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Laos List of Applicable Legislation

Timber



LIFE - Support EUTR II - LIFE18 GIE/DK/000763

V 4 | Voices for
M F | Mekong Forests

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Sources

The list of applicable legislation for Laos is based on the [Laos Timber Legality Risk Assessment, V2.0 from December 2021](#), and updated based on the country page of the List of Relevant Legal Framework on the People’s Democratic Republic of Lao on TimberLex¹.

¹ TimberLex (2021). List of Relevant Legal Framework on the People’s Democratic Republic of Lao on TimberLex. 2021-11-04. <http://extwprlegs1.fao.org/timberlex/docs/LAO.pdf>

LAOS - Applicable legislation and regulation

| Applicable to Risk Assessment sub-categories | Current applicable legislation | Replace former legislation |
|---|---|--|
| 1.1. Land tenure and management rights 1.2. Concession licenses 1.13. Customary rights | Law on Land No. 70/NA, 21 June 2019 | LINK Law No. 04/2003 NA on Land, 21 October 2003 |
| 1.2. Concession licenses 1.3. Management and logging planning 1.4. Logging permits 1.7. Income and profit taxes 1.8. Timber harvesting regulations 1.9. Protected sites and species 1.10. Environmental requirements 1.13. Customary rights 1.16. Classification of species, quantities and qualities 1.17. Trade and transport 1.19. Custom regulations 1.20. CITES 1.22. Legal Registration of business | Forestry Law No. 64/NA, 13 June 2019 | LINK Law No. 06/2007 NA on Forestry, 24 December 2007 |
| 1.1. Land tenure and management rights 1.3. Management and logging planning | Decree No. 59/2002 On Sustainable Management of Production Forest Areas, 22 May 2002. | LINK |

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| 1.1. Land tenure and management rights 1.3. Management and logging planning | Instruction 822/1996 MAF On Forestland Allocation for Management and Use, 2 August 1996 provides guidelines on how to conduct FLUPLA and identify forest zones within a village boundary. | | |
| 1.1. Land tenure and management rights | Instruction No. 03/1996 PM for Expansion of Land Management and Land & Forest Allocation, 12 July 1996. | | |
| 1.1. Land tenure and management rights 1.2. Concession licenses | Regulation 535/2001 MAF On Management of Village Forests, 18 June 2001, Article 2 | | |
| 1.1. Land tenure and management rights | Regulation No. 360/2003 MAF on National Protected Area Management, Aquatic Animals and Wildlife, 8 December 2003, Article 16 | LINK | |
| 1.2. Concession licenses 1.22. Legal Registration of business | Law No. 14/NA on Investment Promotion, 17 November 2016. | LINK | Law on the Promotion of Investment No. 02/NA, dated 08 July 2009 |
| 1.2. Concession licenses 1.10. Environmental requirements 1.3. Management and logging planning | Decree No. 135/2009 PM on State Land Lease or Concession, 25 May 2009, Article 6, 26, 27, 28, 29, 31 | LINK | |
| 1.2. Concession licenses 1.3. Management and logging planning | Instruction No. 20/2010 NLMA, on Implementation of Decree of State-owned Land for Concession, 9 April 2010, Chapter 1, Article 3 . | | |
| 1.2. Concession licenses 1.3. Management and logging planning | Order 13/2012 PM on Halting Investment Projects Related to Mining, Rubber, Eucalyptus, 11 June 2012 | LINK | |
| | Order No.09/PM, on enhancement of the management and use of land areas for concession of industrial tree plantation and planting other crops nationwide (dated 02 July 2018) | | |

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| | Instruction. No 1758/MAF on the implementation of Order No. 09/PM, dated 02 July 2018, on the enhancement of governance in the use of concession lands for industrial tree plantation and the plantation of other crops nationwide | LINK | |
| 1.2. Concession licenses 1.3. Management and logging planning 1.4. Logging permits 1.5. Payment of royalties and logging fees 1.7. Income and profit taxes 1.8. Timber harvesting regulations 1.16. Classification of species, quantities and qualities, 1.19. Custom regulations | Regulation No. 196/2000 MAF on Long-term Development and Promotion of Tree Planting, 15 August 2000, Article 2, 4, 5-7, 12 | | |
| 1.2. Concession licenses 1.5. Payment of royalties and logging fees | Directive No. 1849/1999 MAF on Registration of Tree Plantations, 10 July 1999, Article 1-6 | | |
| 1.4. Logging permits | Decree No. 31/PM 2013 on temporary stop for logging at the National Production Forest | | |
| 1.2. Concession licenses | Decree No. 247/GO on Decree on Plantation Promotion tree planting for commercialization (dated 20 August 2019) | LINK | Decree No. 96/pm on Plantation Promotion for Commercial and Environmental Protection Purposes (dated January 2013) |
| 1.2. Concession licenses | Notification No. 1374/2010 MAF.MC on the Application for Registering Tree Planting Parcels and Grown Timber Certificate, 24 August 2010, Article 3 | | |
| 1.2. Concession licenses | Instruction No. 1668/2008 NLMA.CAB on the Use of New Formats of Land Titles and New Registration Book, 29 April 2008, Article 3. | | |

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| 1.2. Concession licenses | Instruction No. 564/2007 NLMA on Adjudications Pertaining to Land Use and Occupation for Land Registration and Titling, 6 August 2007 | LINK | |
| 1.3. Management and logging planning 1.4. Logging permits 1.8. Timber harvesting regulations 1.9. Protected sites and species 1.16. Classification of species, quantities and qualities 1.17. Trade and transport 1.19. Custom regulations 1.20. CITES | Order No. 17/2008 PM on Strengthening the Forest Management, Protection and Coordination of Forest Management and Forestry Business, 22 September 2008, Article 4 on annual logging plan | LINK | |
| 1.3. Management and logging planning 1.4. Logging permits 1.19. Custom regulations | Order No. 15/PM On Strengthening Strictness of Timber Harvest Management and Inspection, Timber Transport and Business, 13 May 2016 | LINK | |
| 1.3. Management and logging planning 1.4. Logging permits 1.19. Custom regulations | Instruction No. 0054/MAF on the expansion and implementation of the Order of the Prime Minister No. 15, dated 13 May 2016 on strengthening strictness on timber harvest management and inspection, timber transportation, and business, 09 June 2016. | LINK | |
| 1.3. Management and logging planning 1.8. Timber harvesting regulations | Guideline 0105/ MAF of the Minister of Agriculture and Forestry Concerning Implementation of the Prime Minister’s Order No. 17/PM, dated 22/09/2008 | | |
| 1.3. Management and logging planning 1.4. Logging permits 1.6. Value added taxes and other sales taxes | Agreement No. 32/PM on Resolution of Forest Conference on Forest Management, Forest Inspection and Wood Business held on 25-26 January 2012, 06 March 2012 | | |

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| 1.17. Trade and transport | | | |
| 1.3. Management and logging planning 1.8. Timber harvesting regulations 1.10. Environmental requirements | Regulation No. 0108/2005 MAF on Forest Inventory, 20 April 2005 | | |
| 1.3. Management and logging planning | <u>Decree</u> No. 111/PM on National Defence Strategic Zone, 24 March 2011 | | |
| 1.3. Management and logging planning | Order No. 31 PM on National Production Forest, 05 November 2013 | | |
| 1.3. Management and logging planning | Guideline No. 2156/2006 DOF, on Sustainable Production Forest Management Planning, 6 November 2006, part III, IV, V. | LINK | |
| 1.3. Management and logging planning 1.8. Timber harvesting regulations | Regulation No. 60/MAF.03, 24 February 2003 on minimum cutting diameters. | | |
| 1.3. Management and logging planning 1.8. Timber harvesting regulations, 1.9. Protected sites and species 1.10. Environmental requirements | Guideline No. 2155/2006 DOF on Participatory Forest Inventory, 06 November 2006 | LINK | |
| 1.3. Management and logging planning 1.4. Logging permits 1.8. Timber harvesting regulations 1.9. Protected sites and species 1.10. Environmental requirements 1.11. Health and Safety 1.13. Customary rights | Regulation No. 0112/2008 MAF on Logging and Post-Logging Cleaning in the Reservoir Area of a Hydropower Dam, 25 November 2008 | LINK | |

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| 1.16. Classification of species, quantities and qualities | | | |
| 1.3. Management and logging planning | Law No. 10/NA on the Promotion of Domestic Investment, 22 October 2004 | | |
| 1.4. Logging permits | <u>Penal Code, NA No. 118, 2017 (Proclaimed November 2018). Chapter 10 defines corruption, the circumstances where it occurs, and the offences and penalties that apply</u> | | |
| 1.4. Logging permits 1.8. Timber harvesting regulations | Decision No. 0080/2012 MAF on Procedures for Importation, Management and Utilization of Chainsaw (Wood-Cutting Machine), 19 June 2012 | LINK | |
| 1.4. Logging permits | Notification No. 1440 / MOIC.DIMEX on Management of wood transport vehicle, wood extraction machinery, and wood processing machinery, 08 September 2008. | | |
| 1.4. Logging permits 1.17. Trade and transport | Agreement No. 0182/2009 MAF on the Establishment and Management of Timber Harvest Units and Enterprises, 23 February 2009 | | |
| 1.4. Logging permits 1.8. Timber harvesting regulations 1.10. Environmental requirements 1.11. Health and Safety 1.12. Legal Employment | Guideline No. 2157/2006 DOF Guideline on Timber Logging in Production Forest, 6 November 2006, Part IV, on logging plan and approval | | |
| 1.5. Payment of royalties and logging fees 1.6. Value added taxes and other sales taxes 1.22. Legal Registration of business | The Value Added Tax Law № 48/NA, 20 June 2018 | LINK | Law on value Added Tax Law No. 52/NA, dated 23 July 2014 |
| 1.5. Payment of royalties and logging fees 1.22. Legal Registration of business | Tax Administration (Amended) Law № 66/NA, 17 June 2019 | | |

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| 1.5. Payment of royalties and logging fees 1.7. Income and profit taxes 1.22. Legal Registration of business | Income Tax Law No. 67/NA, 18 June 2019 | | Tax Law No. 0719//NA, 2015 |
| 1.5. Payment of royalties and logging fees 1.6. Value added taxes and other sales taxes | Excise Tax Law N° 68/NA, 19 June 2019 / Law on Consumption Tax (No 68/NA), 19 June 2019. | | |
| 1.5. Payment of royalties and logging fees | Decree No. 001/2012 PRO on Sharing of Revenue from Timber Harvests in Production Forest Areas, 31 December 2012. | LINK | |
| 1.5. Payment of royalties and logging fees | Guideline No. 0092/2009 MoF for the Managing the Collection of Revenue from the Sale of Timber and NTFPs, 13 January 2009 | LINK | |
| 1.5. Payment of royalties and logging fees 1.17. Trade and transport | <u>Guideline No. 2297/2004 MoF on Bidding Regulations for Buying Timber and other Forest Products from State Standing Timbers, Infrastructural Areas and Production Forest Areas at Second Landings, 29 October 2004</u> | | |
| 1.5. Payment of royalties and logging fees 1.9. Protected sites and species | <u>Law No. 36/PO on Mining, 31 May 1997, Article 40</u> | LINK | |
| 1.5. Payment of royalties and logging fees 1.7. Income and profit taxes | <u>Law No. 01/1994 NA on Foreign Investment, 14 March 1994, Article 16 on natural resources tax and royalties</u> | LINK | |
| 1.6. Value added taxes and other sales taxes | Law No. 04/ NA 2006 on Value Added Tax, 26 December 2006 | | |
| 1.7. Income and profit taxes | <u>Law No 11/NA on the Promotion of Foreign Investment, 22 October 2004. Amended 11 November 2016</u> | LINK | |

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| | Order No. 57/PM, on Income Collection Management of Sales of Timber and Non-timber Forest Products (NTFP) (16 Dec 2014) | | |
| 1.7. Income and profit taxes | Tax Law (Amended) No. 019/NA (28 January 2016) | | Law No. 05/2011 NA on Taxes (amended), 20 December 2011 |
| | Agreement No.:0141/MAF, Of the Minister On Forest and Forest resources Inspection and Case Action (Date 18 Nov 2010) | LINK | |
| 1.8. Timber harvesting regulations 1.9. Protected sites and species 1.16. Classification of species, quantities and qualities | Decision No. 0116/2007 MAF on the regulation of timber log scaling and grading, 17 May 2007 | | |
| 1.8. Timber harvesting regulations, 1.20. CITES | Instruction No. 0142/2009 MAF on the Inspection of Forest, Forest Products, Forest Land, Non-Timber Forest Products (NTFPs), Aquatic Animal and Wildlife, 7 October 2009 | | |
| 1.8. Timber harvesting regulations 1.16. Classification of species, quantities and qualities | Guideline No. 0396/208 DOF on Monitoring the Implementation of Production Forest Management, 11 March 2008, Article 4 | | |
| 1.8. Timber harvesting regulations | Decision No. 0777/MOIC-IH on the Management and Monitoring of Timber Input and Output, dated 25 August 2020 | | |
| 1.9. Protected sites and species 1.10. Environmental requirements 1.13. Customary rights | Law No. 29/2012 NA on Environmental Protection, 18 December 2012 | LINK | Law No. 02/1999 NA on Environmental Protection, 3 April 1999 |
| 1.9. Protected sites and species | Decree No. 164/PM on the Establishment of National Forest Reserves, 29 October 1993, Article 1, 3. | LINK | |
| 1.9. Protected sites and species | Decree No. 134/G on Protected Areas, 13 May 2015, Article 1 on purposes of conservation forests, Article 8 on zones in protected areas, Articles 25-28 on use of protected areas | | |

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| 1.9. Protected sites and species 1.16. Classification of species, quantities and qualities | Table No. 0008/2012 MAF of Prohibited, Special and Controlled Timber Species. | | |
| 1.9. Protected sites and species | Regulation No. 0360/2003 MAF on the management of NBCAs and Aquatic & wild Animals Conservation. | | |
| 1.9. Protected sites and species | Law No. 07/2007 NA on Wildlife, 24 December 2007, Section II, defining the three management categories of wildlife and aquatic species, Section V describing prohibitions regarding wildlife and aquatic species | LINK | |
| 1.9. Protected sites and species | Guideline_No. 0896/2008 MAF List of Prohibited Species | | |
| 1.9. Protected sites and species | Decree No. 333/PM on Protection Forests, 19 July 2010 | LINK | |
| 1.9. Protected sites and species | Instruction No. 0008/2021 MAF of Prohibited, Special and Controlled wildlife Species, 25 February 2021 | | |
| | Instruction On The Harvesting And Movement Of Mai Tuie, White Charcoal Movement Produced From Mai Tuie For Domestic Market And Export | LINK | |
| 1.10. Environmental requirements | Law on Water and Water Resources (amended) No 010/NA dated 11 May 2017 | LINK | Law No. 02/1996 NA on Water and Water Resources, 11 October 1996 |
| 1.10. Environmental requirements | Law on Improving Some Articles under the Law on Water and Water Resources and Law on Environmental Protection No. 84/NA, dated 01 July 2020 | LINK | |
| 1.10. Environmental requirements | Decree No. 21/GOL on Environmental Impact Assessment, 31 January 2019 | LINK | Decree No. 112/2010 PM on Environmental Impact Assessment, 18 February 2010 - LINK |
| 1.10. Environmental requirements | Regulation No. 2860/2010 MAF on the Control of Pesticides in Lao PDR, 11 June 2010 | LINK | |
| 1.10. Environmental requirements | Agreement No. 0538/2011 MAF on Good Agricultural Practices for Environmental Management Standards, 9 September, 2011 | LINK | |

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| 1.11. Health and Safety 1.12. Legal Employment | Law No. 43/ NA on Labour, 24 December 2013 Article 43, 97, 102, 119, 122, 123 | LINK | |
| 1.11. Health and Safety 1.12. Legal Employment | Instruction No. 1035/2010 MAF of the Provincial Forestry Sector for Implementing the Enforcement of the Labour <u>Law</u> and Paying Attention to Guide Company/Timber Exploitation Division to Strictly Implement, 23 April 2010, Article 3 | | |
| 1.11. Health and Safety | Notification #093 of the National Regulatory Authority for UXO/Mine Action Sector in Lao PDR on UXO clearance for socio-economic development projects in the Lao PDR, 19 November 2012, Clause 1 | | |
| 1.11. Health and Safety | Announcement No. 004/NRAB of the National Regulatory Authority for UXO/Mine Action Sector in Lao PDR on national standards for evidence-based survey, 21 January 2015 | | |
| 1.12. Legal Employment | Law on Trade Union, 2017 (No. 39/NA) (Revised), 15 November 2017 | LINK | Law on Lao Trade Unions, No. 12/NA, dated 8 March 1995 Trade Union Law 2007: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_i_sn=85135 |
| 1.12. Legal Employment | <u>Law</u> No. 05/2006 NA on Child Rights Protection and benefit, 27 December 2006 | LINK | |
| 1.12. Legal Employment | Law on Social Security, 2013 (No. 34/NA), 26 June, 2013 | LINK | |
| 1.12. Legal Employment 1.13. Customary rights | Decision of the Prime Minister No. 2196/PM on developing the villages of labour and social welfare (20 June 2016) | | |
| 1.13. Customary rights | Decree on Compensation and Resettlement of People Affected by Development Project No 84/NA dated 5 April 2016 | LINK | Decree No. 192/2005 on Compensation and Resettlement of Development Project, 7 July 2005, PM - LINK |

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| 1.13. Customary rights | Regulation No. 2432/2005 PM.STEA for Implementing <u>Decree</u> 192/PM, 11 November 2005, Part III, <u>Article</u> 4, 5, 9, 11, 12, 17 | | |
| 1.13. Customary rights | Technical Guidelines of Science Technology and Environment Agency (STEA) on Compensation and Resettlement in Development Projects, November 2005 | LINK | |
| 1.13. Customary rights | Decree No. 207 on Ethnic Affairs, 20 March 2020. | LINK | |
| 1.16. Classification of species, quantities, and qualities | Decision on timber category I, II and III, No.0448/MOAF, 06 April, 2021 | LINK | |
| | Guideline Number 0962/DOF, Concerning the management of timber log transport from cutting areas to Log yard II (date 09 April 2010) | LINK | |
| 1.17. Trade and transport | Regulation No. 1726/MoIC, Regulations on the Sale and Purchase of Timber (date 23 August 2012) | | |
| 1.17. Trade and transport | Instruction on the Development of a timber legality assurance system (TLAS), No. 0076 MAF dated 12/10/18 | LINK | |
| 1.17. Trade and transport | Law on Land Transport (Amended version) No. 24/NA, dated 12 December 2012 (MPWT) | | Law No. 03/1997 NA on Transportation, 12 April 1997, <u>Article</u> 10, 13-15 - LINK |
| 1.17. Trade and transport | Law No. 28 on Multi Transportation 18 December 2012 | | |
| 1.17. Trade and transport | Agreement No. 0019/2008 MAF and No. 2139/2008 MPWT, 14 February 2008 | | |
| 1.17. Trade and transport | Notification No. 1440/2008 MOIC.DIMEX on Management of Wood Transport Vehicle, Wood Extraction Machinery, and Wood Processing Machinery in Consistency with the <u>Laws</u> and Regulations, 4 September 2008, <u>Articles</u> 1, 3 | | |
| 1.17. Trade and transport | Order No. 1765/2013 MOF on paying more attention in timber exports to collect revenue for the government budget in an accurate and timely manner, 4 July 2013, <u>Article</u> 1 | LINK | |
| 1.18. | Law on Anti-Money Laundering and Counter-Financing of Terrorists (no. 012/po dated 4/2/15. | | |

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| 1.19. Custom regulations | Law No. 04/NA on Customs (Amended) , 19 June 2018 | LINK | Law No. 04/NA on Customs , 20 December 2011 Customs Law (Amended) No. 57 dated 24 December 2014 |
| 1.19. Custom regulations | Decision No. 0939/MOIC, on List of eligible products for export (dated 1 August 2019) | LINK | |
| 1.19. Custom regulations | Law on Bank of Lao PDR (Amended) , No 47/NA, 19 June 2019 | | |
| 1.19. Custom regulations | Instruction No. 1696/CD on the implementation of the ASEAN harmonized custom declaration form. | LINK | |
| 1.19. Custom regulations | Law No. 13/NA on Plant Protection and Quarantine (Amended version). Dated 15 November 2016. | LINK | Law on Plant Protection No 06/NA, dated 9 December 2008 |
| 1.19. Custom regulations | Decree No 229/PO, 31 May 2012 on Implementation of the Law on Plant Protection, Article 26 | LINK | |
| 1.19. Custom regulations | Notification No. 1601/MOIC.DIMEX on Management and movement of timber, timber products and non-timber products in domestic and for exportation, 26 September 2008, Part II, Part IV | LINK | |
| 1.19. Custom regulations | Notification No. 0094/MOF.DPAM on Implementation of the Notification of Finance Minister No. 1765/MOF, dated 04 June 2013 on Paying Attention on Income Collection from Timber Export to the National Budget in a Correct, Accurate and Timely Manner, 22 October 2013, Article 3 | LINK | |
| 1.19. Custom regulations | Notification No. 0076/2012 MOIC.DIMEX on Goods Subject to Automatic and Non-Automatic Import and Export Licensing, 13 January 2012, Annex A and B on goods requiring licensing | LINK | |
| 1.19. Custom regulations | Guideline on Customs and Value-added Tax Incentive for Enterprise Import Plans No.01/IPSC, Dated 02 January 2019 (MiP) | LINK | |

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| 1.19. Custom regulations | Notification No. 0163 Application of LNSW platform (Lao National Single Window) to management of Import of All goods at Friendship Bridge 1 International Customs Border Checkpoint | LINK | |
| 1.17. Trade and transport 1.19. Custom regulations | Decision No. 41/PM on authorization to province and the capital for making decision of licensing exportation of the plantation timber for round wood (logs) and sawed wood (processed), 26 March 2014 Article 1 | LINK | |
| 1.17. Trade and transport 1.19. Custom regulations | Instruction no. 1812/MoIC. DIMEX, 4 September 2015 to further implement notifications of the government office no. 790/GO.SD, dated 21 May 2015 and 1360/GO.ED, dated 4 September 2015. | LINK | |
| 1.19. Custom regulations | PM Announcement No. 1360 on log and sawn wood export ban, 08 August 2015. | LINK | |
| 1.19. Custom regulations | Notification No. 1940/2011 MOIC.DIMEX, on Procedure to Issue Export and Import License for Timber, 30 September 2011, Article 1 and 4, on export documents and license on import and export license for raw timber. | LINK | |
| 1.19. Custom regulations | Notification No. 1324/2010 MoF.CD on Exportation of Round Wood, Sawn Wood, Semi-Finished Wood Products Shall Be Consolidated at the Customs Department to Issue Order of Implementation, 13 April 2010, Article 1 on requirement for centralized approval | | |
| 1.19. Custom regulations | Notification No. 1791/2011 MOIC.DIMEX on the licensing procedure of the import and export of planted timbers, 30 September 2011, Articles 1 on the procedures for export of plantation timber, Article 3 on documents attached to request, Article 7 on validity of license and renewal of license. | LINK | |
| 1.19. Custom regulations | Additional Notification No. 1135/MOIC.DIMEX Authorizing Provinces and Capital City to be in charge of studying and deciding on the approval for exporting of wood from plantations (Teak, Para Rubber, Eaglewood, Eucalyptus and Acacias), 06 May 2014. | LINK | |
| 1.20. CITES | Order No. 05/PM on Strengthening strictness of the management and inspection of prohibited wild fauna and flora, dated 8 May 2018. | LINK | |

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| 1.20. CITES | Notice No: 1990/PMO.ED (19 December 2016) | | |
| 1.20. CITES | Law No. 07/NA on Aquatic and Wildlife Law (24 December 2007). | LINK | |
| 1.20. CITES | Consideration of proposals for amendment of Appendices I and II, <i>Dalbergia cochinchinensis</i> . 16th meeting of Sixteenth meeting of the Conference of the Parties Bangkok (Thailand), 3-14 March 2013 | LINK | |
| 1.22. Legal Registration of business | Law on Enterprise No 46/NA (2013) for the registration of enterprises, Article 14-15 | LINK | |
| 1.22. Legal Registration of business | Decision 0023/MoIC on Enterprise Registration (09-01-2019) | | |
| 1.22. Legal Registration of business | Law No: 011/NA (dated 21 December 2011) on the promotion of small and medium sized enterprises. T | LINK | |
| 1.22. Legal Registration of business | Decision use of CoC certification in the supply chain MOIC | | |
| 1.22. Legal Registration of business | Decision No. 0719/MOIC, Timber Processing Manufacture Standards (03 April 2009) | | |
| 1.22. Legal Registration of business | Decision No.2005 /MOIC, on the Wood / Timber Products (28-09-2015) | | |

Annex I: Laos Hierarchy of Laws and enforcement²

The issuing of PMO 15 (2016) and the funding and redirection of resource to its implementation was a clear demonstration of commitment to address existing shortfalls and provide time to establish more robust regulatory instruments as well as more effective enforcement and compliance responses.

The GoL has developed legislation and policies that assign specific roles and responsibilities related to combatting forest-based crime, including distinct authority to manage, monitor, investigate and enforce laws and regulations, to various ministries and departments, including Agriculture and Forestry (MAF), Natural Resources and Environment (MoNRE), Industry and Commerce (MOIC), Finance (MOF), Public Security (MOPS), Health (MOH), and the Ministry of Transport (MOT). Within these Ministries, individual departments, both at the national, provincial and district levels, have specific functions as defined in terms of reference. The roles of these departments are devolved to the provincial, district and village levels through the local administration.

Agencies with a role in the enforcement of forest and wildlife crime include the Department of Forest Inspection (DoFI), the Environmental and Economic Police, the Anti-Corruption Agency, Customs, and the Armed Forces. The DoFI, established in 2008, falls under the MAF. It is the GoL's lead agency for enforcement activities under the Forestry Law 2019, and the Wildlife and Aquatic Law 2007 No07/NA.

Further to PMO15, the GoL has enacted important legal changes under the Criminal Procure Law in October 2018 (broadened and clarified authority to act for law enforcement agencies), instituted Prime Minister Order #5 and adopted a new Penal Code which enhanced penalties that includes provisions targeting transnational and organized criminal networks and the individuals who support them. The new Penal Code also address many previous inconsistencies and gaps under laws, including international agreements such as CITES and the objectives of the Asia/Pacific Group on Money Laundering (APG).

This improved regulatory framework demonstrates the GoL's commitment to protect its forests and wildlife resources and to meet its international obligations under CITES, the UN Convention Against Organized Crime, and the UN Convention Against Corruption. Donor organizations have also started to provide support to the Department of Forest Inspection (DoFI), Lao Wildlife Enforcement Network (Lao-WEN) and its partners. This support has resulted in the establishment of centralized investigation and enforcement systems to combat illegal forest-based trade.

² Copied from Annex III in the Laos Timber Legality Risk Assessment, V2.0, 2020.

The GoL has operationalized a risk-based approach to law enforcement activities, referred to as the Strategic and Tactical Enforcement Patrol Program (STEPP), and is improving coordinated, multi-agency operational responses at a provincial, national or international level. However, these systems and processes are not, and practical experience is limited and disjointed.

Despite these advances, forest management and law enforcement agencies, for the most part, still lack the expertise to fully implemented sustainable approaches, effectively monitor and investigate criminal networks and locate illegal forest products. They are also deficient in capacity to identify and properly distinguish certain products, especially at border crossings, and don't have sufficient resources to undertake sustained enforcement actions.

The following section provides further information on the hierarchy of laws and the interactions of various regulatory instruments and related authorities in Lao PDR and is designed to assist a reader in interpreting a particular instruments relationship in regard to other such instruments, whether higher, lower or similar.

Hierarchy of Law

The Lao PDR the hierarchy of Laws is implied in the Law on Making Legislation No 19/NA 2012 and consists includes the issuing of specific administrative instruments relevant to specific laws and responsible ministries, departments, organisations or individuals. The general level of hierarchy is:

- The Constitution
- Laws
- Resolutions of the National Assembly
- Resolutions of the Standing Committee of the National Assembly
- Ordinances of the President of the Republic
- Decrees of the Government
- Resolutions of the Government
- Orders and Decisions of the Prime Minister
- Orders, Decisions and Instructions of the Minister and Head of a Government Authority
- Orders, Decisions and Instructions of the Provincial Governors and City Governors
- Orders, Decisions and Instructions of the District and Municipality Chiefs

- Village Regulations

The Law on Making Legislation requires legislation be published in the Official Lao Gazette (<https://laoofficialgazette.gov.la/>) in order to be Effective (Article 80). This is the official source for all legally enforceable primary and subsidiary legislation of general application for Lao PDR at the national, provincial and capital levels. Districts / Municipalities and villages have the option to publish legislation on the Official Gazette and/or in other local media or post it in a way that people can access it easily.

Note: The Lao PDR Trade Portal (<https://www.laotradeportal.gov.la/>) website provides information regarding importing/exporting goods into/from Lao, including information related to import/export process, regulations for specific products, and relevant laws. *The [Guide for Import-Export](#)*, on the right of this page provides a comprehensive set of information and guidelines in plain language, and the database is also designed for convenient search by topic.

Importantly, Article 9. Contradiction of Legislation of the Law on Making Legislation states: “Legislation being developed shall be consistent with higher legislation.”

Where a contradiction exists, legislation of the higher level shall be applied. If a contradiction of legislation at the same level exists, the later legislation shall be applied. If legislations at the same level contradict each other, the provisions of specific legislation shall prevail.

However, contradictions may continue to exist after legislative changes and undermine the effectiveness of enforcement.

The new 2017 Penal Code (Article 333) makes reference to CITES (“Any person importing, exporting, re-exporting, transshipping or transiting aquatic and wildlife including parts, organs and products of such aquatic and wildlife unlawfully with regulations relating to CITES, shall be punished by three months to five years of imprisonment and shall be fined not exceeding 10,000,000 Kip” as well as making it illegal to import, export, transport such items (Article 274, 282, 284 and 335).

Authority

Authority is defined under the Constitution, vested under laws, and codified under regulatory instruments issued via different administrative authorities. Administrative authority applies to those officials under direct responsibility chains.

Under Article 5 of the Constitution, The National Assembly and other state organisations are established and function in accordance with the principle of democratic centralism: a term applied to policy defined by a ruling party.

Importantly, Under the Constitution, Article 69, The government is the executive branch of the State. Under Article 73, the Prime Minister appoints senior government officials, including provincial Governors.

Table 1: Overview of how authority is vested in Laos. Adopted from the work of Smith, 2016.

| Regulatory Instrument | Regulatory Instrument | Issuing Authority | Scope | Note |
|----------------------------|--|---|--|--|
| Binding policy instrument | Prime Minister's Order | Prime Minister of Lao PDR | Importantly, this is the only instrument that is binding on all officials and levels of government and sectors of society, and requires strict implementation. This can negate existing legal rights. | This is an instrument to implement a policy of the Lao People's Revolutionary Party |
| Limited policy instruments | Prime Minister's Office | Office of the Prime Minister of Lao PDR | Binding on national agencies. Other levels are expected to implement such Orders through Provincial instruments. | These can reflect objectives of the Lao People's Revolutionary Party |
| Primary Laws | Primary laws, such as: Law on Making Legislation Criminal Procedure Law Penal Code | National Assembly | These define roles, responsibilities, authority and obligations. They are generally high level and limited in detail. Primary laws apply to all agencies, but require clarification to define scope. | A law is legislation that is developed by the authorized authority, adopted by the National Assembly and promulgated by the President of the Republic that defines principles, regulations and measures governing social relationships in many areas or in a specific area, and is effective nationwide and is long lasting. |
| Specific laws | Specific laws such as: Forestry Law 2019 Customs Law 2012 (amended 2014) Anti-corruption Law 2012 | National Assembly | These define the scope of authority. They usually apply to specific areas and agencies. They are binding on all national agencies defined under these laws. | Resolution on any matter brought into a meeting of the Standing Committee of the National Assembly on the implementation of a resolution of the National Assembly, the inspection of the implementation of the Constitution, laws including interpretation of the Constitution, and laws and other matters under the rights and duties of the Standing Committee of the National Assembly. |
| | Resolution/Directive of the Standing Committee of the National Assembly | National Assembly Standing Committee | Resolution on any matter brought into a meeting of the Standing Committee of the National Assembly on the implementation of a resolution of the National Assembly, the inspection of the implementation of the Constitution, laws including interpretation of the Constitution, and laws and other matters under the | |

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| | | | | rights and duties of the Standing Committee of the National Assembly. |
| Presidential Ordinance | Implementing instrument | President | A President Ordinance is legislation that defines principles, regulations and measures for governing social relationships or amending selected articles of a law issued by the President of Lao PDR | Made in accordance with the proposal of the Standing Committee of the National Assembly. |
| Decrees of the Government | | President | A Government Decree is legislation of the Government issued to: 1. Implement a resolution of the National Assembly, resolution of the Standing Committee of the National Assembly, social-economic development plan and a strategic plan 2. Govern social relationships in a certain area to meet the needs for State management and social-economic management where conditions to make a law is lacking 3. Establish the organization and activities of a ministry [and] a Government agency. | It is responsible for issuing a decree to instruct the implementation of a law by elaborating and providing detailed explanations to certain articles of the law to make it easier to understand and to ensure uniform implementation of the law or in case that the law required that specific regulations shall be developed. |
| Resolution of the Government | Directive | Government | A Resolution of the Government is a decision under the mandate of the Government | The Government is the implementing instrument of the Lao People's Revolutionary Party and is responsible to implement policy issues of national importance or national goals or objectives (such as a National Social-Economic Development Plan, Budget, defence and other matters) |
| Instruments of the Minister or Head of | Implementing instrument: Order Decision Instruction | Heads of Relevant Ministries or Provincial or | An Order requires individuals or organizations to implement a plan, laws, Presidential Decree and other instruments and other matters under their scope of rights and duties. | Defines terms of references and objectives for the implementation, monitoring, reporting, and enforcement roles, responsibilities and authorities. |

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| Government Authority or the Provincial or City Governor | Guidelines | City Governor | <p>A Decision is issued to clarify and implement rights and duties specified under higher instruments.</p> <p>An Instruction is to implement the specific plans (such as National Social-Economic Development Plan) or strategies (such as the Forestry Strategy 2020), ministerial budgets and work plans, or other instruments.</p> <p>It is designed to provide a general understanding, methods, procedures and the use of resources, staff, and timeframe for the implementation, coordination, monitoring, reporting and enforcement of the instrument.</p> | Binding on those officials under direct control of issuing authority. |
| Instruments of the head of Central Government agency or Department or Provincial Unit | Implementing instrument: Instructions Guidelines | Heads of relevant ministerial or provincial offices or departments | Operational clarification of roles, responsibilities, obligations and authority. Binding on those ministries or departments or provincial offices under direct control of issuing authority. | |
| Instruments of Central or Provincial units, or District or Municipal Chief | Operational implementing instructions | Heads of central or provincial units or District or Municipal Chief | Operational clarification of roles, responsibilities, obligations and authority | Binding on those units under direct control of issuing authority. |
| Village Regulation | Operational implementing instructions | Village Authorities | An implementing instrument to operationalise higher level regulations or to manage the security and public order under its jurisdiction. | |

About LIFE Legal Wood

[LIFE Legal Wood](#) is an initiative that aims at supporting timber-related companies in Europe with knowledge, tools and training in the requirements of the EU Timber Regulation. Knowing your timber's origin is not only good for the forests, but good for business. The initiative is funded by the LIFE Programme of the European Union.



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