

Prime Minister

No. 03/PM
Vientiane Capital, date: 21/01/2020

Order on the Improvement of Services Related to the Issuance of Investment and Business Licenses

To: Ministers, head of ministry-equivalent authorities, Vientiane Capital governor and provincial governors.

- Pursuant to the Law on Government No.04/NA, dated 18 November 2016;
- Pursuant to the Law on Investment Promotion No.14/NA, dated 17 November 2016;
- Pursuant to the Decree on the Organization and Activities of the CIPM No.05/PM, dated 05 January 2018;
- Pursuant to the Decision on the Organization and Activities of the OSS and the National One Stop Service Coordination Unit No.002/CIPM, dated 20 August 2018;
- Pursuant to the Resolution of the Ordinary Cabinet Meeting of November 2019 No.12/GOL, dated 16 December 2019;
- Pursuant to the Proposed Letter from the Ministry of Planning and Investment No.3143/MPI.IP6, dated 31 December 2019.

To timely and precisely implement the Law on Investment Promotion and related laws, especially the improvement of one stop service system and the implementation of doing business in Lao PDR in a timely, transparent and uniform manner in promoting, managing investment and facilitating both domestic and foreign investments throughout the country, increasing law enforcement, enhancing capability in attracting investment and to enable private investment actively contribute to national social, economic development to grow steadily.

The Prime Minister issues an order:

Ministries, ministry-equivalent authorities and local authorities throughout the country involving investment promotion activities, OSS units at all relevant sectors and authorities at the central and local levels to are urged to improve platforms, time periods and obstacles on the issuance of investment and business licenses in Lao PDR.

1. The planning and investment sector shall
 - 1.1. improve One Stop Services (OSS) to be a facilitation mechanism for investors through providing reception, investment-related information, services related to the issuance of licenses for concession and controlled businesses, investment promotion certificates and post-investment services including visas, stay permits [and] work permits. In addition, it shall also coordinate with sectors supervising businesses under concession and controlled lists, and to fetch comments and follow up the issuance of business licenses, tax registration certificates and operating licenses from relevant sectors and hand them over to investors at a single place.

- 1.2. upon the application for investment license is received, the OSS shall submit such application to relevant sector within 2 working days. When complete comments [from relevant sectors] are received, such comments shall be submitted to the Committee for Investment Promotion and Management (CIPM) for considering the approval or refusal;
- 1.3. the application for investment in concession and controlled businesses shall be submitted to OSS under the Department of Investment Promotion (IPD) and provincial [and] Vientiane Capital Division of Investment Promotion. Ministries, ministry-equivalent authorities, local authorities shall advise investors to properly submit their applications according to procedures to ensure that their documents being processed in a systematic manner and consistent with the laws;
- 1.4. establish online system to link data on business licenses, investment licenses, tax registration certificates and operating licenses among planning and investment sector, industry and commerce, finance and other relevant sectors as a single database;
- 1.5. obtain lists of finished and unfinished goods from relevant sectors which could be produced and supplied to meet both quantity and quality. These lists would be used as references to accelerate decision making for granting customs and tax incentives for imports by private investment projects.
2. The industry and commerce sector shall
 - 2.1. issue business licenses according to section 1.3 of this Order for controlled businesses. Businesses that are outside controlled list shall be treated according to the Decision of the Ministry of Industry and Commerce No.0023/MOIC.DORM, dated 09 January 2019;
 - 2.2. coordinate with relevant sectors to rapidly improve the issuance of operating licenses upon the issuance investment and business licenses;
 - 2.3. accelerate the issuance of business licenses by applying online system to link database of the planning and investment with finance sectors.
3. The finance sector shall
 - 3.1. accelerate the consolidation of a Master List into the National Single Window (NSW) after decisions by planning and investment sectors are issued;
 - 3.2. accelerate the improvement of issuance of tax registration certificates by applying onelin system to link database of planning and investment with industry and commerce sectors;
 - 3.3. allocate budget for developing online system to link data on business licenses, investment licenses and operating licenses among planning and investment and industry and commerce and relevant sectors as a single database.
4. Ministries, ministry-equivalent authorities, provinces, Vientiane Capital shall
 - 4.1. urgently establish OSS units within their sectors which are under the supervision of the ministers, heads of ministry-equivalent authorities, governors as well as technical departments [and] divisions in order to coordinate with line departments or divisions to ensure that they process the documents quickly and then send technical comments related to survey proposals, feasibility studies of concession projects to OSS within 30 working days and technical comments on the establishment of controlled businesses within 8 working days, while operating licenses shall comply with sectoral laws from the day that investment licenses are issued. In case technical comments are submitted later than the time period [as specified in sectoral laws], this shall be sole responsibility of such sector;
 - 4.2. develop regulations and set up time period for processing documents and submission of technical comments following receipt of document dossier from OSS, each line sector shall submit documents to line technical department or division for processing

and providing comments and send back to OSS unit within 20 working days for concession and 5 working days for controlled businesses. Such comments shall be consolidated by OSS unit and submit in writing to the one stop service office through the Permanent Secretary Office (PSO) of the ministry, ministry-equivalent authority or acting permanent secretary office of relevant ministries at the central level, and through the director of provincial [and] Vientiane Capital division and district major being requested to provide comments.

For commercial banks or other business activities with given special time frame for processing and submitting comments to OSS shall comply with laws of such sector;

- 4.3. develop investment calling list which consists key information including the project's name, objectives, location, investment cost, feasibility study, customs and tax incentives and markets to attract and facilitate investors to perform preliminary study. Such investment calling list shall be updated every 6 months to 1 year and submit to OSS at the central and provincial levels for compilation as well as to distribute to Lao embassies and consulates abroad as data to persuade foreign investors to invest in Lao PDR;
 - 4.4. develop a list of documents requiring investors to submit at the time of filing their applications for investment in concession and controlled businesses and send to OSS at the central and local levels or on websites of relevant sectors and OSS that potential investors would use as their references to apply for investment license;
 - 4.5. revise and improve a list of controlled businesses according to the Prime Minister Decree No.03/PM, dated 10 January 2019 on the Approval of Lists of Controlled Businesses and Concession Businesses of Lao PDR by focusing on businesses that may affect national security, public order, national fine traditions and environment, society and nature on the controlled list and precisely apply LSIC code for each business activity. Ministries, ministry-equivalent authorities shall review the list and submit to the Ministry of Planning and Investment within 90 days for compilation and submit to the CIPM at the central level for consideration and approval;
 - 4.6. precisely allocate responsibilities on the issuance of operating licenses between central and local levels;
 - 4.7. develop a list of businesses required to obtain operating licenses both under and outside controlled list by applying proper LSIC code for each business activity. In addition, documents related to the issuance of operating licenses by relevant sectors shall also be submitted to the Ministry of Industry and Commerce within 90 days;
 - 4.8. develop specific regulations on the issuance of operating licenses under their sectors by defining detailed requirements and procedures for processing documents in order to accelerate and reduce the submission of documents by investors.
5. CIPM at the central and provincial levels shall
- 5.1. organize meetings on regular basis at least 2 times per month to consider relevant problems by designating OSS at the central and provincial levels to develop meeting agendas with fixed dates. If it is impossible to organize meeting on such dates, alternatives shall be made including sending a notice to its members or other ways to avoid delay. In addition, in case of emergency, extraordinary meetings may be organized;
 - 5.2. implement minutes of meetings of CIPM at the central or local level and then OSSs at both central and local levels shall immediately report results of the implementation to the Prime Minister or provincial [and] Vientiane Capital governors for information or for recommendations without being revised by relevant technical department within the Prime Minister's Office or offices within the governor's office.

6. Implementation

- 6.1. Disseminate this Order to all sectors, local authorities and investors, business community, entrepreneurs to be informed and strictly implement it;
- 6.2. The planning and investment sector shall monitor, follow up the progress of the implementation of this Order, summarize [and] report results to the government on regular basis;
- 6.3. The industry and commerce sector shall monitor, follow up the implementation of improved platforms, time periods regarding to the issuance of operating businesses of relevant sectors and summarize and report results to the government on regular basis;
- 6.4. Ministries, ministry-equivalent authorities, local authorities and relevant sectors shall be informed, cooperate and implement this Order strictly and effectively.
- 6.5. This Order enters into force from the date of its signing and 15 days of publication on the Official Gazette.

Prime Minister

[signed and stamped]

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