charges;
2. Discipline and compensate any damages or losses caused by the violations and the violations do not consider a criminal offense but creates the loss not exceeding five million Kip (LAK).

In case of the intentional offense creates damage or losses from five million Kip he/she shall pay or compensate the damages or losses caused by offense and he/she shall be prosecuted under criminal law and/or fired from the Customs Administration without any incentives;

3. To examine if there are any complaints or appeals of people and to carry out the prosecution if the acts involve with corruption activities and violations to the prohibited notice which have full elements of criminal offense.

Article 122 (Revised) Effectiveness

This Law is effective after the President of the Lao People's Democratic Republic issues a Presidential Promulgation Decree and later the official gazette is done within fifteen (15) days.

This law replaces some certain articles of Customs Law No.04/NA dated December 20, 2011.

President of the National Assembly

[Sign and Seal]

Pani YATORTOU