



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Finance

No. 2109/MoF
Vientiane capital, dated 26 June 2015

Agreement on the Implementation and Activities of the Development and Operation of the Lao National Single Window system (LNSW)

- Reference to the Law of Customs, No. 04/ສພຊ, dated 20 December 2011
- Reference to the Law of Electronic Transaction, No. 20/ສພຊ, dated 07 December 2012
- Reference to the Decree on Implementation and Activities of National Coordinator Committee on International Economic Integration, No. 14/ລບ, dated 23 January 2015.
- Reference to the Comment Delivery Note of Law Department, No. 433/ກຍ.ຫກ, dated on 01/04/2015

The Minister of Finance issued this agreement:

Chapter I General Provisions

Article 1: Objectives

This agreement defines the location, role, duty, scope, execution of organization, working pattern, and principles of development, implementation and open the operation of the Lao National Single Window system in order to facilitate the procedure of making a request and issue permits for customs declarations for import, export and transit of goods across the border through the use of modern electronic system in the exchange of information and documents among public sectors, between public and private sectors, and among private sectors. The aim of the system is to facilitate trade, increase the faster flow of goods circulation, reduce trade capital, and increase the capacity of domestic competition on trade, contribute to the national socio – economic development and build readiness for integration with ASEAN Single Window system.

Article 2: Role of the Lao National Single Window system

The National Single Window is an electronic platform for documents declaration enabling government agencies and business sectors concerning import, export and transit goods across the border to exchange information and documents via one window in order to process the procedures of making import and export request according to the law and regulations of the concerned sectors.

Article 3: Government Policies on International Integration

This agreement is made in accordance with the guidance and policies of the government on international economic integration, especially the fulfillment of the obligations of the Lao government signing the Agreement on the Establishment and implementation of the ASEAN Single Window in 2005. This agreement has fully entitled to develop, implement and open the operation of the Lao National Single Window system in order to enable to process electronic submission of documents, forms, statistics and all of information via such a system. This system is taken as a factor needed for transaction operation in relation with the process of import, export and transit goods across the border.

Article 4: The Scope of use

This agreement shall be effective for individuals or entities involving in the operation of transactions through the Lao National Single Window system; as well as public officers, ministries, agencies, joint venture Company between the Lao government and privates or a private company concerning with the development, implementation and/or operation of the National Single Window system.

Article 5: Operation Principles

The Development, implementation and opening the operation of the Lao National Single Window system must follow the principles as follows:

1. Ensure the compliance of internal regulations and international standards;
2. Ensure the facilitation of documentation procedures through this system;
3. Upgrade the service for equality, integrity and transparency;
4. Encourage contribution and commitment of all relevant sectors;
5. Ensure economization and economic worthiness
6. Protect personal information and confidential trade data.

Chapter II Execution of Organization

Article 6: Structure of organization

The Minister of Finance has the authority to approve the appointment of organizational structure for the activities related to the Lao National Single Window system, which comprises of:

1. The Steering Committee;
2. The Supporting (secretariat, users, legislative) Committee;
3. The developer of the Lao National Single Window system system
4. The Managing and administrative organ of the Lao National Single Window system;

6.1: The Structure of Steering Committee

The member of the Steering Committee for the development, implementation and operation of the Lao National Single Window system consists of:

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|--|-----------------|
| - Minister of Finance | Chairman |
| - Director General of Customs Department | Vice – chairman |
| - Head of office, Ministry of Science and Technology | Vice – chairman |
| - Representatives from related sectors | Committee |

The related sectors consist of:

1. **Finance officer of the ministry:** Customs Department, Department of National Treasury, Information and Technology Centre;
2. **Ministry of Industry and Commerce:** Import and Export Department, Enterprise Registration and Management Department ;
3. **Ministry of Public Works and Transportation:** Transport Department;
4. **Ministry of Agriculture and Forestry:** Planning Department, Agriculture and Fishery Department, Plant and Animal Quarantine Department;
5. **Ministry of Information, Culture and Tourism:** Culture Department;
6. **Ministry of Health:** Food and Drugs Department, Supplementary Food Registration Department;
7. **Ministry of Foreign Affairs:** Diplomatic Service Bureau, International Organization Department
8. **Ministry of Science and Technology:** Technology Department;
9. **The Bank of Laos:** Monetary Policy Department;
10. **Ministry of Energy and Mine:** Mine Department, Energy Department;
11. **Ministry of National Resources and Environment:** Pollution Management Department;
12. **Ministry of Planning and Investment:** Investment Promotion Department;
13. **The Government's Office:** Office, Economic Department;
14. **Ministry of National Defense:** Office;
15. **Ministry of Public Security:** Office;
16. **Ministry of Posts and Telecommunication:** Office;
17. **Ministry of Justice:** Law Department;
18. **Special Economic Zone:** Special Economic Zone Secretariat Office

6.2: Structure of Supporting Organs of the System

The Supporting Organs of the system include:

- The Secretariat
- The Units of Regulations, Procedures and technical works of each related agency

Customs Department is assigned to be the secretariat and focal point of coordinating with the system developer's company and all of public agencies and private sectors such as relevant ministries, departments, the President of Lao Chamber of Industry and Commerce, President of LIFA, warehouse operators, Organization of Young Entrepreneurs, Insurance companies, commercial banks and other private organizations in order to ensure the effectiveness of the development, implementation, opening the operation of and the application of the Lao National Single Window system.

6.3: Developer of the Lao National Single Window System

The secretariat is assigned to process the study and presents to the Minister of Finance to approve the selection and appoint the Lao National Single Window system developer which can be a private company or a government organization with the capacity and experience in the development of IT system

6.4: The Structure of Management and Administrative Organ of the Lao National Window System

The secretariat is assigned to process the study and presents to the Minister of Finance to approve the selection and appoint personnel for the structure of management and administrative organ of the Lao National Single Window system which is an organization

being on duty full time and comprises of personnel with experience in the development of IT system in relation with import, export and transit across international border.

Chapter III

Authorities and Responsibilities

Article 7: Duties and the Scope of Authorities

The Steering Committee has the following duties:

1. To hold an internal consultation among the Steering Committee and allow concerned sectors including government agencies and private sectors to participate in identifying all of the issues concerning with the establishment of the Lao National Single Window system, aiming to mutually figure out the resolution and agree on the same common goal;
2. To set out the scope of main responsibilities and all of the regulations of each concerned sectors, which are essential conditions for establishing the Lao National Single Window system aiming for ensuring the effectiveness of the operation of the Lao National Single Window system;
3. To propose to the Minister of concerned sectors to consider and facilitate the provision of the information in relation with laws, decrees, regulations needed for establishing the Lao National Single Window system as well as to authorize any individuals or organizations to access the Lao National Single Window system;
4. To propose the Ministry of concerned sectors to consider amendment of current laws, decrees, and regulations; aiming for ensuring the flow of the Lao National Single Window system operation;
5. To inspect the level of the demands of economic operators, banks, customs brokers, warehouse operators, transport companies, insurance companies, shipping companies, and other participants; in order to mention this in the contract of service supply, aiming to consider such demands as a reference for the operation of the Lao National Single Window system;
6. To report the progress of the Lao National Single Window system establishment to the Ministers of relevant sectors periodically and to propose the improvement of some procedures ensuring effectiveness of the Lao National Single Window system operations;
7. To closely and frequently consult with the Management and Administrative Organ of the Lao National Single Window system;
8. To propose the government to consider the approval of the issues affecting the security of Lao government's work, stability of macro economy, peace and safety of the society which is the Lao PDR.

The duties and scope of authority for the supporting organ are as follows:

1. To be the focal point of coordinating with public agencies and private sectors concerned;
2. To own the commitment to research, request for comments from the sectors related to the content of the contract authorizing the development, implementation and opening the operation of the Lao National Single Window;

3. To be a focal point of the coordination between the system developer and other sectors related to the development, implementation and opening the operation of the Lao National Single Window;
4. To create mechanism managing the development and implementation of the Lao National Single Window system efficiently and responding to the development needs of each sectors concerned;
5. To research on and consult about the issues related to the development and implementation of the Lao National Single Window; aiming for resolving the issues occurring each period on time;
6. To research on, propose, create or amend the legislation related to the development and implementation of the Lao National Single Window; aiming for ensuring the law with effectiveness and integrity;
7. To own the commitment to monitoring and evaluating the development and implementation of the Lao National Single Window; ensuring the compliance of such a system with the socio-economic development policies of the government in each period;

The developer of the Lao National Single Window system has the following duties:

The developer of the Lao National Single Window system has the duties to coordinate and consult about, research and propose the issues related with the development, implementation and management of the Lao National Single Window system as determined in the contract authorizing the development of the Lao National Single Window system; and to implement the law and regulations of the government of Laos strictly.

The Management and Administrative Organ have the following duties:

The Management and Administrative Organ is an organization being on duty full time. It has full commitment to recruit the personnel, financial management, and procurement in responding to the needs of the operation of the system. Such an organization may be in the form of enterprise or private companies.

The Management and Administrative Organ has the duties to manage and generally coordinate about the operation of the system; aiming for enabling the effective operation of the system. Apart from this, it has also the following duties:

1. To establish transparent, just and auditable administration measures to make the operation of the system effective and compliant with the laws and regulations of the government of Lao PDR;
2. To ensure the facilities, equipment, tools, personnel, and other resources needed for enabling the system to be operated effectively;
3. To ensure the suitability and effectiveness of system installing and expansion, connection, and the operation amongst all of service providers related to create facilities, equipment, and software;
4. To collaborate with public agencies related to planning, designing and determining on the details of standards for acknowledging the result of testing the system;
5. To process employing experts being responsible for facilitating and operating field activities;
6. To operate the training for personnel from public agencies and all of the participants, especially the businesses;
7. To monitor and check the reliability of information kept in the system;

8. To operate the inspection of the issues, failure, and ensure the correct solutions;
9. To establish Help desk unit providing service of answering questions in relation with the operations of the Lao National Single Window system; to set out the principles and operation procedures as well as to employ staff being responsible for managing all of the tasks within such a unit;
10. To carry out management and training of the staff of the organization in order to provide them with sufficient knowledge and capabilities to accomplish their duties and manage IT equipment and facilities;
11. To ensure effective coordination and operation of the Lao National Single Window system at all of the relevant government organizations;
12. To carry out the pilot to check the effectiveness of the Lao National Single Window system's functions by setting out targeted groups, certifying correctness and authorization;
13. To inspect any failure occurring during the operation of the Lao National Single Window system, if there is any breach of the law, it must be reported to the dedicated authorities;
14. To present the result of fee collection analysis with the use of National Single Window system to the government for each period;
15. To disseminate information on operation of the Lao National Single Window system on its website on a monthly basis; and to have a commitment to organize workshops and encourage economic operators and public organizations to use the Lao National Single Window system;
16. To carry out summary and annual reports or other information required by the Lao government in respect with the result of the Lao National Single Window system's operations, as well as provide it with the guidance in improving any necessary regulations for better operation of the Lao National Single Window system.

Meeting and report system:

The Steering Committee has a commitment to hold a meeting at least twice a year or for a given period in accordance with actual needs, the scope of entitlement and duties as set out in Article 8.

Chapter IV

Management and application of the Lao National Single Window system

Article 8: Accessing the System and Exchanging Information within the Lao National Single Window System

The Ministry of Finance is entitled to set out the regulations and principles of accessing the system and exchanging information within the Lao National Single Window system.

The Ministries, departments, and government organizations in relation with operating transaction of import, export, and transit across the border in Lao PDR are entitled to obtain and use information and statistics in the Lao National Single Window system and to provide information and statistics for the Lao National Single Window system to reach their aims and accomplish their duties in respect with procedures of import, export and transit across the border in Lao PDR.

Article 9: Conditions of setting out a code for system users, certifying correctness of system user's code, the entitlement scope of system users.

On the basis of cooperating and collaboration with the relevant ministries and privates, the steering Committee propose the Minister of Finance to approve the principles related to regulations of process of setting out a code for system users, certifying the correctness of system user's code, the entitlement scope of system users including government officials, economic operators, custom brokers, and other system users. Such regulations must allow the application of information technology to carry out electronic transaction, which comply with international safety standards in exchanging information and the aim and target of connection with ASEAN Single Window System.

Article 10: Assuring information quality

The users of the Lao National Single Window system (including economic operators, customs brokers, transport companies, and so on) sending information into the Lao National Single Window system shall be solely responsible for correctness and reliability of such information. Entity or individuals sending wrong or incomplete information into the system shall bear criminal law and civil law of Lao PDR.

The supporting organ shall be responsible for creating mechanism and issue regulations to ensure the correctness and reliability of the information sent into the Lao National Single Window system. Such regulations must set out mechanism used for accessing the system and saving information.

Article 11: Saving and keeping electronic information

This agreement allows users to save and keep electronic information sent into the system; which is processed and disseminated among the ministries or government organizations in relation with the Lao National Single Window system. Based on consulting closely with all of relevant sectors, the Steering Committee proposes the Minister of Finance to adopt the principles, regulations and procedures for saving and keeping each type of information in electronic form. Information saved and maintained in the Lao National Single Window system shall be applicable and effective to any laws of Lao PDR and shall be deemed equal to hard copy used during trial procedures at the court whether the case is related to the actions of the government or private sectors.

Article 12: Protection of numeral information and information safety

Based on the consulting closely with all of relevant sectors, the Steering Committee shall propose the Minister of Finance to adopt the principles, regulations and procedures for sending information and analyzing information within the Lao National Single Window system to protect private and confidential information by assuring compliance with international procedures and standards related to information safety. Such regulations must be compatible with the safety standards of information adopted within ASEAN National Single Window system.

Article 13: Privacy protection

For the purpose of inspecting and managing the Lao National Single Window system, the Steering Committee shall assure that privacy of the system users is always protected. Personal information or any of commercial information of the users shall not be revealed to any third party, unless such revealed information is needed for daily operation for daily

operation of the Lao National Single Window system or used in the trial procedures at civil court and criminal court.

The relevant Ministries and the officials working for such Ministries must attain suitable training for maintaining confidentiality, conditions for maintaining confidentiality, and techniques for maintaining safety of system users' confidential and personal information. Regulations on protecting privacy of system users are applicable to those who breach privacy of the Lao National Single Window system users, which include the actions of the government, private sectors and so on.

Article 14: Fee collection

Based on the consulting closely with all of relevant sectors, the Ministry of Finance proposes the government to approve fee collection rate for using the Lao National Single Window system for a given period according to the proposal of Steering Committee. Setting out fee for using the system must assure suitability, reasonability, and compatibility with the situation of business production in Lao PDR for a period.

This agreement allows users to carry out all fee payment such as the Lao National Single Window system application fee, custom-tax payment, fee for electronic permit issuance of different relevant sectors via saving information in the Lao National Single Window system; authorizes the Ministry of Finance to consult with all of the relevant sectors to set out or improve mechanism, procedures and regulations of customs-tax payment and income distribution, and all of the fee by assuring technical safety of the Lao National Single Window system to comply with international standards and the law of Lao PDR.

Chapter V Relations with the law of Lao PDR

Article 15: Relations with civil and criminal law

Civil and criminal law are effective to an action misusing the Lao National Single Window system, an action causing bad reputation, damage, and/or harming other persons.

Article 16: Relations with law and regulations of customs

The operations of the Lao National Single Window system are connected with the laws and regulations on customs used currently and could be amended in the future. The Managing and Administration Organ of the Lao National Single Window system shall coordinate with Customs Departments in order to ensure the common understanding of disseminating regulations related to this agreement, Customs Law and customs regulations, as well as the technical conditions and legislation frame of ASEAN Single Window system's operation.

Article 17: Relations with electronic transaction

Law on electronic transaction is effective to all electronic transaction under the operation of the Lao National Single Window system.

Chapter VI Resolutions of failure

Article 18: Resolutions of failure

The Managing and Administration Organ of the Lao National Single Window system shall resolve a failure between individuals or organizations using the Lao National Single Window system by using negotiation or mediation between both parties according to the law on resolutions of failure on economic of Lao PDR 2005. All of the articles of ASEAN regulations on improving resolutions mechanism of failure adopted in Vientiane capital on 29 November 2004 will be effective to a failure caused by the Agreement on establishment and implementation of the Lao National Single Window system on 9 December 2005 and regulations of establishment and implementation of ASEAN Single Window system in 2006. The resolutions of failure between the Lao PDR and other countries that are not the parties for the agreement or regulations of ASEAN mentioned above will be conducted by means of negotiation and mediation.

Chapter VII Final Provision

Article 19: Stamp and budget

The Supporting Organ is assigned to consider; design of stamp, logo, trade mark or other symbols that is contributed to the activities related to the development, implementation and operation of the Lao National Single Window system to present to the Minister of Finance for adoption

The Supporting Organ is assigned to consider budget allocation for the activities of the Steering Committee and the Supporting Organ and present it to the Minister of Finance. The budget under the investment contract signed between the government of Lao PDR and the Lao National Single Window system developer is used for the activities related to the development, management and administration of the Lao National Single Window system.

Article 20: Coordination and implementation

The Supporting Organ is assigned to coordinate with the relevant ministries, departments and businesses to implement and disseminate this agreement. Individuals, entity or any organization that breach the provision of this agreement and other regulations related to this agreement will be warned, controlled, fined or proceed to court according to the applicable law.

Article 21: Effectiveness

This agreement is effective after the date of its signature.

Deputy Prime Minister,
Minister of Foreign Affairs
Chair of National Coordinator Committee

