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Attachment:

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REPORT ON REVIEW OF CURRENT PHYTOSANITARY EXPORT PROCEDURES AT THE BORDER AND STAFF SKILL

1. INTRODUCTION

Plants are capable of harboring potentially damaging pests. A plant pest as defined by the International Plant Protection Convention (IPPC) is "Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products". Regulated pests consisting of quarantine pests and regulated non-quarantine pests are directly subject to official regulation. Quarantine pests are "Pests of potential economic importance to the area endangered thereby and not yet present there or which, if present, are not widespread and are officially controlled". On the other hand, regulated non-quarantine pests (RNPQ) are "Pests which are already present in an area: the presence of such pests in plants for planting has an economically unacceptable impact on the intended use of those plants, however, so they are regulated within the territory of the importing party".

The IPPC states in its Article V.1: "Each contracting party shall make arrangements for phytosanitary certification, with the objective of ensuring that exported plants, plant products and other regulated articles and consignments thereof are in conformity with the certifying statement" Therefore, the NPPO of exporting country should develop and maintain a phytosanitary certification system for certifying compliance of plants, plant products and other regulated articles with the

phytosanitary import requirements of importing contracting parties as well as their freedom from regulated pests. The system for the issuance of phytosanitary certificates includes the components of legal authority, administrative and operational responsibilities, resources and infrastructure, documentation, communication and system review.

The phytosanitary system or phytosanitary service in Lao PDR comprises a number of regulatory and operational activities that together are designed to prevent the entry, establishment and spread of regulated pests in Lao PDR as well as to ensure that plants, plant products and other regulated articles exported from Lao PDR are in conformity with the phytosanitary requirements of the relevant importing country and with international norms.

In promoting the international safe trade of plants and plant products, The National Plant Protection Organizations (NPPO) are required to formulate appropriate phytosanitary export procedures including inspections, tests, surveillance or treatments for the clearance of commodities at the borders. The phytosanitary export procedures at the borders have an increasing role to play in facilitating international trade of plants and plant products from Lao PDR.

The main objectives of this report are to: (1) review current phytosanitary export procedures of plants and plant products at international land border checkpoints of Lao PDR; and (2) assess skills of Plant Quarantine Inspectors. The report is prepared following on-site review of 3 international land border checkpoints including: (1) Lao-Thai Friendship Bridge No. I (Vientiane Capital) (Laos/Thailand); (2) Nam Kan International Plant Quarantine Border Post (Xiengkhouang province) (Laos/Vietnam) and (3) Boten International Plant Quarantine Border Post (Luang Namtha province) (Laos/China).

2. FINDING OF PHYTOSANITARY EXPORT PROCEDURES AT THE BORDERS

2.1 Legislation

The national phytosanitary system of Lao PDR is currently administered under the Law on Plant Protection and Quarantine (Amended version) No. 13/NA dated 15 November 2016 (Attachment 1). It established the legal framework for the control and protection of plant pests. Article 3 defines many terms used in the Law in line with the definitions provided in International Standards for Phytosanitary Measures (ISPM) No. 5 "Glossary of Phytosanitary Terms". Some of the terms include: plant, plant product, pest, regulated pest, quarantine pest, regulated non-quarantine pest, regulated article, consignment, pest risk analysis, phytosanitary action, phytosanitary measure, phytosanitary certificate etc.

Article 38 is related to export. Article 38, paragraph 1 states that "Any natural or legal person or organization wishing to export a plant, plant product or regulated article, shall apply to the Plant Protection and Quarantine Administrative Authority to implement phytosanitary measures prescribed by the import requirements of the destination country. A plant, plant product or other regulated article which is not on the list of quarantine control of a destination country shall be exported and shall comply with other relevant regulations." Furthermore, Article 38, paragraph 2 states that "Where a destination country requires a market access proposal, phytosanitary registration, phytosanitary certification, treatment or testing, the exporter shall bear any additional costs associated with implementation of such import requirements."

Other relevant implementing legislation is provided for in Ministerial Orders, Decrees, Instructions and Ordinances, the main ones being:

• Ministerial Decree No. 229/GOL, dated 31 May 2012, established the requirements for exit checkpoints, including the minimum facilities and

- equipment which must be available. It also provides the minimum qualification for Plant Quarantine inspectors, namely an advanced diploma or higher in agriculture or plant protection and at least two years' experience in either discipline (Attachment 2);
- Ministerial Order on "Tightening Plant Export Control and Inspection to Comply with Phytosanitary Regulations of Importing Country" No. 2136/MAF, dated 20 October 2011, required the DOA to prepare guidance on import requirements and export procedures. It requires PAFOs to issue relevant information to stakeholders involved in exporting plants and places an obligation on stakeholders to inform their local PAFO of their intention to export. The Order also requires PAFOs to carry out plant health checks in line with ISPM 23 (Attachment 3);
- Notification Guiding on the Principle and Method for the Issuance of Phytosanitary Certificate, No. 1077/DOA, dated 30 September 2010, established the guide by DOA to the issuance of phytosanitary certificate (Attachment 4);
- Notification No. 1219 /DOA, date 12 August 2013, provided the information on the phytosanitary import and transit requirement of Thailand for some important plant commodities exported from the Lao PDR (Attachment 5);
- Notification on Enhancing the Implementation of Plant Protection Functions No.1429/MAF, 18 November 2009 (Attachment 6);

2.2 National Plant Protection Organization

Lao PDR became a contracting party to IPPC in 1955 and a WTO member in 2013. Three departments have basic responsibility for SPS measures: (1) The Department of Agriculture (DOA) of the Ministry of Agriculture and Forestry (MAF) is responsible for plant quarantine and control of pesticides use; (2) The Department of Livestock and Fisheries (DOLF) of MAF has the mandate for animal quarantine and safety of animal and fishery products; and (3) The Food and Drug Department (FDD) of the

Ministry of Health (MOH) has the mandate for food safety. These three departments lead in national legislation and policy setting, whereas much of implementation is the responsibility of the provinces.

The DOA is executive organ to the MAF on authorizing the issuance of import permit and phytosanitary certificate for plants and coordinating with local administration both inside the country and abroad. It is also the focal point of elaborating technical regulations which provide necessary information and facilitate monitoring and evaluation of plant protection function in the vertical line of administration throughout the country.

Responsibilities for plant health in Lao PDR are the DOA which is designated as an official NPPO for the country. The organizational structure of Lao PDR's NPPO is provided (Appendix 1). In addition to the issuance of import permit and phytosanitary certificate, it has a laboratory and a national reference collection for pest and disease identification. The DOA consists of eight offices. Only two offices namely the Plant Quarantine Division (PQD) and the Plant Protection Center (PPC) are responsible for phytosanitary issues. The PQD is responsible for pest risk analysis (PRA) and development of regulations governing quarantine and phytosanitary measures for the importation of plants, plant products and regulated articles in relation to the phytosanitary situation in the countries of origin. The Division is also mandated with the development of pest lists for export commodities and receives technical support from the PPC. The PPC is charged with responsibilities for conducting pest surveys for establishing the presence or absence of regulated pests in order to control, contain or eradicate them and developing pest lists to support pest risk analysis and market access. The PPC hosts basic diagnostic facilities and a modest pest and disease reference collection and database.

Because of the government's policy on decentralization and consequent high levels of local autonomy that obtains in Lao PDR, the implementations of phytosanitary

procedures are carried out by provincial and local administrations. The Provincial and Capital City Agriculture and Forestry Office (PAFOs) have the duties to elaborate, guide, develop and disseminate the law and regulations on plant protection in order to implement within its own areas of responsibility. They also coordinate with local authorities to build public understanding and awareness which contribute to the strict implementation of the law. In addition, they shall also advise, monitor and evaluate the result of the implementation of the plant protection functions of the district and municipality agriculture and forestry offices and plant protection border check points. Finally, they regularly reported to MAF and the provincial and capital administrations.

Plant Protection Border Check Point has the duties to disseminate the law and regulations on plant protection and strictly, correctively and promptly perform the duties in accordance with the roles, functions and technical norms. It obstructs violation of the law and regulations relating to plant protection and informs concerned sectors to prosecute violators. It examines the validity of document and facilitates import - export plants and plant product in fast manner and correct in line with the law and regulations. It shall isolate plants and plant products, and inform the plant owner to carry out treatment, return or destroy plant in case of pest presence. It also collects technical services charge and fees as prescribed by the government law and regulations.

Lao PDR is a landlocked country in the heart of the Indochinese peninsula of Mainland Southeast Asia, bordered by Myanmar (Burma) and China to the northwest, Vietnam to the east, Cambodia to the southwest, and Thailand to the west and southwest. Lao PDR is divided into 17 provinces (*khoueng*) and one prefecture (*kampheng nakhon*) which includes the capital city Vientiane (*Nakhon Louang Viangchan*). The country has 81 national, provincial and local border crossings, 20 are international land border checkpoints, in addition to the 3 international airport checkpoints. The numbers of international checkpoints along the border with China,

Myanmar, Vietnam, Thailand and Cambodia are 1, 1, 8, 9 and 1 respectively. The locations of international land border checkpoints are provided (Appendix 2).

The Customs Authority is the relevant competent authorities involving export of plants and plant products. The Customs Authority undertakes screening of all consignments exported from Lao PDR and operated at all border crossing points. With regard to plant health controls, they are responsible for checking that export consignments of plants and plant products are accompanied by a phytosanitary certificate, and should refer any consignments without one to the local Plant Quarantine checkpoint.

2.3 Skill of Plant Quarantine Inspectors

There are approximately 110 Plant Quarantine inspectors involved with export certification, between four and six within each of the 18 PAFOs. The workload of inspectors is coordinated within each PAFO based on applications submitted by exporters for export checks. There is no specific advance notification requirement in place but exporters are advised to submit their applications sufficiently in advance of export to allow enough time to arrange inspections.

DOA does not have specific guidance for inspectors on performing export checks. However, the DOA is responsible for producing a training manual for each of the annual training courses which DOA organize, which includes information on the topics covered during the course. The Plant Quarantine inspectors use this manual as guidelines for export checks. All staff had access to a copy of the manual. However, most inspectors had not attended an annual training course and, as a consequence, they were not familiar with the manual because it was produced as a learning aid. Consequently, inspectors found it difficult to search to find information. Important information regarding export controls is not covered in the manual, including sampling rates for all commodities other than seeds, detection of harmful organisms

and the procedure to follow in the event of a finding of noncompliance. Inspectors do not have the training or experience required to be considered technically qualified,

2.4 Laboratory Facilities

The PPC is responsible for providing diagnostic services to PAFOs nationwide. There is adequate equipment and technical capacity to identify most harmful organisms of export concern. Where the PPC is not able to identify an organism, they have established links with laboratories in other countries which can provide additional diagnostic support including molecular testing and DNA sequencing.

In each of the two provinces visited by the expert, there was also a local laboratory facility. However, laboratory equipment and facilities are minimal. Available laboratory equipment and inspection tools could be used to collect and preserve plant pest specimens. It was noted that the equipment available and the technical competence of the staff working in these laboratories were limited and not sufficient to undertake diagnoses of harmful organisms of export concern. Therefore, only preliminary identification of plant pests could be done.

2.5 Export Procedures

According to Article 38 of the Law on Plant Protection and Quarantine, any person or organization intending to export plants or plant products must make an application for inspection and certification to the PAFO in their province (see section 2.1). Furthermore, regarding the issuance of export certificates, Article 40 states that "The Plant Protection and Quarantine Administrative Authority shall, upon receipt of the application, inspect, test and conduct treatment of the consignment. Following the inspection, where the consignment complies with the phytosanitary requirement of the destination country, the Plant Protection and Quarantine Administrative Authority shall either issue a phytosanitary certificate for export or re-export, or notify the

applicant of the reason in writing by giving instructions for the exporter or reexporter to improve their operations."

DOA does not have manual for phytosanitary export inspection and standard operating procedures for export inspection and certification of plants and plant products. It was observed that standard operating procedures were not in place at any of the 3 border checkpoints. The current phytosanitary export procedures which must be followed consisted of the following steps:

- The application must be submitted using a standard form (PQD1) (Appendix 3). The PAFO then distributes the application to the Plant Protection and Plant Quarantine Unit within the Agriculture Section where a check is made of the information provided, including attached commercial documentation, together with an assessment of the import requirements of the destination country;
- A Plant Quarantine inspector is then advised of the import requirements and allocated the task of inspecting the consignment, usually at the place of production. The inspector records the details of the inspection in a standard form (PQD2) (Appendix 4), this includes the decision as to whether the consignment is compliant or not. If the consignment is found to be compliant for export, then the Plant Quarantine inspector issues the exporter with a set of documents, including the signed record of inspection (PQD2);
- The exporter must then take the documents to an office equipped to issue phytosanitary certificates (Appendix 5) where a different Plant Quarantine inspector enters information about the consignment into the National Phytosanitary Database (NPD). The issuing Plant Quarantine inspector holds a store of blank phytosanitary certificates which have been pre-stamped by the NPPO. The issuing Plant Quarantine inspector is able to print onto these blank certificates using the NPD system. The stamped certificate, all fields of which are completed except for an authorized signature, is then given back to the exporter along with the other documents which were provided by the Plant Quarantine inspector who carried out the export check of the consignment;

• The complete pack of documents should then be taken back to the PAFO, where the phytosanitary certificate and the accompanying documents are checked for errors and to ensure compliance with the destination country's import requirements. If the certificate is satisfactory, then an authorized official (the Director or Deputy Director of the Agriculture section of the relevant PAFO) signs it and the original is returned to the exporter.

2.6 Export Inspection

There is no nationally established sampling methodology for export checks. This means that sampling may differ across different provinces. In the absence of any written guidelines on sampling, the general sampling practice was done as follows. Consignments or their constituent lots are all subject to a visual inspection. A lot is defined at commodity level, no other factors are considered. Irrespective of the size of the lot, five boxes are selected at random to form the sample, unless there are fewer than five boxes, in which case they all form the sample. 200 grams of material is taken from each of the five boxes to make a one kilogram subsample and only the subsample is subject to visual inspection. This sampling method is applied to all commodities.

2.7 Phytosanitary Certificates

Phytosanitary certificates are only issued in a small number of offices within each province, where there is a computer with the appropriate NPD software installed. These are generally at quarantine checkpoints or the PAFO head office. The IT system adopted by the NPPO for issuing phytosanitary certificates (the NPD – see section 2.5 above), generates certificates and attached sheets, both of which are in line with the format suggested in ISPM No. 12 "*Phytosanitary certificates*" and serves as a database for those which are issued. It was noted that;

- A Plant Quarantine inspector inputs the relevant information concerning the
 consignment to be certified, this information is taken from the certificate of
 inspection (PQD2). Information on any additional declarations required is
 provided either by the exporter of the consignment or is copied and pasted
 from a template stored on the same computer as the NPD system;
- The system then generates a certificate with a unique reference number which can be printed on to a blank, pre-stamped official certificate;
- Blank certificates are pre-stamped by the NPPO, which issues them to the PAFOs in batches on request by way of a security measure. Only one stamp is available to endorse phytosanitary certificates in Lao PDR and that this is held by the head office of the NPPO in Vientiane. It is for this reason that prestamped phytosanitary certificates are distributed to offices where they are issued. The certificates are stored securely in these offices to prevent them being misappropriated;
- The exporter is provided with the stamped certificate at the end of the process, which they must then take to the PAFO head office (if not issued at a head office) in order for it to be checked by a senior PAFO official who then signs it and returns the completed certificate to the exporter;
- The provincial NPD systems are not networked and so certification records
 can only be accessed on the computer from which it was issued. The NPPO
 cannot therefore access the NPD systems across the territory. Instead, each
 province is required to compile a record from each of the offices with the NPD
 system and send summary data to the NPPO on a monthly basis.

2.8 Non-Compliances

There is no established procedure for dealing with internal interceptions and that it is not provided for in any written guidance. However, when non-compliance is identified by a Plant Quarantine inspector during an export check, the affected consignment or lot is rejected for export and no phytosanitary certificate is issued.

This information is recorded in the inspection record form (PQD2) along with the reason for rejection (either for the presence of an 'identified pest' or an 'other pest'). There are no procedures in place to review the effectiveness of its export checks in light of internal interceptions.

3. RECOMMENDATIONS

Based on the findings of this study, in order to improve the implementation of phytosanitary procedures at the borders to facilitate trade, the following recommendations should be taken into consideration:

3.1. Skill of Plant Quarantine Inspectors

Within plant protection system or plant protection service are various levels of personnel. The levels and post titles will, of course, vary from country to country. The size of a given country, its financial resources, the availability of prospective personnel with an acceptable educational level and the type of established framework within a given Ministry or Department of Agriculture will greatly influence on the existing levels.

The appointed individual will serve as a Plant Protection/Quarantine Officer or Inspector at an officially designated port of entry or an entry point where there exists the risk of having exotic plant pests introduced. The inspectors stationed at the port office or entry point will be responsible for the physical implementation of plant protection activities as provided by the Plant Protection/Quarantine Law, regulations, orders and decrees.

Article 69 of Lao PDR's Law on Plant Protection and Quarantine No. 13/NA dated 15 November 2016 specifies the rights and duties of the Province and Vientiane Capital Agriculture and Forestry Offices:

- To transform policies, strategic plans, Laws and regulations on plant protection and quarantine for implementation;
- To publicize and disseminate laws and regulations, as well as information relating to plant protection and quarantine work to enable public awareness, and to strictly implement such laws and regulations;
- To develop and propose to the Province or Capital Governor any agreements, orders, guidance and notices on plant protection and quarantine matters;
- To guide, monitor and evaluate results of the implementation of plant protection of the District, Municipality and City Agriculture and Forestry Offices;
- To support and monitor the performance of international plant quarantine border checkpoints, district plant quarantine border checkpoints, plant quarantine stations and plant quarantine inspectors;
- To build capacity, and provide training for plant quarantine officers and inspectors;
- To establish and manage provincial plant quarantine border checkpoints,
 laboratories and quarantine stations in coordination with relevant sectors;
- To establish a plant protection network that links to the district and the village, forecast regulated pests incidence, issue warnings regarding pest outbreaks and to setup a pest control and quarantine mobile service, identify the area and measure for pest outbreak control and manage the isolation area of plant.
- To develop an emergency response plan for the outbreak of regulated pest and define a control measure to address a pest outbreak.
- To assess and propose the Province or Capital Governor to announce a pest outbreak area;
- To manage and monitor the use of pesticides, biological control agents and plant protection equipment;
- To establish and develop a pest database linked centrally, conduct testing, disseminate techniques on plant protection and quarantine methods suitable for the province or capital's local circumstances;

- To issue and revoke permits, phytosanitary certificates, plant protection and quarantine business approvals and other documents, where designated to do so by the Ministry of Agriculture of Forestry;
- To accept and process appeals or complaints regarding plant protection and quarantine matters;
- To coordinate with local authorities, district administrative authorities and other local sectors in the performance of plant protection activities;
- To collaborate with overseas bodies where designed to do so by a higher authority;
- To produce periodic reports on the implementation of plant protection and quarantine matters to the Ministry of Agriculture and Forestry and the Province and Capital administrative authorities.
- To implement other rights and duties as prescribed by Laws and regulations.

For all aforementioned responsibilities and duties, a well-qualified inspector should be completely familiar with the basic Plant Protection/Quarantine Law, regulations, orders and decrees. Although the Chief of Plant Protection Division, Section or Unit is responsible for overall plant protection operations and final decisions that may have to be made, the inspector has the most responsible position as well. In addition, inspector is probably the most vital member of the plant protection staff since the inspector makes most of the important decisions on the entry or export of plants or plant products. An error in his judgement can result in serious agricultural losses should a new plant pest become established.

He must be able to properly interpret the basic of the Plant Protection/Quarantine Law and Regulations of Lao PDR and all major trading partners. Inspector must also carry out many diverse activities if he is to certify the consignments to meet the importing country requirements. Although not a specialist, he should have a general knowledge of entomology, plant pathology, nematology and some additional biological sciences. He should be able to recognize many fruit, vegetable and plant species, as well as to

provisionally identify a few of the most important plant pest and disease symptoms. He should be able to prescribe quarantine treatments as may be required. He must be able to carry out cooperative activities with others relevant sectors at port of entry such as Port Authority, Customs and Immigration etc.

Obviously, plant protection represents a profession that should be carried by dedicated, competent personnel. It would be highly desirable that inspector should ideally possess a university degree. His major studies should have been in the field of biological sciences and included subjects dealing with entomology, plant pathology, zoology and/or botany as well as related subjects. However, this simply is not possible in many countries. Admittedly, the developed countries have a large number of university graduates available to serve as plant protection officers and consequently they are basically better qualified, assuming their educational background includes courses in the biological sciences. Although in many countries there are a considerable number of university graduates, only relatively few of those countries have a sufficient number of them to permit their appointment as plant protection inspectors

From the visit of 3 land border checkpoints, there are only a limited number of Inspectors possessing a university degree. Many Inspectors possess educational level lower than university degree but they usually have taken courses in some of the biological sciences. They are probably limited capability to perform phytosanitary activities. However, one should be aware that in order to be a well-qualified plant quarantine inspector, a very special type of training and background is required. Therefore, if individuals possessing this level of education participate in an appropriate plant protection training course prior to initiating their activities, and if they strive to continually improve their knowledge of phytosanitary procedures, phytosanitary treatments, exotic plant pests and related material, they can carry out their duties in an effective manner.

It should be stressed that after an appointed inspector has participated in an introductory plant protection course, there should be some follow-up in-service training implemented and, depending on existing circumstances, a follow-up refresher course. In addition, the plant protection personnel should periodically be provided with information concerning plant pests of quarantine significance to the country and for those exotic pests of major importance, how they may be recognized. This implies that any given Plant Protection Service should strive to improve the working capabilities of their staff.

In order that plant protection activities at the border checkpoints may be carried out in an effective and efficient manner, it depends on many factors including (1) the educational level of the inspector; (2) specialized training in plant protection to which the inspector has been exposed; (3) the inspector's interest in his work; (4) reliability of the individual inspector; (5) equipment and materials required for the implementation of plant protection activities; (6) office and laboratory facilities; (7) appropriate attire (uniform); and (8) informative displays at ports of entry. Therefore, it might be said that for the effectiveness and efficiency of the service, there must be motivated individuals available who are interested in their work, diligently carry out his plant protection activities and desire to improve their capabilities, combining this with knowledgeable, capable leadership, and having available the required physical facilities for implementing their activities.

3.2 Enhancing of Inspection Efficiency

The plant protection service is responsible for all phytosanitary actions in all border checkpoints including nearby surrounding areas as the very nature of the activities which take place are high risk from a phytosanitary perspective. Effective plant protection is necessary for the safe movement of agriculture produce in regional and international trade. To assist the Inspectors in the performance of their duties at the border checkpoints, it will, therefore, essentially require: (1) adequate working

facilities; (2) familiarity with and access to current Plant Protection/Quarantine legislation and regulations of Lao PDR; (3) familiarity with and access to quarantine legislation and regulations of trading partners (4) adequate inspection facilities and equipment (work space or desk with appropriate lighting, microscope or good hand lens, flashlight, knives, forceps, vials, plastic bags, etc.); (5) quarantine/target pest list - This list should comprise the highest priority organisms of phytosanitary significance in terms of their potential threat to agricultural production and forestry and it should also be categorized as a result of the pest risk analysis process; (6) data sheet for each pest on the target pest list; (7) world distribution maps of pests of quarantine importance; (8) official forms, record books, orders and regulations related to plant protection; (9) manual of standard operating procedures (SOP) for inspection and clearance of commodities of different risk categories; (10) import permits (copies), where appropriate; (11) insect and disease taxonomic keys; (12) databases on quarantine pests; (13) updated information on pest outbreaks; (14) plant quarantine treatment manuals; (15) pest surveillance manual; (16) up to date copies of the International Standards for Phytosanitary Measures (ISPMs); (17) copy of the International Plant Protection Convention (IPPC) and the World Organization/Sanitary and Phytosanitary Measures(WTO/SPS) Agreements; and (18) copy of all legislations directly related to plant protection in Lao PDR.

3.3 Phytosanitary Capacity Building

Capacity development in plant protection is of paramount importance in fast changing scenario of global trade in competitive international market under WTO- SPS. It is imperative to upgrade the skill and knowledge of all involved in this area for effective implementation of phytosanitary regulations and compliance under SPS agreement as well. The phytosanitary measures are being stream lined and harmonized as per international standards/guidelines developed by IPPC. The lack of capacity to implement standards increases the risk of the introduction and spread of invasive species and pests on the continent through imports and limits market access.

Hence, a mechanism for periodical trainings/refresher trainings on phytosanitary issues including pest diagnostics, samplings, international standards/guidelines etc. are required. The training programs outlined below recognize the need to address weaknesses and various levels of competence. The proposed target groups include (1) Managers and policy makers; (2) Phytosanitary managers and senior technical staff; (3) Subject matter specialists/technicians; and (4) Phytosanitary inspectors.

3.3.1 Public awareness workshop for policy makers and stakeholders

Top-level managers and policy makers represent a very important group in the determination of national policy regarding priorities of plant health systems. It is therefore important to sensitize this group on national obligations and responsibilities to international treaties to which they are contracting parties. It is equally important to sensitize this group on the dangers of inadequate protection of the national (agricultural) resources. This sensitization should contribute to a clear understanding of the need to establish effective phytosanitary systems to produce an appropriate national response. Target audience/Clients include Permanent secretary/Deputy PS; Ministers /Deputy Ministers of Agriculture, Health, Forestry, Environment, Trade, Foreign affairs and Finance; Customs; Ports authority; Bureau of standards; Industry associations; Technical Directors/Deputy Directors/Regional managers.

3.3.2 Training workshop for phytosanitary managers and senior technical staffs

Phytosanitary managers and senior technical staff are responsible for managing interalia, operational and procedural aspects of national phytosanitary service. The relationship between phytosanitary capacities and functions/mandate needs to be well understood by this group for improving effectiveness. Harmonization of measures across the country requires consistent application of international standards and standard operation procedures (SOP) which are normally developed by this group. Furthermore, appropriate skills are required for coordination and management of various functions of the NPPO. The course content therefore attempts to equip this

group with necessary technical and managerial skills to effectively perform their task. Target audience/Clients include middle level managers (Phytosanitary managers and senior technical staff).

3.3.3 Training workshop for subject matter specialists and technicians

Subject matter specialists and technologists provide technical inputs to the judgements and decisions of policy makers and managers. They are responsible for ensuring technical quality and integrity to make decisions and actions regarding the application of phytosanitary measures. They are also responsible for the training of operational staff so that training methodology is very important. This group should be well informed on procedures related to ISPMs such as pest diagnostics, inspection, pest surveillance and pest risk analysis. Target audience/Clients includes subject matter specialists and technologists (plant pathologists, entomologists, weed scientists, nematologists).

3.3.4 Training workshop for phytosanitary inspectors and laboratory technicians

Inspectors and lab technicians are operational personnel who implement the inspection procedures or protocols under the NPPO. They are responsible for inspection of importing/exporting consignment as well as taking phytosanitary measures when appropriate. Effective inspection and pest detection contribute to effective product certification and protection of national plant resources against exotic pests. The activity of this group should be supported by clearly outlined documented procedures, target pest recognition and disinfestation skills. This course is developed for phytosanitary inspectors who are already working in this area. It is expected that they have the basic understanding of inspection work.

3.4 Strengthening of Taxonomy Capability

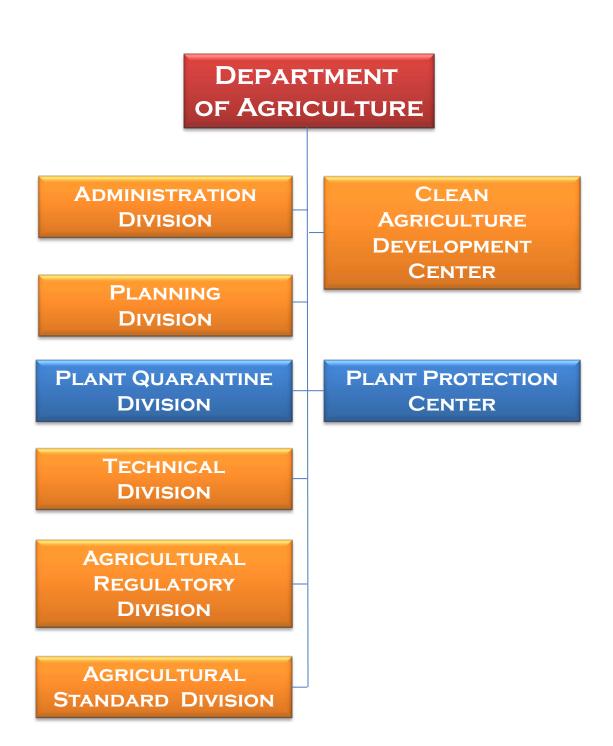
Strengthen capacity of border checkpoints by providing necessary training equipment to enhance diagnosis and detection of quarantine pests associated with consignments.

The trade in agriculture between Lao PDR and those of countries in GMS and ASEAN will be increased due to liberalization. Therefore, it is imperative to undertake faster plant quarantine inspection and clearance. It is expected that various pests and diseases will be intercepted in the imported plants and plant materials which require identification to conclude the level of risk associated with them for making a decision for their release/treatment or otherwise. Hence, the strengthening of taxonomy capability is very essential. A centralized system/unit as Taxonomy Unit for plant quarantine-related activities should be established for the identification of pests at faster pace to enhance the decision making by the operational staff at port of entries. The Unit will constitute experts in a field of Entomology, Plant Pathology and Weed Science along with supporting staff for the identification of pests.

REPORT ON REVIEW OF CURRENT PHYTOSANITARY EXPORT PROCEDURES AT THE BORDER AND STAFF SKILL

APPENDIX

ORGANIZATIONAL STRUCTURE OF LAO PDR'S NPPO



INTERNATIONAL LAND BORDER CHECKPOINTS



19 Nam Soly Checkpoint20 Pang Hok Checkpoint

	anitary Certifi	07112
		PQD 01
ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະ	ະຊາຊິນລາວ	
Lao People's Democratic Re	activity and activities	
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພ	A CONTRACTOR OF THE PROPERTY O	
Peace Independence Democracy Un		
PLANT CHARANTINE	-	
ມປູກຝັ່ງ (Department of Agriculture) ະແໜງປູກຝັ່ງ ນະຄອນຫລວງ / ແຂວງ (Agriculture ection) (ໃຊ້ສະເພາະເຈົ້າໜ້າທີ່ Official use only)		
ໃບຄຳຮ້ອງຂໍໃບຢັ້ງຢືນສຸຂານ		
(Application form for issuing Phytosan	mary Cerunicate)	
ຮຽນ: ທ່ານ ຫົວໜ້າຂະແໜງປຸກຝັ່ງແຂວງ		
(Head of Agriculture Section):		
ຊື່ ແລະ ນາມສະກຸນຜູ້ຮ້ອງຂໍ(Name of applicant):	***************************************	******************************
ບ່ອນຢຸ່ປະຈຸບັນ(Present address): ບ້ານ(Village):ເຮື		
ເມືອງ(District):ແຂວງ(Province)		
Fax:	dress of exporter's company	r):
1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສິ່ງອອກຟຶດ ແລະ ຜະລິດຕະພັນຟຶດ(Name and add ດ່ານສິ່ງອອກ(Declared point of exit):ວັນທີສິ່	dress of exporter's company	/):/
1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສິ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and add ດ່ານສິ່ງອອກ(Declared point of exit):ວັນທີສິ່ ປະເທດ ແລະ ດ່ <mark>າ</mark> ນ ທີ່ຈະສິ່ງຜ່ານ(Country and declared point of transit): 2. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດນຳເຂົ້າພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and addr	dress of exporter's company ງອອກ(Date of consignment	r):
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1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສິ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and add ດ່ານສິ່ງອອກ(Declared point of exit):ວັນທີ່ສິ່ ປະເທດ ແລະ ດ່ານ ທີ່ຈະສິ່ງຜ່ານ(Country and declared point of transit): 2. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດນຳເຂົ້າພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and addr ດ່ານນຳເຂົ້າ(Declared point of entry):	dress of exporter's company ກ່ຽວອກ(Date of consignment ess of importer's company: ad);	/):
1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສິ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and add ດ່ານສິ່ງອອກ(Declared point of exit):ວັນທີ່ສິ່ ປະເທດ ແລະ ດ່ານ ທີ່ຈະສິ່ງຜ່ານ(Country and declared point of transit): 2. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດນຳເຂົ້າພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and addr ດ່ານນຳເຂົ້າ(Declared point of entry):	dress of exporter's company ກ່ຽວອກ(Date of consignment ess of importer's company: ad);ຫາງນ້ຳ(Sea); ການ (Passenger). 	/): i's export): ທາງອາກາດ(Air); Cold Treatment;
1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສິ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and add ດ່ານສິ່ງອອກ(Declared point of exit):ວັນທີ່ສິ່ ປະເທດ ແລະ ດ່ານ ທີ່ຈະສິ່ງຜ່ານ(Country and declared point of transit): 2. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດນຳເຂົ້າພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and addr ດ່ານນຳເຂົ້າ(Declared point of entry):	dress of exporter's company ກ່ຽວອກ(Date of consignment ess of importer's company: ad);	י):
1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສິ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and add ດ່ານສິ່ງອອກ(Declared point of exit):	dress of exporter's company ກ່ງອອກ(Date of consignment ess of Importer's company: ad);	י): 's export): 's export): 's export): Cold Treatment;
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1. ຊື່ ແລະ ທີ່ຢູ່ ຂອງ ບໍລິສັດສົ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Name and add ດ້ານສົ່ງອອກ(Declared point of exit):	dress of exporter's company ສ່ງອອກ(Date of consignment ess of importer's company:. ad);	/):
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ວັນທີ (date).....

ວັນທີ(date).....

INSPECTION SHEET OF CONSIGNMENT

			PQD 02
	ສາຫາລະນະລັດ ປະຊາທິປະໄຕ	ປະຊາຊິນລາວ	
	Lao People's Democr	atic Republic	
110	ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເ	ອກະພາບ ວັດທະນາຖາວອນ	
PLANT QUAR	Peace Independence Democi	racy Unity Prosperity	
II W NOTHOTH	ment of Agriculture)		9
11.3	ກອນຫລວງ/ແຂວງ(Agriculture Section):	***************************************	ເລກທີ(Ref. No):/
MENT OF A	GROOT S.		ວັນທີ(date):
	ໃບຢັ້ງຢືນການກວດກາພືດ ແລະ ຜະລິດຕະພັນ	/WΩ(Inspection sheet of consig	inment)
ຮຽນ: ທ່າງ	ນຫົວໜ້າຂະແໜງປຸກຝັ່ງແຂວງ		
ເລື້ອງ: ສະ	ະຫລຸບຜົນການກວດກາຟືດ ແລະ ຜະລິດຕະພັນພຶດຕົວ ^ຄ	ຈິງເພື່ອການສິ່ງອອກ(Subject: Rep	port of inspection consignment).
	າມ ໃບສະເໜີຂອງບໍລິສັດ/ຜູ້ສິ່ງອອກເລກທີ: No:and date):		
	ດ ແລະ ພະລິດຕະພັນໜົດຕົວຈິງສາມາດຢັ້ງຢືນໄດ້ດັ່ງນີ້		
be verified as follow		(Inrough inspection of plants	and plant products that can
	ອກ(Name of Exporter's company):		
	ปะเทก มำเล้า(Name of Importer's company):		
	ະ ຜະລິດຕະພັນພືດ(Name of plants and plant prod		
		7/	
			The second consideration of th
	(Declared means of conveyance): 🗌 ທາງບົກ(Ro		ທາງອາກາດ(Air);
🗆 ທາງລິດໄຟ			
	ການສິ່ງອອກພືດ ແລະ ຜະລິດຕະພັນພືດ(Purpose of e		
	ລີໂພກ(Consumption); 🔲 ເພື່ອການປຸງແຕ່ງ(Proce		
	ວຢ່າງສິນຄ້າ ຫລື ວາງສະແດງ(Sample/exhibition); 🗌		
 ສະຖານທີ່ເກັບຄໍ 	ກີວຢ່າງ(Location of sampling site):	ວັນທີ່ເກັບຕົວຢ່າງ(Date of sampling):
ຈຳ ນວນຕິວຢ່າງ	(Number of sampling):้ำขังกล่ำ	າວຢ່າງ(Weight per sampling):.	
7. ວິທີການກວດກ	າ(Inspection methods): 🔲 ດ້ວຍຕາເປົ່າ(Visual);	🗌 ກວດຕິວຢ່າງ(Sample);	🗌 ສຸ່ມກວດ(Random):
🗆 ຣີມຢາ, ສາງ	បពេມិវវ៌ាវ៉ៃនុ័(Fumigation):	ອັດຕາຄວາມເຂັ້ມຂ້ນ(Concentration):
ໃຊ້ເວລາ(Dura	tion):ື່ອນໆ (Other):	• •	
 ຊະນິດສັດຕຸພືດ 	ທີ່ເຈົ້າຂອງສິນຄ້າຕ້ອງການໃຫ້ຢັ້ງຢືນ(List of pest spec	ies are being to identify):	
9. ຜົນຂອງການກວ	ວດກາ(Result of inspection): 🔲 ບໍ່ພົບສັດຕຸພືດທີ່ໃ	ข้ายืบ(Not found identified n	est): ച്രില് ട്ര്റസ്തീവർ
ใช้ย้ำยิน(Foun	nd identified pest); 🔲 ພົບສັດຕຸພືດອື່ນໆເຊັ່ນ(Fou	and other nests):	oot, workingthe to
10. ການອອກໃບຢັ້ງ	ยืบสุรามาไมเมิก(Issue phytosanitary ceificate):	ຕະໜ້າເດີ(Agreed):	Triming/Disarragh
☐ ຕ້ອງຜ່ານກາ	ນຂ້າເຊື້ອເສຍກ່ອນ(Must be disinfected); 🔲 ອື່ງ	In (Other):	October(bisagree),
ຂ້າພະເຈົ້າຂໍຮັບປະກາ	u ແລະ ຢັ້ງຢືນວ່າທຸກຂໍ້ຄວາມທີ່ໄດ້ບັນທຶກຂ້າງເທິງນີ້		
	ertify that the information recorded above is true).	מבטשנוטוש שומיים שומיים וויים שומיים וויים	มม, ชามายามมายามเพ ื่อ
ເຈົ້າໜ້າທີ່ປ້		ເຈົ້າຂອງສິ	່ານຄ້າ
(Name and signature	of Plant quarantine authority)	(Name and signature	e of Customer)

PHYTOSANITARY CERTIFICATE

	P	LAO PEOPLE'S DE สิมพิพาย เอกะลาก ปะสุขที่ EACE INDEPENDENCE DE MINISTRY OF AGRIC DEPARTMENT ใบยั้ງปีม	ะสุรกับะโก ปะสุรสิบอาจ EMOCRATIC REPUBLIC ก็ปะโก เอกะขาบ อัดกะบากาออบ EMOCRACY UNITY PROSPERITY CULTURE AND FORESTRY T OF AGRICULTURE เ สุลามาไม่พิก ARY CERTIFICATE
31n:			ণ্ডে:
FROM:		The state of the s	TO:
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REPORT ON REVIEW OF CURRENT PHYTOSANITARY EXPORT PROCEDURES AT THE BORDER AND STAFF SKILL

FIGURE



Figure 1. Lao-Thai Friendship Bridge No. I (Vientiane Capital) (Laos/Thailand)









Figure 2. Bor Ten Checkpoint (Luang Namtha Province) (Laos/China)

REPORT ON REVIEW OF CURRENT PHYTOSANITARY EXPORT PROCEDURES AT THE BORDER AND STAFF SKILL

ATTACHMENT



Lao People's Democratic Republic Peace Independence Democracy Unity Prosperity

National Assembly

No 13/NA Vientiane, Dated 15 November 2016

LAW ON PLANT PROTECTION AND QUARANTINE (Amended version)

Chapter I General Provision

Article 1.(amendment) Objectives

The Law on Plant Protection and Quarantine establishes the principles, regulations and measures on management, monitoring, inspection of plant protection and quarantine activities with the aims of preventing pest out breaks within country, preventing the introduction and spread of pests and diseases from abroad into Lao PDR and from Lao PDR to other countries, securing the health of plants, protecting the environment, ensuring food security and commercial production, increasing quantitatively and qualitatively in line with direction on clean agriculture, green growth and sustainable development, and contributing to trade, security and development of the country.

Article 2. (amendment) Plant Protection and Quarantine

Plant protection means prevention, surveillance and control of pests and preventing outbreaks which can cause a impact on plants, animals, humans and the environment. Plant Quarantine means the official confinement of plants, plant products or other regulated articles and the use of phytosanitary measures for inspection, testing or treatment of plants, plant products or other regulated articles for the purposes of disinfestation of regulated pests.

Article 3. (amendment) Definitions

The terms used in this Law have the following meaning:

- 1. **plant** means any living plant and the parts thereof, including flower, fruit, seeds, , leave, branch, stem, tip, shoot, bud, rhizome, root, spore or fungi and germplasm intended for cultivating and reproduction;
- **2. plant product** means plant or any plant part which is produced by its nature or processed may create a risk for the introduction and spread of pests;
- **3. pest** means any plant, insect, animal or pathogenic agent such as virus, fungi, bacteria, parasite and other germs injurious to plants, plant products and environment;
- **4. regulated pest** means quarantine pest, regulated non quarantine pest and pest of concern;

- **5. quarantine pest** means a pest of potential economic importance to the area endangered thereby and not yet present there or present but not widely distributed and being officially controlled:
- **6. regulated non-quarantine pest** means a non-quarantine pest whose presence in plants for planting affects the intended use of those plants and which is therefore officially controlled in Lao PDR;
- **7. pest of concern** means pest with a significant economic impact whose biological and risk of epidemiological characteristics determine that it is required to be controlled in Lao PDR;
- **8. regulated article** means any plant, plant product, storage, packaging, container, soil or other organism, object or material capable of harboring or spreading pests deemed to require phytosanitary measures;
- **9. consignment** means a quantity of plants, plant products or other regulated articles being moved from one country to another as covered in a single phytosanitary certificate;
- 10. pest control means the suppression, containment or eradication of a pest;
- 11. plant quarantine border check point means working area or location for plant quarantine inspector at any airport, harbor or land border officially designated for import and export of plants, plant products and other regulated articles. Plant quarantine border check point is established at the international, local and traditional border check point.
- **12. outbreak** means a recently detected pest population, including an incursion, or a sudden significant increase in an established pest population of an area;
- 13. pest risk analysis means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;
- **14. phytosanitary** means making plants, plant products and other regulated articles clean and free from pests
- **15. phytosanitary action** means an official operation, such as inspection, testing, surveillance or treatment, or official control undertaken to implement any phytosanitary measure:
- **16. phytosanitary measure** means any legislation, regulation or official procedure having the purpose of preventing the introduction or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests;
- **17. phytosanitary certificate** means an official paper document or its official electronic equivalent, consistent with the model certificates of the International Plant Protection Convention, attesting that a consignment meets phytosanitary import requirements indulging consignment for export and re-export;
- **18. treatment** means killing, inactivation or removal of pests, or other official procedures for rendering pests infertile, weakness or for devitalisation;
- **19. vehicle** means any vessel, aircraft conveyance, cart, container, animal or other thing that can transport plants, plant products or other regulated articles from one place to another.
- **20. Plant quarantine station** means any location designed by the Plant Protection and Quarantine Administrative Authority to detain monitor, inspect, research, test, treat, isolate or destruct a plant, plant product and other regulated article;

- **21. Re-export** means importing a consignment from one country then exporting to another country where such consignment is stored, separated and combined with other consignment or renew packaging;
- **22. Transit** means passing of consignment through Lao PDR to third country without being imported, and for which consignments may be subject to phytosanitary measures;
- **23. Integrated pest management technique** means using technique of biological control, resistance variety, traditional practice, implementation of Good Agricultural Practice and Organic standard;
- **24. Owner of the establishment** means owner of cultivation area, farm, paddy field, upland rice field, storage and others.

Article 4. (amendment) Government policies on Plant Protection and Quarantine

The State promotes plant protection and quarantine activities through the development of favorable conditions to enable effective implementation of activities including constructing infrastructure, developing and training human resources, carrying out research on science and modern technology, developing information, pest forecasting, and allocating budget and providing technical equipment.

The State encourages any natural or legal person, or organization to participate, invest and support plant protection and quarantine businesses including establishing pest free areas, developing organizations for plant protection and quarantine technical services, recovering affected cultivation and losses resulting from pest outbreaks.

Article 5. (amendment) Principles on Plant Protection and Quarantine

Plant Protection and quarantine shall be implemented based on following principles:

- 1. Ensuring centralized and harmonized management throughout the country;
- 2. Harmoniously integrating the interests of the State, community, family and entrepreneur both domestic and foreign.
- 3. Paying attention to the importance of ecosystems, safety and health of plants, people and animals for achieving the short and long term benefit of society.
- 4. Using integrated pest management techniques for plant protection and plant quarantine.
- 5. Comply with international standards, agreements and conventions to which Lao PDR is a contracting party.

Article 6. (amendment) Scope

This Law applies to any natural or legal person, or organization within and outside the country engaged in manufacturing, sale, import, export, re-export, transit, and use of plants, plant products and other regulated articles, and plant protection and quarantine activities in Lao PDR.

Article 7. (amendment) International cooperation

The State promotes cooperation with other countries, both regionally and internationally, and with international organizations related to plant protection and quarantine activities through the exchange of lessons learned, information, scientific research, technology,

human resource development, and implementing international agreements and conventions of which Lao is the contracting party.

Chapter II Plant Protection

Article 8. (new) Plant protection activities

Plant protection activities are as follows:

- 1. Development of a regulated pest list;
- 2. Emergency response plan for pest outbreak;
- 3. Surveillance and pest control;
- 4. Reporting of a regulated pest;
- 5. Identification of a regulated pest;
- 6. Declaration of pest outbreak area;
- 7. Control measures in quarantine areas and buffer zones;
- 8. Phytosanitary measures;
- 9. Cancellation of quarantine area declaration;
- 10. Pest-free production site, pest-free place of production, area of low pest prevalence and pest-free area;
- 11. Use of pesticide and biological control agents .
- 12. Other plant protection activities.

Article 9. (new) Development of regulated pest list

The Ministry of Agriculture and Forestry, in cooperation with relevant sectors and local administrative authority, shall develop, periodically review and promulgate the list of regulated pest and notify such list and its revision to regional and international plant protection organizations as well as trading partners upon request.

The List of Regulated Pest includes:

- 1.a regulated pest;
- 2.a regulated non-quarantine pest,
- 3.a pest of concern

Article 10. (new) Emergency response plan

The Ministry of Agriculture and Forestry in collaboration with industry and commerce sector, natural resource and environment sector, public health sector, science and technology sector, finance sector, labor and social welfare sector, public security sector and any another Ministries and Local Administrative Authorities, shall establish emergency response plans and related contingency planning based on: geographical, and ecological conditions, phytosanitary status, different pest control strategies available, production and marketing practices and other factors related to the control of pests.

An emergency response plan shall address at least the following:

- 1. information regarding the target regulated pest;
- 2. the administrative and technical logistic organization required;
- 3. the general and specific measures needed to address risks to plant health; and
- 4. the budget needed.

Article 11. (new) Surveillance and control of pest

The Ministry of Agriculture and Forestry in collaboration with relevant Ministries and Local Administrative Authority shall progressively establish a plant protection network to monitor, carry out surveillance and forecasting and issue warnings regarding regulated pests as defined in article 10 of this Law.

The owner of an establishment and plants shall detect a pest through survey and monitoring in combination with information received from pest warning, and shall apply integrated pest management techniques and control measures in a timely manner.

Article 12. (new). Report of regulated pest

Where the owner of an establishment and owner of plants, plant products or other regulated articles encounters an invasion or outbreak of a pest he or she shall immediately notify the nearest Plant Protection and Quarantine Administrative Authority or the nearest village administrative authority within twenty four hours. In case the notification is made to village administrative authority, such village administrative authority shall inform the Plant Protection and Quarantine Administrative Authority within twenty-four hours.

Upon receipt of notification, the Plant Protection and Quarantine Administrative Authority shall carry out inspections, collect information, and may consider taking any emergency phytosanitary measures, including implementation of the emergency response plan, as necessary to control or eradicate the infestation.

Within thirty days, the Plant Protection and Quarantine Administrative Authority shall carry out another investigation and reassessment and shall revoke the provisional or any emergency phytosanitary measures or issue a declaration of a pest outbreak area in accordance with article 14 of this Law,

Article 13. (new) Identification of a pest

The identification of a pest is the testing and identification of pest species to support information for plant protection and quarantine activities. The identification of a pest shall be carried in a laboratory approved by Ministry of Agriculture and Forestry.

Where there is a need to send the sample of the pest to foreign laboratory for identification, such laboratory shall be approved by the National Plant Protection Organization of such country and shall be official recognized by Ministry of Agriculture and Forestry of Lao PDR.

The Ministry of Agriculture and Forestry shall establish and approve a reference laboratory in order to collect and preserve specimens of pests to support the development of a national pest list. The Ministry of Science and Technology, National University and other agencies shall establish a laboratory which complies with the standards established by Ministry of Agriculture and Forestry for study and research as needed.

Article 14. (amendment). Declaration of pest outbreak area

Where the Plant Protection and Quarantine Administrative Authority confirms the presence and promulgation of a regulated pest based on pest risk assessment and implementation of the emergency response plan as described in article 10 of this Law, the Government or Local administrative Authority shall, according to the proposal of the Plant Protection Administrative Authority, issue a declaration of pest outbreak area where the outbreak occurs as follows:

- 1. if the outbreak occurs within one district, municipality or city, the governor of that district, municipality or city shall issue the declaration;
- 2. if the outbreak occurs in more than one district, municipality or city but limited to one province or in the Capital, the governor of the province or capital shall make the declaration;
- 3. if the outbreak occurs more than one province or in the Capital, the Prime Minister shall make the declaration.

A declaration made under this article shall be in writing and shall specify:

- 1. Information on the species and other biological information regarding the regulated pest as well as the impact;
- 2. the geographical limits of the pest outbreak;
- 3. the duties of relevant natural or legal persons or organizations to participate in protection and control outbreak of regulated pest;
- 4. the phytosanitary measures to be applied in that area as prescribed in article 15 and 16 of this Law;
- 5. the period during which the measures are applicable;
- 6. designation of quarantine and buffer zone;
- 7. the conditions for subsequent renewals of the declaration.

The Plant Protection and Quarantine Administrative Authority shall continuously review the Declaration to verify the status of the zone and shall make proposals for revisions as necessary.

Article 15.(new) Use of control measures in quarantine areas and buffer zones

The Plant Protection and Quarantine Administrative Authority, in coordination with the Local Administrative Authority, shall apply phytosanitary control measures and actions applicable in quarantine areas and buffer zones as follows:

- 1. Continuous technical surveys, monitoring, inspecting and testing for the presence of regulated pests according to prescribed procedures to assess the status in such area from the date of the declaration to the date of cancellation of a quarantine area declaration;
- 2. Instruct the owners of establishments, plants or plant products in a quarantine area and buffer zone;

3. Periodically review the control measures applied in order to ensure that they are the most appropriate for the situation.

The Plant Protection and Quarantine Administrative Authority shall appoint an ad-hoc emergency task force to implement phytonsanitary actions as follows:

- 1. Disseminate, conduct and define specific or additional phytosanitary measures and periodically review the control measures applied in order to ensure that they are the most appropriate for the situation.
- 2. Establish a quarantine area or specific checkpoint to monitor and control the movement of plants, plant products and other regulated articles that enter and exit such area, and implement phytosanitary action in such quarantine area or specific check point.

Article 16. (new) Phytosanitary measures

The Plant Protection and Quarantine Administrative Authority shall apply phytosanitary control measures to any area that is infested or suspected of being infested by a regulated pest, as well as to any quarantine area, buffer zones, pest-free area, area of low pest prevalence, pest-free place of production, pest-free-production site as the case may be as follows:

- 1. Treatment or disposal of plants, plant products and other regulated articles, including vehicles that may spread pests, in order to limit the spread of a quarantine pest, and to keep the area free from a specific pest or to keep the level of a pest low, as the case may be;
- 2. Control of a pest as prescribed by regulations issued by the Plant Protection and Quarantine Administrative Authority;
- 3. Restrictions or prohibitions of the movement of plants and plant products, and for quarantine areas but not buffer zones;
- 4. Requirements of the owners of an establishment and owner of a plant implementing a specific phytosanitary measure in their area;
- 5. Prohibition of planting or replanting specific plants in a specified location; or
- 6. Any other phytosanitary action which the Plant Protection and Quarantine Administrative Authority deems necessary.

The Plant Protection and Quarantine Administrative Authority may instruct, by written notice, the owner of the establishment or plants to carry out phytosanitary control measures within a specified period of time. Where the owner fails to comply with such phytosanitary measure, the Plant Protection and Quarantine Administrative Authority shall authorize a quarantine inspector, in coordination with the relevant local administrative authority, to carry out the required phytosanitary measures and in this case, the costs for any action taken under this sub-section shall be borne by the owner of the establishment or plants as prescribed by this Law and its regulations.

Where the taking of a phytosanitary measure under this Article results in loss or damage of plant, plant products or regulated articles, the Plant Protection and Quarantine Administrative Authority shall report to the Government or Local Administrative Authority for consideration of compensation as appropriate.

Article 17. (new) Cancellation of declaration of a pest outbreak area

The Plant Protection and Quarantine Administrative Authority shall regularly review the status of pest out break area. Where the regulated pest is no longer present or the risk of the regulated pest outbreak is relatively low which does not require the maintenance of control measures based on scientific evidence, the Plant Protection and Quarantine Administrative Authority shall propose to Prime Minister or the Local Administrative Authority that issued the declaration of a pest outbreak area to cancel such declaration including all control measure applied in quarantine and buffer zone.

Article 18. (new). Pest-free production site, pest-free place of production, area of low pest prevalence and pest-free area

The Ministry of Agriculture and Forestry in coordination with the relevant local administrative authority and owner of the establishment or plants shall develop and declare pest-free places of production, pest-free production sites, areas of low pest prevalence and pest-free areas in accordance with the following requirements:

- 1. Regulated pest is determined to no longer be present;
- 2. Phytosanitary actions is applied;
- 3. A management and monitoring system is in place to verify pest free status or low pest prevalence status.

Article19. (new) Use of pesticides

The pesticides used in plant protection and quarantine activities shall be of the appropriate quality, effectiveness, safety of pesticides to human, animal, plant, soil, water and environment and shall be used strictly in accordance with implementing technical guidelines.

Any pesticides used in plant protection and quarantine activities shall be registered by the Ministry of Agriculture and Forestry.

Article 20. (new) Types of pesticides

Pesticides are divided into the following categories:

- 1. Extremely hazardous pesticides;
- 2. Highly hazardous pesticides;
- 3. Moderately hazardous pesticides;
- 4. Slightly hazardous pesticides;
- 5. Hazardous pesticides with no acute toxicity.

Article 21. (new) Extremely hazardous pesticides

An extremely hazardous pesticide is a pesticide that is acutely toxic to humans and also adversely impacts the environment with a long persistence period. This is a pesticide which, on the basis of test results, 50 percent of the number of tested animals die after receiving the toxic substance of the pesticide orally in a quantity of less than 5

mg, or through the skin in a quantity of less than 50 mg per 1 kg of weight of the animal. It is prohibited to manufacture, import, distribute, use and possess extremely hazardous pesticides.

Article 22. (new) Highly hazardous pesticides

A highly hazardous pesticide is a pesticide that is acutely toxic to the health and life of humans and also adversely impacts the environment with a long persistence period. This is a pesticide which, on the basis of test results, 50 percent of the number of tested animals die after receiving the toxic substance of the pesticide orally in a quantity of 5-50 mg or through the skin in a quantity of 50-200 mg per 1 kg of weight of the animal. It is prohibited to manufacture, import, distribute, use and possess highly hazardous pesticides. except for the purpose of research and development of technology of the Government, and for the prevention and control of quarantine pests or disease vectors. In these cases, highly hazardous pesticides are required to be authorized and registered by the Ministry of Agriculture and Forestry.

Article 23. (new) Moderately hazardous pesticides

A moderately hazardous pesticide is a pesticide that is toxic to the health and life of humans. This is a pesticide which, on the basis of test results, 50 percent of the number of tested animals die after receiving the toxic substance of the pesticide through the mouth in a quantity of 5-2,000 mg or through the skin in a quantity of 200-2,000 mg per 1 kg of weight of the animal. Moderately hazardous pesticides can be manufactured, imported, distributed, used and possessed upon authorization and registration by the Ministry of Agriculture and Forestry. Moderately hazardous pesticides shall remain under supervision in strict compliance with relevant regulations.

Article 24. (new) Slightly hazardous pesticides

A slightly hazardous pesticide is a pesticide that is toxic to the health and life of humans. This is a pesticide which, on the basis of test results, 50 percent of the number of tested animals die after receiving the toxic substance of the pesticide through the mouth or the skin in a quantity of more than 2,000 mg per 1 kg of weight of the animal. Slightly hazardous pesticides can be manufactured, imported, distributed, used and possessed upon authorization and registration from the Ministry of Agriculture and Forestry and shall be in compliance with relevant regulations.

Article 25. (new) Hazardous pesticide with no acute toxicity

A hazardous pesticide with no acute toxicity is a pesticide that is toxic to the health and life of humans, but has no acute toxicity. From the test results, 50 percent of tested animals are dead after receiving the toxic substance of the pesticide through the

mouth or the skin of the quantity of 2000 mg or more per 1 kg of weight of the animal. A hazardous pesticide with no acute toxicity can be manufactured, imported, distributed, used and possessed by registering and applying for authorization from the Ministry of Agriculture and Forestry and shall be in compliance with relevant regulations, except for biological pesticides which are safe for the health for humans, animals and the environment which are not required to be registered but shall be subject to authorization by the Ministry of Agriculture and Forestry.

Article 26. (new) List of pesticides

A list of pesticides permitted for use or banned in Lao PDR shall be established by the Ministry of Agriculture and Forestry in coordination with relevant Ministries.

The list of pesticides permitted for use in Lao PDR shall contain information on the trade name, common name or chemical name, toxic substances and rate of application, type of pesticide, target pests and plants, and the withholding period before crop harvest.

Article 27. (new) Use of biological control agents

The use of biological control agents in plant protection and plant quarantine work shall be promoted to ensure safety and to reduce the risk to health to humans, animals, plants and the environment through research and development of botanical pesticides, microbial pesticides, the use of traditional knowledge and conservation of benificial insects used in pest control.

Chapter III Plant Quarantine

Article 28. (new) Plant quarantine activities

Plant Quarantine Activities are as follows:

- 1. Import
- 2. Export
- 3. Transit
- 4. Treatment

Section 1 Import

Article 29. (new) Establishment of requirements for the import of plants, plant products and other regulated articles

The Ministry of Agriculture and Forestry shall establish requirements for the import of plants, plant products and regulated articles based on pest risk analysis or international standards.

The establishment of import requirements for import of plants, plant products and regulated articles shall be implemented based on:

- 1. Periodic review of the phytosanitary import measures in place, and modification or revocation of such measures as conditions change or new facts become available;
- 2. Negotiate bilateral and multilateral agreements for the evaluation and possible acceptance of mutual phytosanitary measures including performance of preclearance at the country of origin;
- 3. Officially notify the International Plant Protection Convention Secretariat or the exporting country;
- 4. Recognize designations of pest-free areas, areas of low pest prevalence, pest free production sites, and pest free places of production within trading partners and exporting countries while respecting the principle of non-discrimination; and
- 5. Categorize import commodities according to pest risk to establish what should be regulated and exemptions;

Article 30. (new) Phytosanitary measures for imports

In order to prevent the introduction and spread of a regulated pest in Lao PDR, the Plant Protection and Quarantine Administrative Authority shall apply a phytosanitary measure for imports as prescribed in import requirements of plant, plant product and regulated articles as follows:

- 1. Take phytosanitary action;
- 2. Implement emergency measures;
- 3. Designate certain places as quarantine areas;
- 4. Prohibit the import of regulated articles for which risk management is not available or do not comply with the requirements for import;
- 5. Other phytosanitary measures deemed to be necessary.

Article 31. (new) Application for a plant import permit

Any natural or legal person, or organization intending to import a plant, plant product or regulated article as prescribed in the list of plant, plant product or regulated article requiring an import permit shall submit the application form and relevant documents to the Plant Protection and Quarantine Administrative Authority .

The import of a plant, plant product and regulated article also requires an import permit in the following cases:

- 1. Where the importation is from a country of origin where there are confirmed or suspected quarantine pests;
- 2. Where the importation is subject to post-entry quarantine requirements such as planting material, beneficial insects and microbial pesticides;
- 3. Where the importation is for a designated end use or for research purposes;

- 4. Where the importation is required in response to a humanitarian crisis or natural disaster:
- 5. Where there is a need to trace the importation of plant, plant product or other regulated articles after entry over a period of time.

Any plant, plant product or regulated article shall, upon import authorization, be imported at a border checkpoint and be subject to such limitations as specified in the import permit.

The list of plants, plant products and regulated articles requiring an import permit is prescribed in a regulation issued by the Ministry of Agriculture and Forestry. Other plants, plant products and regulated articles which are not included in such list shall comply with import requirements and shall declare import documents at the border checkpoint as described in article 29 of this Law.

Article 32. (new) Consideration of plant import permit applications

The Plant Protection and Quarantine Administrative Authority shall, after receipt of an import application form and relevant documents, consider and deny or approve the application within 10 working days. Where the application is denied, the applicant shall receive notification in writing for the reasons for denial.

Where there is the evidence of a pest outbreak information, the Plant Protection and Quarantine Administrative Authority may review, modify or revoke an import permit for a plant, plant product or regulated article at any time by written notice.

Article 33. (amendment) Documentary declaration

Any natural or legal person, and organization who imports a plant, plant product or other regulated article shall present the relevant documents such as phytosanitary certificate and other document periodic prescribed by the Ministry of Agriculture and Forestry to plant protection border check point.

Article 34. (amendment) Import inspections

Any plant, plant product or regulated article for import shall be subject to inspection by a plant quarantine inspector. Where the consignment is accompanied by all completed and valid relevant documentation, and complies with prescribed phytosanitary import requirements, he or she shall clear the consignment in writing, for processing by Customs authorities.

Where the consignment is not accompanied by complete and valid relevant documentation or fails to comply with prescribed phytosanitary import requirements, the plant quarantine inspector shall notify the importer, and shall implement any of the following an emergency action:

1. Detain the plant, plant product or other regulated article until the necessary documents are submitted; collect samples; and carry out any other necessary tests:

- 2 Require the importer to move the plant, plant product or other regulated article, including, to a quarantine station or other location for treatment as specified by the Plant Protection and Quarantine Administrative Authority, and the importer shall conduct treatment for such plant, plant product or other regulated article;
- 4 Order the sorting and reconfiguring of plant, plant product or other regulated article that are identified in the phytosanitary certificate;
- 5 Refuse entry and order reshipment;
- 6 Destroy or take other emergency actions.

The importer shall bear any costs associated with implementation of import phytosanitary action, reshipment or destruction.

Where the consignment is refused for entry, the plant quarantine inspector shall issue a written notice to the importer stating reasons for refusing the shipment, or where necessary, shall ask for additional information.

The plant quarantine inspector shall carry out inspections on plants, plant products or other regulated articles at the entry checkpoints and during regular working hours, except where the plants, plant products or other regulated articles:

- 1. are extremely perishable;
- 2. have huge import volumes and there is inadequate storage room or place;
- 3. require unloading and reloading;
- 4. require isolation or quarantine;
- 5. due to unforeseeable circumstances, are delayed.

Article 35. (New) Postal import

Any natural or legal person or organization who imports a plant, plant product or regulated article through postal services to Lao PDR, shall declare such plant, plant product or other regulated article, and relevant documents, to a designed officer at postal office upon arrival of the shipment. Such plant, plant product or other regulated article shall be stored under phytosanitary security conditions as prescribed by regulations.

A designated officer at a post office shall inform the Plant Protection and Quarantine Administrative Authority of the arrival of shipment to carry out inspection. Where a regulated pest is detected, phytosanitary action shall be applied as described in article 34 of this Law.

An import of any plant, plant product, and other regulated article which falls into the list of plant, plant product and other regulated articles that require import permits shall be compliant with article 31, 32 and 33 of this Law.

Article 36. (amendment) Bringing in of regulated articles by passengers and vehicles entering Lao PDR

Any natural or legal person or organization bringing any plant, plant product or other regulated article into Lao PDR shall declare such articles to the plant quarantine inspector, and if no plant quarantine inspector is present, such declaration shall be made to the Customs officer upon arrival at the plant quarantine checkpoint.

Any inbound commercial flight, bus, train, boat and other forms of travel into Lao PDR shall inform their passengers or travelers of the requirement to declare any plant, plant product, or other regulated article.

Vehicles may require disinfestation or other treatment when entering into Lao PDR, where the Plant Protection and Quarantine Administrative Authority considers it necessary based on the pest risk analysis.

Any plant, plant product or other regulated article carried by a passenger which is on the list of plants, plant products or other regulated articles for which an import permit is required, shall follow the procedure described in article 31, 32 and 33 of this Law.

Article 37. (new) Post Entry Requirement for high risk regulated articles

Any natural or legal person, or organization who imports a high risk regulated article particularly planting material, biological control agents, shall isolate or quarantine such articles in a Government quarantine station or a designated isolation area under the control of the importer, where he or she has the capacity to meet the requirement on monitoring, detection, testing, treatment, detention and destruction.

The Ministry of Agriculture and Forestry shall establish and approve the quarantine station and designated isolation area in consistency with prescribed standards and requirements.

Section 2 Exports

Article 38. (amendment) Export

Any natural or legal person or organization wishing to export a plant, plant product or regulated article, shall apply to the Plant Protection and Quarantine Administrative Authority to implement phytosanitary measures prescribed by the import requirements of the destination country. A plant, plant product or other regulated article which is not on the list of quarantine control of a destination country shall be exported and shall comply with other relevant regulations.

Where a destination country requires a market access proposal, phytosanitary registration, phytosanitary certification, treatment or testing, the exporter shall bear any additional costs associated with implementation of such import requirements.

Article 39. (new) Re-export requirements

Any natural or legal person, or organization wishing to re-export a consignment shall apply to the Plant Protection and Quarantine Administrative Authority to conduct an inspection and to issue a phytosanitary certificate for re-export. When a consignment for re-export has either been exposed to infestation or contamination by pests, or has lost its phytosanitary security, or has been subject to processing to change its nature, the Plant Protection and Quarantine Administrative Authority shall notify the exporter in writing.

Any consignment which has no risk as prescribed in paragraph 1 of this article may be re-exported in compliance with relevant regulations.

Article 40. (amendment) Issuance of export and re-export certificates

The Plant Protection and Quarantine Administrative Authority shall, upon receipt of the application, inspect, test and conduct treatment of the consignment. Following the inspection, where the consignment complies with the phytosanitary requirement of the destination country, the Plant Protection and Quarantine Administrative Authority shall either issue a phytosanitary certificate for export or re-export, or notify the applicant of the reason in writing by giving instructions for the exporter or re-exporter to improve their operations.

Where a phytosanitary certificate for export or re-export has been issued, the exporter shall follow the instructions of the Plant Protection and Quarantine Administrative Authority.

In the case of re-exports, all original documentation and phytosanitary certificate from the country of origin shall accompany the consignment for re-export.

Section 3 Transit

Article 41. (new) Phytosanitary measures for consignments in transit

The Ministry of Agriculture and Forestry shall establish phytosanitary measures for consignments in transit based on pest risk analysis.

The Plant Protection and Quarantine Administrative Authority shall apply the following phytosanitary measures to consignments in transit:

- 1. Take phytosanitary action in relation to consignments in transit that pose a significant risk to Lao PDR;
- 2. Implement an emergency action as prescribed in paragraph 2 of article 34 of this Law.
- 3. Prohibit the transit of the shipment that has no available risk management or does not comply with the phytosanitary requirements for import, established in article 30 of this Law.

Phytosanitary action shall not apply to a consignment in transit through Lao PDR where: the consignment has been packed so as not to create a risk of the spread of regulated pests that

might be present in the consignment, the consignment complies with the phytosanitary requirements of the country of destination and the consignment is accompanied by the phytosanitary certificate of the country of origin.

Article 42. (amendment) Authorization for transit

Any natural or legal person, or organization wishing to transport consignments through Lao PDR shall submit a prescribed application form to the plant quarantine inspector at the entry checkpoint.

The plant quarantine inspector at the entry checkpoint shall inspect the phytosanitary certificate, vehicle and consignment to verify its compliance with requirements and phytosanitary security.

Where such consignment is found to comply with the phytosanitary requirements of Lao PDR, the consignment shall be immediately allowed entry for transit, and where the consignment does not comply with phytosanitary requirements, such consignment shall be rejected for transit through Lao PDR and the transit consignee shall be notified in writing for the reasons for denial.

Where there is an irregularity or where there is information that the source of the consignment is from a pest outbreak area in the country of origin, inspections shall be carried out in accordance with the regulations. When a regulated pest is intercepted the provision of article 34(2) of this Law shall be applied.

Article 43. (amendment) Unpacking and loading

Any consignment in the course of transit may not be unpacked or unloaded from the vehicle without the approval of either a plant quarantine inspector at the border checkpoint or the Plant Protection and Quarantine Administrative Authority.

Section 4 Treatment

Article 44. (new) Treatment

The treatment of a regulated article shall include fumigation, disinfestation, heat treatment, cold treatment, hot water treatment, irradiation and other methods which are prescribed by the Plant Protection and Quarantine Administrative Authority.

Plant quarantine inspector at border checkpoint shall apply to a consignment, the method described in paragraph 1 of this article as prescribed in regulation.

Article 45. (amendment) Disposal, treatment and disinfection of vehicles

Any vehicle or means of transport entering Lao PDR that poses a risk or any vehicle or means of transport moving from a quarantine area or any waste from plant, plant product and regulated article in such vehicle, shall be disposed, treated, and disinfected where required by a notice of the Ministry of Agriculture and Forestry.

Article 46. Import of equipment and packaging material

Equipment and packaging materials brought into Lao PDR that are suspected of infestation with a regulated pest shall subject to inspections by the plant quarantine inspector. Where a regulated pest is intercepted, treatment and disinfection shall be applied in accordance with requirements.

Chapter IV

Plant Protection and Quarantine Businesses Section 1

Applications for Business Operations and Types of Business

Article 47. (amendment) Application for plant protection and quarantine businesses

Any natural or legal person or organization that wishes to carry out a plant protection and quarantine businesses shall submit an application form to the Ministry of Industry and Commerce and shall be authorized by the Ministry of Agriculture and Forestry. The process for business registration shall comply with the Law on Enterprise, Law on Investment promotion, and other relevant Laws.

Article 48. (amendment) Type of plant protection and quarantine businesses

Plant protection and quarantine businesses includes:

- 1 Pest diagnostics;
- 2. Prevention and control of pests;
- 3. Import and sale of pest resistant plant varieties, pesticides, biological control agents and plant protection equipment;
- 4. Phytosanitary export assurance services;
- 5. Vocational schools for training, and training centers on plant protection and quarantine;
- 6. Advertising plant protection and quarantine services;
- 7. Other businesses relevant to plant protection and quarantine.

Article 49. (New) Pest diagnostic business

Pest diagnostic Business includes the testing and identification of pest species or study, research of pest and its control method.

Person, Juristic person and organization wishing to conduct business on pest diagnostic shall have Laboratory and comply with technical requirement on location, infrastructure, human resource, analysis equipment and quality control system that is accurate and up to date as standard and requirement prescribed by Ministry of Agriculture and Forestry.

Article 50. (New) Protection and control of pest

Protection and control of pest provides consultation on Protection and control of pest that includes treatment using disinfestation, fumigation and irradiation techniques, and production and production of pest free planting material and operator service for pesticide.

Person, Juristic person and organization wishing to conduct business on pest control and disposal shall comply with technical requirement on location, human resource, infrastructure, pest free system, safety and quality control system as standard and requirement prescribed by Ministry of Agriculture and Forestry.

Article 51. (New) Import or sale of pest resistant plant varieties, pesticides, biological control agents and plant protection equipment

Any natural or legal person or organization that wishes to import or sell pest resistant varieties, pesticides, biological control agents and plant protection equipment shall comply with technical requirements relating to location, human resources, infrastructure, safety and quality control system as prescribed by Ministry of Agriculture and Forestry.

Article 52. (New) Phytosanitary export assurance services

Phytosanitary export assurance service business relates to implementation of phytosanitary measures for export to ensure compliance with import requirements of destination countries.

Any natural or legal person or organization wishing to provide phytosanitary export assurance services shall have the required human resources, procedures of pest control and eradication, record-keeping, traceability, and other procedures needed to maintain the security of a consignment after the issuance of a phytosanitary certificate as prescribed by the Minister of Agriculture and Forestry.

Article 53. (New) Vocational training schools, and training centers on plant protection and quarantine

Any natural or legal person or organization wishing to establish a vocational training school for plant protection and quarantine shall comply with prescribed regulations, including using a curriculum that is approved by the relevant government sector to enhance technical capacity of responses to the need for plant protection and quarantine.

Article 54. (New) Advertising on plant protection and quarantine

Any natural or legal person or organization wishing to advertise on plant protection and quarantine including producing short movies, handouts, posters, manuals on plant outbreak and responses to and methods of pest control shall be approved by the Plant Protection and Quarantine Administrative Authority and other relevant sectors.

Section 2 Suspension and withdrawal of business authorisation

Article 55. (New) Suspension of business operation

A plant protection and quarantine business operation shall be suspended by the relevant sector in the following cases:

- 1. Where a proposal has been made by the business operator due to problems in the business:
- 2. Where a proposal has been made by the Plant Protection and Quarantine Administrative Authority or relevant sector when it is found that such business operator has committed an offence under the this Law or its regulations, or has otherwise operated in a manner that has resulted in damage to society and the economy and the environment.

A suspension shall include the exact period of duration that an operator has to resolve or improve the matter giving rise to the suspension. Where the problem cannot be resolved then the business shall be cancelled according to the Law.

Article 56. (New) Cancellation of business operation

Plant protection and quarantine business operations shall be cancelled by the relevant sector due in the following cases:

- 1. Where a proposal has been made by the Plant Protection and Quarantine Administrative Authority or relevant sector in the case of a serious offense or where a given instruction has not been followed;
- 2. Where the phytosanitary business approval has been revoked.

The process for considering withdrawal of a business operation is described as follows:

- The Plant Protection and Quarantine Administrative Authority shall issue a written warning to the business operator, where the business operation does not meet the requirements of the Law or has significant impact on the society and economy and environment, and such written notice shall require the business operator to resolve and improve the lack of compliance within a specified period from the date of the written notification. A record of the warning shall be made for the business operator to acknowledge.
- If the business operator fails to resolve the issue or improve the operation within the prescribed time period, the Plant Protection and Quarantine Administrative Authority shall issue a second warning notice for the business operator to resolve or improve its operation within an additional prescribed period;
- If the business operator fails to implement the corrective measures within such prescribed period, the Plant Protection and Quarantine Administrative Authority shall issue a notice of cancellation and issue announcements through news media and take prescribed enforcement actions relating to the business operator in accordance with the Law.

Rights, duties and obligations of an entrepreneur or owner of an establishment or plant

Article 57. (amendment) Rights and obligations of entrepreneurs

Entrepreneurs have the following rights and obligations:

- 1. To operate their businesses in accordance with any requirements, terms and conditions as may be included in a technical approval, permit or regulations;
- 2. To take action to prevent, control, eradicate and treat pests, and implement measures to prevent any action which can cause a pest outbreak including import and export of a plant, plant product and or other regulated article from a pest outbreak area;
- 3. To complain to the Plant Protection and Quarantine Administrative Authority about offences under laws and regulations committed by plant quarantine inspectors;
- 4. To contribute money and human resources for plant protection and quarantine development work;
- 5. To pay charges and service fees or other obligations as prescribed by Law and regulations.
- 6. To receive information on compulsory phytosanitary measures imposed by the Plant Protection and Quarantine Administrative Authority.
- 7. To facilitated and cooperate with plant quarantine officer and inspectors, and provide necessary information;
- 8. To inform or report the detection or suspicion of a pest or pest outbreak to the Plant Protection and Quarantine Administrative Authority or village authority;

Article 58. (amendment). Right and Obligation of owner an establishment or plant

An owner of an establishment or plant has the following major rights and obligations:

- 1. To carry out in monitoring, surveillance, control and prevention of pest outbreaks on their premises.
- 2. To complain to the relevant organization regarding offenses committed by officers, plant quarantine inspectors and entrepreneurs.
- 3. To report pest outbreaks on their premises to the Plant Protection and Quarantine Administrative Authority and relevant local village administration;
- 4. To cooperate with government officers and plant quarantine inspectors that are performing plant protection and quarantine functions.

Chapter VI

Prohibition

Article 59. (amendment). General prohibitions

Any natural or legal person, or organization are prohibited from the following:

- 1. Importing a plant, plant product and other regulated articles, or otherwise in a manner that causes harms to health of plants, human, animal and environment into Lao PDR.
- 2. Importing, transiting or moving a plant, plant product or other regulated article without the required authorization by the Plant Protection and Quarantine Administrative Authority.

- 3. Importing, multiplying or handling a regulated pest without permission;
- 4. Moving a plant, plant product or other regulated article from an outbreak area to another area within the country;
- 5. Exporting or re-exporting a plant, plant product or other regulated article which does not comply with phytosanitary requirements of the destination country;
- 6. Bribe a phytosanitary inspector in the exercise of his or her official functions, forging any official document and falsifying the seal on Plant Protection and Quarantine;
- 7. Threatening, delaying or impeding the performance of a plant quarantine officer and inspector.
- 8. Falsely or misleadingly advertising on plant protection and quarantine matters;
- 9. Performing other activities in violation of laws and regulations.

Article 60. (amendment) Prohibitions for officers and plant quarantine inspectors

In addition to prohibitions prescribed in article 59 of this Law, an officer or plant quarantine inspector shall not:

- 1. Abuse his or her powers by forcing or threatening, coercing, pressurizing, requesting or accepting bribes, that damage the interest of the State, collective or individual;
- 2. Disclose confidential information of the State or official,
- 3. Forge any official document, issue false documents or falsify a document;
- 4. Carry out their responsibilities recklessly or in bad faith which cause damage;
- 5. Ignore rules and regulations, rules on inspections of plant, plant product and other regulated articles, or resolve problems in a manner that is inconsistent with technical standards;
- 6. Raise or reduce charges and technical service fees alone or use collected fees from plant protection and quarantine work for personal benefit;
- 7. Carrying out other activities in violation of laws and regulations.

Chapter VII Resolution of conflicts

Article 61. (amendment) Form of resolution of conflicts

Conflicts shall be resolved according to any of the following forms:

- 1. Conciliation or mediation:
- 2. Administrative conflict resolution;
- 3. Resolution by the Economic Conflict Resolution Authority
- 4. Judgment of the People's Court
- 5. International Conflict Resolution

Article 62. (new) Conciliation or mediation

Where there is conflict on plant protection and quarantine matters, the two parties shall resolve the issue through discussion, negotiation, conciliation or mediation.

Article 63. (new) Administrative conflict resolution

Where there is conflict on plant protection and quarantine matters, the two parties have the right to propose the Plant Protection and Quarantine Authority or relevant sector to consider the matter for resolution in accordance with Laws and regulations.

Article 64. (new) Resolution by the Economic Conflict Resolution

Where there is conflict from plant protection and quarantine business operations, the two parties have the right to propose to the Economic Conflict Resolution Authority to consider and resolve the matter according to the Law and regulations.

Article 65. Judgment of People's Court

Where there is conflict on plant protection and quarantine work, any of parties has the right to bring a claim in the People's Court for hearing and judgment according to the Law and regulations.

Article 66. (amendment) International dispute resolution

Where there is an international dispute arising from plant protection and quarantine business activities, the parties shall refer to the Conflict Resolution Authority at domestic, overseas or international level as identified in the contract or resolved according to international agreement or treaties to which the Lao PDR is a contracting party.

Chapter VIII

Administration and inspection of plant protection and quarantine

Section 1 Administration of plant protection and quarantine

Article 67. (amendment). Plant Protection and Quarantine Administrative Authority

The Government shall administer centralized and unified plant protection and quarantine functions throughout the country by delegating the Ministry of Agriculture and Forestry as responsible, in cooperation with other Ministries such as the Ministry of Industry and Commerce, Ministry of Natural Resource and Environment, the Ministry of Public Health, Ministry of Posts and Telecommunications, Ministry of Public Works and Transport, Ministry of Science and Technology, Ministry of Finance, Ministry of Labor and Social Welfare, Ministry of Public Security and relevant local administrative authorities.

The Plant Protection and Quarantine Administrative Authority shall comprise the following:

- 1 Ministry of Agriculture and Forestry;
- 2 Provincial, Capital Agriculture and Forestry Offices;
- 3 District, Municipal, City Agriculture and Forestry Offices;
- 4 Village Agriculture and Forestry Unit of Village Economic-Finance Sector
- 5 Plant Quarantine Border checkpoints.

Article 68. (amendment). Rights and duties of the Ministry of Agriculture and Forestry

In the administration of plant protection and quarantine activities, the Ministry of Agriculture and Forestry has the following rights and duties as follows:

- 1. To develop policy guidelines, strategies and legislation on plant protection proposed to the Government for consideration;
- 2. To transform policy guidelines, strategic plans, policy plans and Laws into detailed programs, projects, laws, rules and regulations;
- 3. To issue agreements, orders, guidelines and notices on plant protection and quarantine:

4.

- 5. To disseminate policies, strategies, laws, rules and regulations related to plant protection and quarantine throughout the country;
- 6. To guide, monitor and evaluate the implementation of plant protection measures by vertical line agencies countrywide;
- 7. To build capacity, provide training, manage and use the personnel on Plant Protection and Quarantine.
- 8. To appoint, transfer or dismiss plant quarantine inspectors at international checkpoints throughout the country, in coordination with relevant local authority;
- 9. To establish and manage international plant quarantine border checkpoints, laboratories and post-entry quarantine stations and approve pest diagnostic laboratories in coordination with relevant sectors and the local authority;
- 10. To carry out pest risk analyses, forecast regulated pest incidence, and establish the list of regulated pests, the list of other regulated articles, the list of regulated articles that require import permits, establish a pest free area and area of low pest prevalence, develop a contingency plan for pest outbreaks and define phytosantary measures to contain or eradicate the pest outbreak throughout the country;
- 11. To assess and propose to the relevant authority to make a declaration on the pest outbreak area;
- 12. To establish and develop databases and report on plant protection and quarantine activities;
- 13. To administer, issue and revoke permits for plant import, phytosanitary certificates, technical approvals for plant protection and quarantine businesses, and other documents within their responsibilities;
- 14. To register pesticides, biological control agents and plant protection equipment;
- 15. To accept and process appeal or complain on plant protection and quarantine
- 16. To coordinate with foreign and international organizations on plant protection and quarantine including to establish a national contact point as required by the International Plant Protection Convention;
- 17. To regularly summarize and report on the performance of plant protection and quarantine functions to the Government;
- 18. To implement other rights and duties as prescribed by Laws and regulations.

Article 69. (amendment). Rights and duties of the Province and Vientiane Capital Agriculture and Forestry Offices

In the administration of plant protection and quarantine activities, the Province and Vientiane Capital Agriculture and Forestry Offices have the following rights and duties:

- 1. To transform policies, strategic plans, Laws and regulations on plant protection and quarantine for implementation;
- 2. To publicize and disseminate laws and regulations, as well as information relating to plant protection and quarantine work to enable public awareness, and to strictly implement such laws and regulations;
- 3. To develop and propose to the Province or Capital Governor any agreements, orders, guidance and notices on plant protection and quarantine matters;
- 4. To guide, monitor and evaluate results of the implementation of plant protection of the District, Municipality and City Agriculture and Forestry Offices;
- 5. To support and monitor the performance of international plant quarantine border checkpoints, district plant quarantine border checkpoints, plant quarantine stations and plant quarantine inspectors;
- 6. To build capacity, and provide training for plant quarantine officers and inspectors;
- 7. To establish and manage provincial plant quarantine border checkpoints, laboratories and quarantine stations in coordination with relevant sectors;
- 8. To establish a plant protection network that links to the district and the village, forecast regulated pests incidence, issue warnings regarding pest outbreaks and to setup a pest control and quarantine mobile service, identify the area and measure for pest outbreak control and manage the isolation area of plant.
- 9. To develop an emergency response plan for the outbreak of regulated pest and define a control measure to address a pest outbreak.
- 10. To assess and propose the Province or Capital Governor to announce a pest outbreak area;
- 11. To manage and monitor the use of pesticides, biological control agents and plant protection equipment;
- 12. To establish and develop a pest database linked centrally, conduct testing, disseminate techniques on plant protection and quarantine methods suitable for the province or capital's local circumstances;
- 13. To issue and revoke permits, phytonsaitary certificates, plant protection and quarantine business approvals and other documents, where designated to do so by the Ministry of Agriculture of Forestry;
- 14. To accept and process appeals or complaints regarding plant protection and quarantine matters:
- 15. To coordinate with local authorities, district administrative authorities and other local sectors in the performance of plant protection activities;
- 16. To collaborate with overseas bodies where designed to do so by a higher authority;
- 17. To produce periodic reports on the implementation of plant protection and quarantine matters to the Ministry of Agriculture and Forestry and the Province and Capital administrative authorities.
- 18. To implement other rights and duties as prescribed by Laws and regulations.

Agriculture and Forestry Offices

In the administration of plant protection and quarantine activities, the District, Municipal and City Agriculture and Forestry Offices have the following rights and duties within their own areas of responsibility:

- 1. To implement policies, strategic plans, Laws and regulations on plant protection and quarantine;
- 2. To disseminate and provide information on laws, rules and regulations, information concerning plant protection and quarantine for public awareness, and to strictly implement them;
- 3. To develop and propose to the District Governor, head of Municipality or city any agreements, orders, guidance and notices on plant protection and quarantine matters;
- 4. To support, guide and train personnel on techniques of use relating to pesticides, biological control agents and plant protection equipment;
- 5. To guide, monitor and evaluate the results of the implementation of plant protection and quarantine of the Village Economic-Finance Sector;
- 6. To support and monitor the performance of plant quarantine border checkpoints, plant quarantine inspectors, and plant protection and quarantine businesses;
- 7. To establish, develop and manage district plant quarantine border checkpoints in coordination with relevant sectors;
- 8. To build capacity, and provide training for plant quarantine officers and inspectors;
- 9. To develop an emergency response plan for outbreaks of regulated pests and define control measure to address a pest outbreak;
- 10. To assess and propose to the mayor of a District, Municipality, City to declare a pest outbreak area;
- 11. To monitor, survey and warn on the occurrence of a regulated pest, to define the control area and implement measures for a pest outbreak;
- 12. To provide services and advice on pest diagnostics and give instructions on pest control and quarantine matters, the management of pesticides, biological control agents and plant protection equipment, and to participate in mobile pest protection and control services.
- 13. To accept and process appeals or complaints on plant protection and quarantine matters;
- 14. To coordinate with local authorities and the relevant sectors in the implementation of plant protection and quarantine activities;
- 15. To summarize and regularly report on the implementation of the plant protection and quarantine activities to the Province and Vientiane Capital Agriculture and Forestry offices and the district, municipality, city administrative authorities.
- 16. To implement other rights and duties as prescribed in Laws and regulations.

Article 71. (New) Right and duties of Village Agriculture and Forestry Unit of Village Economic-Finance Sector

In the administration of plant protection and quarantine activities, Village Agriculture and Forestry Unit of Village Economic-Finance sector have the following rights and duties according to their own areas of responsibility:

1. To disseminate and provide information on plant protection and quarantine for public awareness and to strictly implementation regulations;

- 2. To monitor, inspect, carry out surveillance and detection, and participate in prevention and control of pest outbreaks;
- 3. To lead the village-level to address prevent and eradicate pests;
- 4. To support and monitor the use of pesticides, biological control agents and plant protection equipment;
- 5. To participate in conflict resolution on plant protection and quarantine within the village;
- 6. To participate in meetings, workshops, and technical training for capacity building of plant protection and quarantine;
- 7. To prevent and take action against the smuggling of imported plants, plant products or other regulated articles that cause pest outbreaks;
- 8. To summarize and regularly report on the implementation of plant protection and quarantine matters to the district, municipal and city administrative authorities
- 9. To implement other rights and duties as prescribed by Laws and regulations.

Article 72. (amendment) Rights and duties of plant quarantine border check point

In the administration of plant protection and quarantine activities, plant quarantine border check points have the following rights and duties according to their areas of responsibility:

- 1. To implement policies, strategic plans, Laws and regulations on plant protection and quarantine;
- 2. To detect and prevent activities in any form that occur at the border checkpoint that break laws, rules and regulations on plant protection and to inform relevant sectors to prosecute violators in accordance with relevant laws and regulations;
- 3. To facilitate the import, export, re-export and transit of plants, plant products and other regulated articles in an efficient and transparent manner and in accordance with relevant laws and regulations;
- 4. To detain, isolate, send samples for identification, treatment, reship, destroy or to otherwise implement any other phytosanitary action on plants, plant products and other regulated articles infested with regulated pest;
- 5. To inspect and test plants, plant products or other regulated articles in accordance with phytosanitary import or transit requirements;
- 6. To issue phytosanitary certificates for export, re-export, transit authorisations and other documentation where designated to do so by the Ministry of Agriculture and Forestry;
- 7. To collect technical service charges and fees in line with the laws and regulations;
- 8. To coordinate with other relevant sectors within its level of responsibility to implement plant protection and quarantine activities;
- 9. To summarise and regularly report on the implementation of plant protection and quarantine activities to the Plant Protection and Quarantine Administrative Authority at upper level.
- 10. To implement other rights and duties as prescribed by Laws and regulations.

Article 73. (amendment) Rights and duties of other sectors

In the administration of this Law, other sectors such as the Ministry of Industry and Commerce, the Ministry of Natural Resources and the Environment, the Ministry of Public Health, the Ministry of Posts and Telecommunications, the Ministry of Public Works and Transport, the Ministry of Science and Technology, the Ministry of Finance, the Ministry of Labor and Social Welfare, the Ministry of Public Security and other relevant local administrative authorities have the right and duty to coordinate and cooperate with the Plant Protection and Quarantine Administrative Authority in accordance with their own mandate and responsibility.

Section 2 Inspection of Plant Protection and Quarantine

Article 74. (amendment) Plant Protection and Quarantine Inspection Organization

Plant Protection and Quarantine Inspection Organization includes the internal inspection organization and the external inspection organization. The internal inspection organization is the Plant Protection and Quarantine Administrative Authority as determined in article 67 of this Law. The external inspection organization is the National Assembly, the State Audit Agency , the State Inspection Agency, the Lao Front for National Construction, public organization, media and citizens.

Article 75. (new) Context of inspection

Inspection shall cover the following matters:

- 1. Implementation of Law and regulation on plant protection and quarantine;
- 2. Activities of an officer and plant quarantine inspector;
- 3. Activities and operation of plant protection and quarantine businesses;
- 4. Development and implementation of plant protection and quarantine plans.

Article 76. (amendment) Forms of Inspection

Inspection consists of three forms as follows:

- 1. Regular inspection
- 2. Inspection with prior notice
- 3. Sudden inspection

Regular inspection shall be carried out in accordance with an inspection plan, and on a regular basis and on a specified date.

Inspection with prior notice, shall not be scheduled in a plan and shall be carried out subject to providing prior notification.

Sudden inspection, shall be carried out rapidly without any advance notice.

Section 3
Plant Quarantine Inspector

Article 77. (New) Plant quarantine inspector

A plant quarantine inspector is an agricultural officer who is officially appointed by Ministry of Agriculture and Forestry to implement plant protection and quarantine activities at plant quarantine border checkpoint or to carry out any specific task. Plant quarantine inspectors at the provincial and district border checkpoint shall be appointed by the Governor of the Province or Capital in coordination with Ministry of Agriculture and Forestry based on requirements and designated roles.

Article 78. (amendment) Rights and duties of plant quarantine inspector

A plant quarantine inspector has right and duties as follows:

- 1. To disseminate and raise awareness on the law and regulation on plant protection and quarantine;
- 2. To inspect, verify and validate the phytosanitary certificate or other document for the entrepreneur;
- 3. To inspect the vehicle, packaging and persons at a border checkpoint or pest outbreak control area and collect samples of a plant product or other regulated article and submit to testing and diagnosis where there is suspicion of infestation with a regulated pest;
- 4. To enter premises where plants, plant products or other regulated articles that are suspected of being infested are grown, sold, processed, stored or transported, in order to inspect, survey, collect samples and monitor pest status;
- 5. To detain, isolate, treat, refuse entry, return, destroy or implement phytosanitary actions for plants, plant products and other regulated articles that are infested with a regulated pest or coming from area of pest outbreak;
- 6. To monitor and detect where packaging and loading or unloading of a plant, plant product or other regulated articles creates a risk of pests;
- 7. To take measures against any person who violates the law and regulation on plant protection and quarantine within their responsibilities including seizing regulated articles, recommending arrest of the violator and presenting the case file to the relevant authority for resolution or prosecution according to Law and regulation.
- 8. To coordinate with other officers and local administrative authorities in implementation of plant protection and quarantine legislation;
- 9. To summarise and regularly report on implementation of plant protection and quarantine activities to the Plant Protection and Quarantine Administrative Authority to which they belong.
- 10. To implement other rights and duties as assigned by the Plant Protection and Quarantine Administrative Authority.

Chapter VIII Uniforms, insignia and Seal

Article 79. (amendment). Uniforms and insignia

A plant quarantine inspector shall have a uniform, insignia and identity card as defined by the Ministry of Agriculture and Forestry.

The plant quarantine inspector shall wear the uniform with insignia and carry an identity card in carrying out his or her official duties.

Article 80. (amendment). Seal

The Plant Protection and Quarantine Administrative Authority and plant quarantine border check point have their own seal for conducting official functions. Plant quarantine inspectors shall use the seal of plant quarantine border checkpoint in carrying out their official duties.

Chapter X Rewards and Penalties

Article 81. (amendment) Rewards for persons with outstanding achievement

Individuals or organisations that perform outstandingly in implementing this Law for example in administration, inspection, control and eradication of plant pest, shall receive an award or other form of recognition in accordance with the regulations.

Article 82. (amendment) Penalty measures for violator

Individuals, families and organizations that have violated this law shall be warned, disciplined, fined, face civil sanction or face criminal charges under the law depending on the severity of the offence.

Article 83. Warnings

Individuals, families and organizations that commit minor violations of this Law in a manner that does not constitute a criminal offense or does not cause serious damage to society, the economy and the environment, shall be warned and re-educated in writing provided that the offender submits an honest report recognizing their wrong-doing.

Article 84. (amendment.) Disciplinary measures

Plant protection staff and plant quarantine inspector that violate this Law in a manner that is not considered a criminal offense and does not cause serious damage or that are unwilling to report on the offense to avoid repercussions on their wrongdoing, shall face disciplinary actions according to the regulations, such as a warning of the offense, suspension of promotion or dismissal from being a civil servant without any honorarium.

Article 85. (amendment) Penalty measures

Any natural or legal person, or organization that violates this Law in a manner which does not constitute a criminal offense, including operating plant protection and quarantine business without approvals or failing to comply with rules and regulations

shall be fined equal to the value of the seized plants, plant product or other regulated article or equal to the cost of any required treatment.

If the offender commits an offence more than once, the fine shall be double the value prescribed in paragraph 1 of this article.

Article 86. (amendment) Civil sanctions

Any natural or legal person or organization that violates this Law which causes damage to the State, community or individuals shall be liable for the damage caused.

Article 87. Criminal sanctions

Any person violating this Law in such a manner as to constitute a criminal offense shall, depending on the severity of each case, be prosecuted according to the Penal Law, including taking responsibility for the damages as prescribed by civil law.

Chapter X Final Provisions

Article 88. (amendment) Implementation

This Law shall be implemented by the Government of the Lao People's Democratic Republic.

Article 89. (amendment). Effectiveness

This Law shall enter into force on the date of the Promulgating Decree of the President of the Lao People's Democratic Republic and fifteen days after publication in the Official Gazette.

This Law replaces the Law on Plant Protection No 06/NA, dated 9 December 2008.

Any provisions and regulation that contradict this Law shall be abolished.

President of the National Assembly Pany Yathotou



LAO PEOPLE'S DEMOCRATIC REPUBLIC Peace Independence Democracy Unity Prosperity

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Government No 229/GoL

Vientiane Capital, dated 31 May 2012

DECREE IMPLEMENTING THE LAW ON PLANT PROTECTION

- Pursuant to the amended Law on Government No. 02/NA, dated 6 May 2003;
- Pursuant to the Law on Plant Protection No. 06/NA, dated 9 December 2008;
- Pursuant to the November 2012 Government Meeting's Decision No.10/GoL, dated 23 December 2011;
- Pursuant to Proposal of Ministry of Agriculture and Forestry No.0764/MAF dated on 21 May 2012.

The Government issues the following Decree:

CHAPTER 1 GENERAL PROVISIONS

Article 1. Objectives

This Decree elaborates the provisions of certain Articles of the Law on Plant Protection (hereafter "the Law"). It shall ensure uniform application of the Law throughout the country and shall ensure the accuracy, clarity, correctness, effectiveness and understanding of the Law in a manner that is in line with international treaties and agreements to which the Lao PDR is a party. This Decree also aims to facilitate trade in plants, plant products and other regulated articles.

Article 2. Plant protection

Plant protection, as defined in the Article 2 of the Law, shall mean the application of phytosanitary measures such as: inspections; quarantine; the declaration of outbreaks and zones; and other actions in line with international treaties and agreements to which the Lao PDR is a party.

Article 3. Interpretation of terms

The terms used in the Law also have the following technical meaning:

- 1. **Prohibited pest** in Article 15 of the Law means, regulated pest which consists of:
 - Quarantine Pest which means a pest of potential economic importance to the area endangered and not yet present there, or present, but not widely distributed and being officially controlled.

- **Regulated non-quarantine pest** which means a pest whose presence in plants for planting affects the intended use of those plants, with an economically unacceptable impact.
- **2. Quarantine** means the official confinement of plants, plant products or other regulated articles for surveillance and research or for further inspection, testing or treatment.
- **3. Inspection** in the Law except indicated under Part VI Section 2 means technical examination of plants, plant products or other regulated articles by the Plant Protection Authority (PPA) to determine if pests are present or to determine compliance with phytosanitary regulations.
- **4. Phytosanitary measure** means any legislation, regulation or official procedure having the purpose of preventing the introduction or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests.
- **5. Phytosanitary action** means an official operation, such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures.
- **6. Phytosanitary certificate** means, in clarification of Article 3 of the Law, the certificate patterned after the model certificates of the IPPC.
- **7. Appropriate level of phytosanitary protection** means the level of phytosanitary protection deemed appropriate by Lao's phytosanitary authority to determine phytosanitary actions, to prevent the introduction and spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests.
- **8.** Area of low pest prevalence means an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the phytosanitary authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures.
- **9. Pest-free area** means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained.
- **10. Pest-free place of production** means a place of production in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period.
- 11. Pest-free production site means a defined portion of a place of production in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period and that is managed as a separate unit in the same way as a pest free place of production.
- 12. Entry or exit checkpointmeans, in clarification of Article 3 (12) of the Law, the checkpoint used for import or export of plants, plant products and regulated articles established by the PPA under specific regulation, which shall be based on the list of border pointsto enter or leave Lao PDR, including any international airport, train station, river port established in cooperation with the relevant authority.
- **13. Local checkpoint**means, any checkpoints established along province or district lines, or along the circumference of quarantine areas or buffer zones.
- **14. Buffer zone** means an area surrounding or adjacent to an area officially delimited for phytosanitary purposes in order to minimize the probability of spread of the target pest into or out of the delimited area, and subject to phytosanitary or other control measures, if appropriate.

- **15. Endangered** area means an area where ecological factors favour the establishment of a pest whose presence in the area will result in economically important loss for Lao PDR.
- **16. Quarantine area** means an area where a quarantine pest is present and is being controlled by the PPA.
- **17. Outbreak** means a recently detected pest population, including an incursion, or a sudden significant increase of an established pest population in an area
- **18. Regulated article** means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures.
- **19. Treatment** means, in clarification of Article 3(15) of the Law, the official procedure including vapour heat, chilling, drying, fumigation, irradiation and other procedures for the killing, inactivation or removal of pests, or for rendering pests infertile, or for devitalization.
- **20. Consignment** means a quantity of plants, plant products or other articles being moved from one country to another and covered, when required, by a single phytosanitary certificate and a consignment may be composed of one or more commodities or lots.
- **21. Pest Risk Analysis** means the process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest, whether it should be regulated, and the strength of any phytosanitary measures to be taken against it
- **22. Plant Protection Authority** (or the PPA) means ,in accordance with Article 42 of the Law, Department of Agriculture (DoA) of Ministry of Agriculture and Forestry (MAF) and those provinces, districts and border checkpoints so authorized by MAF to carry out the official functions of the National Plant Protection Organization as specified by the International Plant Protection Convention (IPPC).
- **23. Pest control** means the suppression, containment or eradication of a pest population.
- **24. Plant Product** means in clarification of Article 3(4) of the Law, unmanufactured material of plant origin, and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests.

Article 4. Principles for determining phytosanitary measures

In elaboration of Article 5 (5) of the Law, the determination of phytosanitary measures shall:

- 1. be based on international standards, recommendations and guidelines;
- 2. be applied to the extent necessary to protect plant health;
- 3. be based on risk assessment and pest risk analysis and be proportional to such risk;
- 4. be not more stringent than necessary and shall not create unnecessary barriers to trade;
- 5. shall not discriminate between domestic or foreign products or producers, nor among foreign countries Members where identical or similar conditions prevail.

The PPA shall recognize as equivalent the phytosanitary measures of exporting countries where such measures can be demonstrated by the exporting country to have equivalent results to those of Lao PDR or meets the appropriate level of protection of Lao PDR.

The PPA shall recognize foreign phytosanitary measures where the phytosanitary measures applied meet the level of risk protection required by Lao PDR.

Article 5. International cooperation

International cooperation as defined under Article 7 of the Law, shall include, in accordance with the IPPC:

- 1. cooperation in the exchange of information on plant pests, particularly the reporting of the occurrence, outbreak or spread of pests that may pose immediate or potential risk, in accordance with such procedures as may be established by the IPPC Commission;
- 2. cooperation, to the extent practicable, in providing technical and biological information necessary for pest risk analysis;
- 3. participation, in so far as is practicable, in any special campaigns for combatting pests that may seriously threaten crop production and need international action to meet the emergencies; and
- 4. the PPA shall be the focal point in implementing the above-mentioned activities.

CHAPTER 2 CONTROL OF PESTS

Article 6. Control of pests

In accordance with Chapter II Section1 of the Law, plant protection shall also include: listing regulated pests; declaring and cancelling quarantine areas; applying control measures in quarantine areas and buffer zones; applying phytosanitary measures; carrying out surveillance; establishing of areas of low-pest prevalence, pest-free areas, and places and sites of low pest production; and establishing quarantine stations.

Article 7. List of regulated pests

In accordance with article 43(9) of the Law, the PPA shall establish, approve and publish a List of Regulated pests in collaboration with the concerned local authority and other sectors, and shall update the List from time to time, on the basis of pest risk analysis. The PPA shall declare such List and any amendment of such List to the IPPC Secretariat and other regional organizations, including trading partners when requested.

Article 8. Declaration of a quarantine area

Declaration of a quarantine area [pest outbreak area] under Article 12 of the Law shall be made where the PPA suspects or has grounds to determine, following surveillance or a report, that a regulated pest is present in an area. The PPA may enter such area or premises to inspect any plants, plant products or regulated articles, take samples and report his or her findings to the PPA.

Where there is an outbreak, the PPA shall make a recommendation to the relevant local administration authority as identified in Article 12 of the Law to:

1. make a provisional declaration of a quarantine area, where there is a need for further scientific analysis to determine the status of the pest detected in the area;

2. make a declaration of a quarantine area where there is scientific confirmation following surveillance and within thirty days; or cancel the provisional declaration.

Where the PPA confirms the presence of regulated pests based on scientific evidence, the PPA shall recommend to the local administration authority to issue the declaration on the phytosanitary measures to be applied in the quarantine area.

The PPA shall publicize the declaration of a quarantine area in a written instrument establishing the period during which the measures are applicable and the conditions for subsequent renewals of the declaration.

Article 9. Cancellation of the declaration of a quarantine area

Following the declaration of a quarantine area [pest outbreak area] as defined under Article 12 of the Law, the PPA shall regularly review the status of quarantine area and where the regulated pest is no longer present or that quarantine status is no longer appropriate based on scientific evidence, the PPA shall recommend to the local administration authority that issued the declaration of a quarantine area to cancel it, including the cancelation of phytosanitary control measures applied in the quarantine areas and buffer zones.

Article 10. Control measures in quarantine areas and buffer zones

The PPA shall determine the phytosanitary control measures and actions applicable in quarantine areas, buffer zones and for each type of plant pest, in accordance with Article 10 and 13 of the Law.

The PPA shall set up an ad-hoc emergency task force in coordination with local authorities of the quarantine area. The taskforce shall establish the geographic limits of the quarantine area and buffer zone.

For the implementation of the phytosanitary measures in quarantine areas, the PPA shall:

- 1. carry out continuous surveillance from the date of the declaration to the date of cancellation of a quarantine area, and take samples in the prescribed manner in order to assess the status of the situation:
- 2. prohibit or restrict the movement of plants, plant products and other articles where there is confirmation that a regulated pest is present.

For the implementation of the phytosanitary measures in quarantine areas, the taskforce under the authority of the PPA shall:

- 1. set out any additional or specific measures to be implemented and publicized, and shall review those measures periodically to ensure they are appropriate to the particular situation;
- 2. set up local checkpoints in order to monitor and control the movement of plants, plant products and regulated articles that are entering or exiting the area, and take phytosanitary actions at those checkpoints.

The same measures and actions applicable to quarantine areas shall be applied to buffer zones and it is not necessary to establish the checkpoints.

For both quarantine areas and buffer zones, the PPA and local authorities shall provide advice or give directions to land owners and other owners or persons in charge of plant production sites or other premises containing plants or plant products. Plant protection officers shall take samples and tests as prescribed in Manuals or regulations.

The phytosanitary measures to be taken in quarantine areas and buffer zones shall be publicized through radio, newspaper and other appropriate media as appropriate and shall to the extent possible local authorities shall provide information on the measures to be carried out at field-level.

Article 11. Phytosanitary actions and measures

In implementing of Article 13 of the Law, The phytosanitary measures and actions on any plant, plant product or regulated article that is infested or suspected to be infested by a regulated pest based on pest analysis which one or more measures and actions can be used as follows:

- 1. Treatment, destruction or disposal of plants, plant products and other regulated articles, including the treatment of vehicles whether or not they have been found to be infested, in order to limit the spread of the regulated pest;
- 2. Pest control as shall be prescribed by regulations issued by the PPA;
- 3. Prohibiting or restricting the movement of any plant, plant product and other regulated article within into or out of a quarantine area and buffer zone;
- 4. Requiring the owner of any area, place of production or site of production to carry out phytosanitary actions in those areas, sites or places;
- 5. Prohibiting the planting or replanting specific plants in a specified location;
- 6. Carrying out any other phytosanitary action or measure which the PPA deems necessary.

If an owner of a plant or plant product, or area of land to which point 4 under this Article applies fails to comply with the order, the PPA shall authorize a plant protection officer, in coordination with the relevant local administration authority, to enter upon the area or premises. The plant protection officer shall carry out the required phytosanitary action necessary to stop or limit the spread of the pest, or to destroy or dispose of plants, plant products or other regulated articles. The costs of any action under this article shall be borne by the owner in compliance with relevant legislation.

Where the action under this Article results in loss or damage, the PPA shall notify the Government for consideration.

Article 12. Surveillance

In elaboration of Article 13 (4) of the Law, the PPA shall progressively establish an appropriate system of monitoring and surveillance for listed pests, which takes into account resources and capacities that are available.

Article 13. Pest-free production site, pest-free place of production, area of low pest prevalence and pest-free area

In implementing of Article 13 of the Law the PPA shall progressively implement in Lao PDR, subject to its available resources, a system of recognition of pest-free places of production or pest-free production sites, subject to the payment of prescribed fees by the owner of such places or sites.

Where the PPA confirms through surveillance that a specific pest is not present in an area, adopts phytosanitary actions to keep the area free of the pest and institutes a monitoring system to verify that this condition is maintained, the PPA may declare it a pest free area.

Where the PPA confirms through surveillance that a regulated pest occurs at low levels in an area, adopts phytosanitary measures to keep the pest levels low, and institutes a surveillance system to verify that the pest levels remain low, it may declare it an area of low pest prevalence.

The PPA shall progressively establish such areas of low pest prevalence and pest-free areas in Lao PDR, which take into account resources and capacities that are available.

Article 14. Duty to report regulated pest

In elaboration of Article 11 and 36 (6) of the Law, owners and persons in charge of any places for growing or storing plants, plant products or regulated articles shall notify the nearest PPA or the nearest local administration authority immediately where they suspect or confirm the presence of regulated pests. The local authority that has been informed shall notify the PPA within twenty-four hours.

Article 15. Rights and duties of owners

In elaboration of Article 36 (2) of the Law, owners and persons in charge of any places for growing or storing plants, plant products or regulated article should cooperate and allow the plant protection officer access during inspection, includingaccess to relevant documentation, and shall comply with the guidance and requests of the plant protection officer, as indicated under the Law.

The owner or person in charge has the right to accompany the plant protection officer during the inspection and has the right to be informed of the results of the inspection including the process of inspection.

Article 16. Quarantine station

In implementing of Article 17 of the Law, the PPA may designate certain places or facilities as quarantine stations where plants, plant products or regulated articles maybe kept for observation, inspection, research, testing, treatment, detention or destruction.

CHAPTER 3 IMPORT

Article 17. Basis for phytosanitary import requirements

In accordance with Article 14 of the Law, the PPA shall establish implementing regulations for import requirements, in accordance with pest risk analysis or international standards in order to prevent the introduction of quarantine pests and to limit the introduction of regulated non-quarantine pests. The PPA shall carry out as follows:

- 1. Publish the relevant measures and requirements in a written instrument and publicize it accordingly;
- 2. Periodically review the phytosanitary measures regulating imports and as conditions change or new facts become available, modify or revoke phytosanitary requirements and phytosanitary measures;
- 3. Negotiate bilateral and multilateral agreements for the evaluation and possible acceptance of alternative phytosanitary measures proposed by an exporting country's plant protection organization, as being equivalent to the phytosanitary measures required by Lao PDR as set out in this Decree;
- 4. Notify the IPPC or the exporting country of instances of interception, emergency actions and non-compliance where required;
- 5. Implement, subject to its available resources and in a manner that is non-discriminatory, a system for the recognition of designations of pest-free areas, areas of low pest prevalence, pest free production sites, and pest free places of production within the exporting countries;
- 6. Categorize commodities for import according to pest risk and set out the criteria for categorization in regulations.

Article 18. Phytosanitary import permits

In elaboration of Article 15 and 18 of the Law, any person intending to import a plant, plant product or regulated article shall require an import permit issued by the central level PPA in the following cases:

- 1. Where the importation is from a country of origin where there are confirmed or suspected quarantine pests;
- 2. Where the importation is subject to post-entry quarantine requirements;
- 3. Where the importation is for a designated end use or for research purposes;
- 4. Where the importation is required in response to a humanitarian crisis or natural disaster; or
- 5. Where there is a need to trace the importation of plant, plant product or other regulated articles after entry over a period of time.

Any person intending to import a plant, plant product or regulated article shall submit an application to the PPA in such manner as shall be prescribed by regulations. The PPA should consider the application and provide the importer with a decision within 10working days prior to the importation. The consideration should follow the principle of first come first served.

Where the PPA denies issuance of an import permit, the PPA shall notify the applicant of the reasons in writing no later than 10 working days after receipt of the import application.

The PPA may review, modify or revoke an import permit for a plant, plant products or regulated articles at any time by written notice.

Article 19. Procedures for import

In elaboration of Articles 15, 16 and 17 of the Law, any importer of a plant, plant product, and regulated article shall follow the requirements stated in the import permit and in this Decree.

Plants, plant products or other regulated articles shall only be imported through entry checkpoints designated by the PPA. Importers have the right to choose the most convenient entry checkpoint, except where a particular entry check point is specified in the import permit.

Any plants, plant products or other regulated articles, whether or not subject to an import permit, must be submitted for inspection at the point of entry. Importers shall declare the import permit, where required, and the phytosanitary certificate issued by country of origin to the plant protection officer for inspection. Where the import permit is not required importers shall declare the phytosanitary certificate issued by country of origin and other documents prescribed by regulations to the plant protection officer.

Where information in the import permit does not match the consignment to be imported, importers shall submit a new application for an import permit. In such case, the plant protection officer shall not release the consignment until a new import permit matching the consignment has been issued. The costs of storage and other associated costs shall be borne by the importer.

Permission to submit a new application for an import permit under this Article is only applicable to cases where there is a low-risk or no risk of spread of regulated pests. Where there is a high-risk of spread of regulated pests, the plant protection officer shall take actions in accordance with Article 20 of this Decree.

Where an importer imports plants, plant products or other regulated articles without an import permit, or without a phytosanitary certificate where it is required, or does not use the designated entry checkpoint or brings in such items without inspection, the importer may be fined or subject to relevant criminal legislation, or may have his or her business license suspended or revoked.

Article 20. Import inspection of plants, plant products and other articles

In elaboration of Article 17 of the Law, any plants, plant products or regulated articles for import shall be subject to inspection by a plant protection officer. Importers shall declare the arrival date and time in writing to the plant protection officer at the entry checkpoint.

The plant protection officer shall inspect any plant, plant products or other regulated articles coming into Lao PDR. Where the plant protection officer inspects and verifies that

the shipment is accompanied by all relevant documentation required under this Decree and complies with the phytosanitary import requirements of the PPA, he or she shall clear the consignment in writing, for processing by customs.

Where the shipment is not accompanied by the relevant documentation or fails to comply with the phytosanitary import requirements, the plant protection officer shall notify the importer, and shall implement any of the following phytosanitary actions:

- 1. Detain the plants, plant products or other regulated articles until the necessary documents are submitted; collect samples; and carry out any other necessary tests;
- 2. Require the importer to move the plants, plant products or other articles, including for treatment, to a quarantine station or other location as specified by the PPA;
- 3. Require the importer to conduct treatment on plants, plant products or other regulated articles;
- 4. Order the sorting and reconfiguring of plants, plant products or other regulated articles:
- 5. Refuse entry and order reshipment;
- 6. Take emergency actions including destruction.

The plant protection officer should notify the importer the reasons of refusing the phytosanitary certificate in writing, or where necessary, the plan protection officer shall ask for additional information in writing in accordance with import regulations.

The plant protection officer shall carry out inspections on plants, plant products or other regulated articles at the entry checkpoints and during regular working hours, except where the plants, plant products or other regulated articles:

- Are extremely perishable;
- Are of a volume of exceeding such amount as shall be prescribed by regulation and for which there is inadequate storage at the entry checkpoint;
- Require unloading and reloading;
- Require isolation or quarantine; or
- Due to unforeseeable circumstances, are delayed.

The plant protection officer may carry out inspections outside regular working hours or outside the entry checkpoint upon the request of the importer as defined above. The importer shall bear any additional costs associated with the operation of this article and all inspections performed under this article shall be carried out prior to the completion of customs clearance.

Where plant, plant product or other article is necessary to be inspected after customs clearance, the PPA shall develop specific regulations and shall notify the relevant officials at the border checkpoint and importers before such regulations enter into force.

Article 21. Collaboration with other authorities

The collaboration of other authorities as defined under Article 47 of the Law includes the collaboration of customs or other authorities in not releasing or disposing of any plants, plant products or regulated articles without the authorization of the plant protection officer at the entry checkpoint. Any plants, plant products or regulated articles for import

shall be subject to inspection and approval by the plant protection officer at the entry checkpoint prior to receiving customs clearance in accordance with relevant regulations.

Importers, checkpoint authorities, postal services, custom clearance services officers and shipping agents shall report the arrival of plants, plant products and regulated articles to the plant protection officer.

Article 22. Declaration of a plant, plant product or regulated article carried by passengers

In elaboration of Articles 24 and 25 of the Law, any person or organization bringing any plant, plant products or regulated articles into Lao PDR shall declare the same to the plant protection officer upon arrival, and if no plant protection officer is present, such declaration shall be made to the Customs officer.

All inbound commercial flights, buses, trains, boats and other forms of travel into Lao PDR shall inform their passengers of their duty to declare any plants, plant products, or regulated articles.

The PPA shall publish and post for public display at the entry checkpoint, the regulations of Lao PDR on the importation of plants, plant products or regulated articles.

Vehicles may require disinfestation or other treatment when entering into Lao PDR, where the PPA considers appropriate based on the risk.

Where persons enter into Lao PDR with any plant, plant products or regulated articles without complying with the requirements of this Article, the plant protection officer shall issue a warning and a written notice to such person, and may take further action in compliance with relevant Lao PDR legislation.

Article 23. Postal import

In elaboration of Article 5 and 25 of the Law, any person or organization who receives any plant, plant product or regulated article sent through postal services to Lao PDR shall declare such plant, plant product or regulated article to the postal officer upon arrival. The postal officer shall inform the PPA.

Where the person receiving the plant, plant products or regulated articles fails to comply with this Article, the responsible postal officer shall issue a warning and a written notice to such person, in compliance with relevant Lao PDR legislations.

CHAPTER 4 CONSIGNMENTS IN TRANSIT

Article 24. Consignments in transit

In elaboration of Article 22 of the Law, the transit of consignments of plants, plant products or regulated articles through Lao PDR shall require a written authorization from the plant protection officer at the entry checkpoint.

The owner or person in charge of the consignments shall submit the prescribed application form and pay such service fees as may be prescribed by regulation.

Any consignment in transit that is found to create a risk, or does not comply with the prescribed PPA requirements, may be denied transit through Lao PDR or may be subject to emergency phytosanitary action to prevent the spread of regulated pests. Where such action has been taken, the PPA shall notify the country of origin and where appropriate, the country of destination.

Article 25. Phytosanitary action

In elaboration of Article 22 of the Law, phytosanitary action shall not apply to a consignment in transit through Lao PDR where the consignment:

- 1. has been packed so as not to create a risk of the spread of regulated pests that might be present in the consignment;
- 2. complies with the phytosanitary requirements of the country of destination;
- 3. is accompanied by the phytosanitary certificate of the country of origin.

CHAPTER 5 EXPORT

Article 26. Inspection and certification for export

In elaboration of Article 19, 20 and 21 of the Law, the designated PPA as elaborated in Article 29 of the Law, shall carry out inspections, testing and treatment in order to:

- 1. issue an export phytosanitary certificate, in accordance with the requirements of the importing country; or
- 2. issue a re-export phytosanitary certificate, where a consignment is imported into and then re-exported to a third country.

Any person wishing to export a plant, plant product or regulated article shall submit an application to the PPA in the prescribed form and with the documents as set out in regulations, and shall submit the items for inspection. The applicant shall pay such fees as may be prescribed by regulations.

The PPA shall, upon receipt of the application, inspect, test and conduct treatment of the consignment without undue delay. No person other than a plant protection officer under the PPA may issue an export or a re-export phytosanitary certificate.

Following inspection, the PPA shall either issue a phytosanitary certificate for export or re-export, where the consignment meets the importing country's phytosanitary requirements, or deny certification where the requirements have not or cannot be met.

Where a phytosanitary certificate for export or re-export has been issued, the exporter shall export the consignment in compliance with the instructions of the PPA in order to maintain its phytosanitary security and physical integrity after certification.

In the case of re-exports, all original documentations and phytosanitary certificates from the country of origin shall accompany consignments.

CHAPTER 6 PHYTOSANITARY BUSINESS

Article 27. Phytosanitary business

In elaboration of Articles 31, 32, 33 and 34 of the Law, any person or organization wishing to operate a phytosanitary business shall apply for technical registration with the central PPA. Such business shall follow the rules and operating requirements set out by the PPA.

No phytosanitary business shall engage in any of the following activities:

- 1. Issuance of a phytosanitary certificate or any other official document;
- 2. Approval of standards, requirements, rules or phytosanitary measures;
- 3. Official liaison duties with foreign authorities or any notification responsibilities;
- 4. Any other function as may be prescribed by regulations.

Phytosanitary businesses shall be subject to regular inspections by the PPA. Failure to comply with PPA requirements may result in de-registration. The phytosanitary business may reapply for registration after remedial action has been taken and where it is in compliance with the relevant regulations, and under the guidance of the PPA.

Article 28. Fee and technical service charges

In accordance with Article 46(7) of the Law, the collection of fees and technical service charges under this Decree shall adhere to the Presidential Edict on Fees and Service Charges as may be updated from time to time.

CHAPTER 7 IMPLEMENTATION ON PLANT PROTECTION

Article 29. Structure of the Plant Protection Authority

In accordance with Article 42 of the Law, the structure of the PPA for plant protection administration and implementation is as follows:

- 1. At the central level, the Department of Agriculture of MAF, with functions in accordance with Article 43 of the Law;
- 2. At the provincial level, the Provincial and Vientiane Capital Agriculture and Forestry Departments, with functions in accordance with Article 44 of the Law;
- 3. At the district level,the District Agriculture and Forestry Office, with functions in accordance with Article 45 of the Law;
- 4. At entry and exit checkpoints, with functions in accordance with Article 46 of the Law.

Article 30. Entry and exit checkpoints for plant protection

In elaboration of Article 43 (5) of the Law, the establishment of quarantine stations and laboratories at the entry and exit checkpoints require the approval of central level PPA.

The central level PPA shall, together with province and district level authorities, appoint plant protection officers to be stationed at entry and exit checkpoints.

The personnel structure of the plant protection entry and exit checkpoints shall be composed of: a Head; Deputy Heads; and plant protection officers. Each appointment at the entry or exit checkpoint shall be for one year, and can be extended for only one additional year.

Article 31. Required standard for entry and exit checkpoint

The establishment of the entry and exit checkpoint as defined in Article 42 of the law, the requirements of entry and exit checkpoint apart from as indicated in Article 46 of the Law, shall also include as follows:

- 1. Office space with required equipment such as computers, internet, telephones-fax and other office appliances;
- 2. Laboratory with inspections equipment and basic sample collection toolkits;
- 3. Space for carrying out inspection practices;
- 4. Space and facilities for phytosanitary treatment tools such as evaporation tools, coolers (freezers), chemical steam and other kits in accordance with Regulations;
- 5. Space for quarantine stations for plants, plant products and regulated articles after the importation including the space for disposal or burning.

Article 32. Required qualifications of a plant protection officer

In addition to Article 35 of the Law, a plant protection officer shall have the following qualifications:

- 1. Successful completion of the training course on plant protection from the Department of Agriculture in accordance with regional and international standards:
- 2. Advanced diploma or higher, specializing in agriculture or plant protection;
- 3. At least 2 years experience in agriculture or plant protection;
- 4. Knowledge of the Plant Protection Law and other plant protection legislation;
- 5. Competent in English or other foreign languages; and
- 6. Be in good health.

Article 33. Rights and duties of plant protection officer

In addition to Article 35 of the Law, a plant protection officer also has the following duties:

- 1. Except for a houses or places of residence, to enter any premises or area such as quarantine areas, storage, bus terminal, post office, airport, train station, port, farm and growing area;
- 2. To provide signatures on required documents;
- 3. To stop the distribution, sale or use of any plant, plant product or regulated article, and seize those items where there is a risk of the spread of a regulated pest or where such items have entered illegally in the territory of Lao PDR;
- 4. To be accompanied by a police officer where necessary;
- 5. To participate on training courses and upgrade theoretical knowledge and practical experience.

Article 34. Liability and appeal

In elaboration of Article 13 (2) of the Law, the PPA shall not be responsible for the destruction of plants, plant products or other regulated articles as a result of any action taken under this Decree, except where a decision is made by a judicial body or the Government.

An owner of a plant, plant product or regulated article destroyed under this Decree or regulations issued under it, may submit a complaint or appeal to the Head of the PPA where he or she believes the plant protection officer acted outside his or her powers or where such action was otherwise in contravention of this Decree.

CHAPTER 8 FINAL PROVISION

Article 35. Implementation

Implementation of this Decree is assigned to Ministry of Agriculture and Forestry in collaboration with relevant Ministries, Ministry-equivalent organizations and all levels of local administration.

Article 36. Enforcement

This Decree shall enter into force 180 days from the date of signature. Any Decrees, regulations and provisions that contradict this Decree are null and void.

Prime Minister of Lao PDR Thongsing Thammavong



Lao People's Democratic Republic Peace Independence Democracy Unity Prosperity -----==000===------

Ministry of Agriculture and Forestry

No 2136/MAF Vientiane, date 20 Oct 2011

Ministerial Order on Tightening Plant Export Control and Inspection to Comply with Phytosanitary Regulations of Importing Country

For the attention of: Director General of Departments, Agencies and institutions of Ministry of Agriculture and Forestry, Directors of Provincial and Vientiane Capital City Agricultural and Forestry offices, Heads of Plant Protection Border check points

- Pursuant to the Plant Protection Law Not 06/NA Dated 9 December, 2008;
- Pursuant to the Decree of Prime Minister No 1428/NA on the Role and Function of the Ministry of Agriculture and Forestry;
- Pursuant to the report of the Department of Agriculture No 1198/DOA Dated 17 October 2011

Plant Protection and plant quarantine are a mission in the policy of the government on opening its doors to international cooperation particularly in the area of exchanging lesson learned, information, research, technology as well as implementing the Conventions and Agreements concerning Phytosanitary [measures] of which Lao PDR is a contracting party.

In recent years, Lao PDR has been widely exchanging agricultural commodities within the region and globally which is considered an important contribution to the national socio-economic development. However, the transaction of exchange and trade somehow is not in consistence with phytosanitary regulations of the importing countries which cause some consequences such as the export of plant is fined and penalties are raised by the destination country.

In order to facilitate the export and service providers on phytosanitary [matters]; to avoid the negative impact on plant commodity production exported from Lao PDR to international markets in the short and long term and also to ensure the implementation of phytosanitary regulations of the International Plant Protection Convention (IPPC), WTO- Sanitary and Phytosanitary Agreement (SPS-WTO) and regulation on phytosanitary of importing country.

The Minister of Agriculture and Forestry issues orders as follows:

1. The Department of Agriculture (DOA) shall collaborate with relevant sectors whether at central or local level to seek information and regulations on the

requirements of the importing country. In particular, the list of regulated articles from the authority of the importing country, which has competency to issue an import permit, of major trading partners of Lao PDR including Thailand, Vietnam, China, Japan, European countries and others. This will ensure that exporters and phytosanitary service providers have proper information and regulations and are able to follow them at an early stage.

- 2. The DOA shall elaborate the export procedure guidelines for plants that are listed as regulated articles by major trading partner countries of Lao PDR. In addition, DOA shall provide information on production practice and pest status to the relevant authority of the importing country that will define the terms, initiate negotiations and define phytosanitary requirements and other measures in order to conduct pest risk analysis to enable Lao's entrepreneurs to comply.
- 3. The Provincial and Capital City Agriculture and Forestry (PAFO) shall advertise and disseminate information on export plant and plant product to stakeholders, who are involved in the supply chain starting from the production stage to the export stage, especially the list of regulated articles that is notified by the Sanitary and Phytosanitary Notification Point (SPS Notification) of the trading partner. Where the stakeholder has a plan to produce and export a plant that is listed as a regulated article by the importing country, he/she shall urgently contact DOA to arrange collecting and submitting information on production practice and pest status to the importing country to conduct pest risk analysis and define import phytosanitary requirements that will be used as a measure to authorize the import.
- 4. All Plant Protection Border check points over the country shall strictly rely for their inspection of export plant and plant products on the International standard for phytosanitary measure (ISPM) No 23: Guideline on Inspection which is developed by IPPC. This will ensure that the consignment is accompanied with completed document that comply with the requirements of the importing country. Before a plant or plant product can be exported, it shall be subjected to phytosanitary certification which is authorized by the plant protection administration or National plant protection organization of which DOA, Provincial Agricultural sector and District Agricultural unit serve as the executing organ to their higher administrative body.
- 5. The Competent Authority shall not issue a phytosanitary certificate for plant and plant products that are listed as prohibited articles by the importing country. Except where it receives a special import authorization given by the competent authority of the importing country, the officer shall ensure his phytosanitary inspection and certification are consistent with the phytosanitary requirements as defined in the import permit document.

- 6. The DOA, the Department of Planting, PAFOs and Plant Protection Border checkpoints shall strictly consult with each other and regularly report progress to the Minister of Agriculture and Forestry with regard to strengthening the provisions and about constraints in implementing this order in order to find a timely solution.
- 7. This order comes into force from the date of its signature.

Minister of Agriculture and Forestry Vilayvanh Phomkhe

CC

- 1. Central Party office
- 2. Prime minister office
- 3. Ministry of Industry and Commerce
- 4. National Trade and Industry Association
- 5. Commodity production coordinator office

LAO PEOPLE'S DEMOCRATIC REPUBLIC Peace Independence Democracy Unity Prosperity

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Ministry of Agriculture and Forestry Department of Agriculture

No. 1077/DOA Vientiane, 30 September 2010

Notification

Guiding on the Principle and Method for the Issuance of Phytosanitary Certificate

- Pursuant to Plant Protection Law No.06/NA, Dated 09/12/2008.
- Pursuant to new revised text of the International Plant Protection Convention, 1997.
- Pursuant to the International Standard for Phytosanitary Measures No. 7 and 12 on the Phytosanitary certificate.

The issuance of Phytosanitary Certificate is the procedure of certifying plant commodities, plant products and others articles base on the prescribed text of International Standard for Phytosanitary Measures (ISPM) No. 12.

Hereafter is the guide by Director General of Department of Agriculture (DOA) to the issuance of phytosanitary certificate as following:

1. The System of Phytosanitary Certificate

1.1. Model Phytosanitary Certificate

The Agricultural sector of provinces and Vientiane capital where has authorization to issue phytosanitary certificate shall harmonizes their operation by using the instruments and model phytosanitary certificate defined by DOA where is currently using the model as described in the Annex of in International Standard for Phytosanitary Measures No. 12, conforming to the international principle under International Plant Protection Conventions (IPPC). (See the model of phytosanitary certificate in annex. 1 in this guidance).

1.2. Procedures for the issuance of phytosanitary certificate

Lao PDR uses the National Phytosanitary Database (NPD) program for the issuance of phytosanitary certificate, of which is installed and supervised by DOA to the public office where is authorized by the Ministry of Agriculture and Forestry (MAF).

1.3. Application for phytosanitary certificate

The application shall comprise the following documents:

- Application form;
- Import permit issued by NPPO of importing country;
- Packing list/ Invoice;
- Place of origin certificate;
- Inspection report;
- Fumigation (treatment) certificate.

Remarks:

- Fraudulent phytosanitary certificate is the document issued by persons or organizations or other entities that are not authorized by MAF;
- Phytosanitary certificate contains false or misleading information;
- In case of additional declaration is filled in Phytosanitary certificate, the authorized organizations for issuing phytosanitary certificate should inform to DOA.

Therefore, DOA notify to your sector in order to execute effectively.

Director General of DOA

Dr.Monthathip CHANPHENGXAY



Lao People's Democratic Republic Peace Independence Democracy Unity Prosperity

Ministry of Agriculture and Forestry Department of Agriculture

No 1219 /DOA Vientiane, date 12 August 2013

Notification

Attend to: Heads of the Province and Vientiane Capital City Agricultural Office

Subject: The Phytosanitary Import and Transit Requirement of Thailand

for Some Important Plant Commodities Exported from

the Lao People's Democratic Republic

- Pursuant to the Plant Protection Law No 06/NA dated 09/12/2008
- Pursuant to the Decree of Prime Minister No 229/PM dated 31/05/2012 on the Implementation of Plant Protection Law
- Pursuant to the Ministerial Order No 2136/MAF dated 26/10/2011 on Tightening Plant Export Control and Inspection in Compliance with the Phytosanitary Regulation of Importing Country
- Pursuant to the Notification of the Ministry of Agriculture and Cooperatives of Thailand under the Plant Quarantine Act B.E. 2507 Amended by Plant Quarantine Act (No2) B.E. 2542 and Plant Quarantine Act (No 3) B.E. 2551

In order to facilitate the export of plant and plant product commodities from the Lao PDR for international trade especially for Thailand, this notification is made to inform all concerned sectors to be aware that currently Lao PDR is a fully member of the World Trade Organization which has obligations to comply with relevant regulations and principles in particularly the phytosanitary regulations of trading partners. Currently, Thailand is gradually increasing the application of phytosanitary measures to the importation of agricultural products. In this regard, , to facilitate and ensure safety of the exportation of plant commodities from Lao PDR without any sanctions caused by failure of compliance with the specific import requirements of Thailand. The Department of Agriculture releases this notification to all concerned sectors taking into account that the plants intended to be exported to Thailand shall be inspected and certified based on phytosanitary requirements as follows:

- 1. The terms used in this notification, are based on the amended Plant Quarantine Law (No3) B.E. 2551 of Thailand, which have definitions as follows:
 - Prohibited Article means plants, plant pests and carriers declared by the Minister in the Government Gazette as prohibited articles;
 - Restricted Article means plants, plant pests and carriers declared by the Minister in the Government Gazette as restricted articles;

- Plant quarantine station means a station declared by the Minister in the Government Gazette for inspecting plants, prohibited articles, restricted articles and plant germplasms imported or carried in transit;
- Carrier means planting materials, soil, sand, containers or other materials in which plants are packed, organic fertilizers or others which may serve as media for the plant pests;
- Bringing in transit means bringing or sending through the Kingdom with or without transshipment;
- Plant quarantine official means the Director-General and a person appointed by the Minister for the execution of the Plant Quarantine Act;
- 2. Plants which are intended to be exported from Lao to Thailand or brought in transit through Thailand to a third country shall be inspected and certified by plant protection officials who are authorized under the Ministerial Order No. 153/MAF dated 31/05/2013 and comply with the instruction of Ministerial Order No 0837/MAF, dated 03/04/2013 and the guidance of Department of Agriculture No 1077/MAF, dated 30/09/2010. In addition, they shall comply with the phytosanitary requirements of Thailand which specify for regulated articles and plans as follows:

No	Name of plants and Plant products	The phytosanitary requirements for importation or bringing in transit of Thailand
	ohibited articles and its exception	
1	Prohibited articles	
1.1	Fresh fruits: Bael fruit (Aegle marmelos (L.) Corr), cashew nut (Anacardium occidantale), carambola (Averrhoa carambola Linn.), wampi (Clausena lansium (Lour.) Skeel), longan (Dimocarpus longan Loureiro), lychee (Litchi chinensis Sonn), mango (Mangifera indica L.), rambutan (Nephelium lappaceum L), avocado (Persea Americana Mill), datepalm (Phoenix dactylifera L), star gooseberry (Phyllanthus acidus (L.) Skeels), pomegranate (Punica granatum L.), sugarapple (Annona squamosa), jackfruit (Artocarpus heterophyllus), breadfruit (Artocarpus altilis), starapple (Chrysophyllum cainito), mangosteen (Garcinia mangostana), apple (Malus domestica), sapodilla (Manilkara zapota), eggfruit (Pouteria campechiana), guava (Psidium guajava), grape (Vitis vinifera), jujube (Ziziphus jujuba Mill), dragon fruit (Hylocereus spp.)	 A. The importation of prohibited articles for research purposes shall comply with the following rules: The importation shall be accompanied with an import permit issued by the Director General of Department of Agriculture of Thailand and fulfill the requirement stipulated in the import permit or the tag affixed to the import container of the prohibited article. The importation shall be accompanied the a phytosanitary certificate issued by a competent authority base in the following circumstances: If the plant or carrier is imported, the certificate shall indicate information to fulfill the requirements stipulated by the Director General in the import permit. If the pest is imported, the certificate must indicate the same pest's name as described in the import permit.

1.2 Any part of following plants:

papaya (Carica papaya L.), coconut (Cocoas nucifera L), oilpalm (Elaeis guineensis Jacq), cassava (Manihot esculenta Crantz), cocoa (Theobroma cacao L.), corn (Zea mays L.), pineapple (Ananas comosus (L.) Merr)

1.3 Plants in genuses:

Citrus spp. such as orange, Coffea spp. such as coffee (excluding fresh coffee bean), Gossypium spp. Such as cotton (excluding cotton lint),

Hevea spp. such as rubber and carriers i.e. fresh latex, cup lump, slab and scrap

Jatropha spp. Such as Barbados

1.4 Other prohibited articlse:

Soil, Organic fertilizer, Agricultural micro-organisms, animal pests of plant, earthworms, insects, mites, nematodes, snails, slugs, weeds, parasites and predators.

- The prohibited articles must be imported only through the following plant quarantine stations.
 - (a) Bangkok Seaport Plant Quarantine Station;
 - (b) Suvarnabhumi International Airport Plant Quarantine Station;
 - (c) Bangkok Post Office Plant Quarantine Station.

B. The importation of prohibited articles for commercial propose shall comply with the following rules:

- The importation shall be subjected to pest risk analysis carried out by the Department of Agriculture of Thailand.
- The importation shall be accompanied by the import permit issued by the Department of Agriculture of Thailand and fulfill the procedures and requirements stipulated by the Director General of the Department of Agriculture of Thailand.
- The importation shall be accompanied with the phytosanitary certification that must indicate detailed information according to the requirements specified in the import permit for the specific consignment.
- The importation shall be made only through a Plant Quarantine Station.

C. The importation of prohibited articles for other purposes shall comply with phytosanitary requirements as follow:

- The importation shall be subjected to pest risk analysis carried out by the Department of Agriculture of Thailand.
- The importation shall be accompanied by the import permit issued by the Department of Agriculture of Thailand and fulfill the procedures and requirements stipulated by the Director

- General of the Department of Agriculture of Thailand.
- The importation shall be accompanied by the phytosanitary certification which must indicate the detailed information according to the requirements specified in the import permit for the specific consignment.
- The importation shall only be made through a Plant Quarantine Station.
- D. Bringing in transit of prohibited articles through Thailand to third country shall comply with phytosanitary requirements as follows:
- The Transit shall be subjected to pest risk analysis carried out by the Department of Agriculture of Thailand.
- The Transit shall be accompanied by the transit permit issued by the Department of Agriculture of Thailand and the container of prohibited articles must be affixed with a tag issued by the Department of Agriculture of Thailand.
- The Transit of prohibited articles whether plant, carriers or pest shall fulfill all requirements stipulated by the Director General of the Department of Agriculture of Thailand.
- The Transit shall be accompanied by the phytosanitary certificate issued by the Competent Plant Protection Authority of Lao PDR.
- The consignment shall only be transited through a designed Plant Quarantine Station.

Remark:

Prohibited articles that have been imported into the Kingdom of Thailand in the form of trade prior to the enforcement of the notification are subject to exemption and are allowed to be imported until such time that the pest

		risk analysis for the prohibited articles concerned has been completed. In this regard, the National Plant Protection Organization (NPPO) of the exporting country has to make an importation request in writing with the documentary evidence of importation in the previous 5 years to the Director-General of the Department of Agriculture within a period of 60 days after the notification B.E. 2551 has entered into force. Once the specified period has passed, however, if necessary, the Director-General of the Department of Agriculture who has the power to grant permission shall require the exporting country to request an import permission based on a case by case basis. This, however, has to be undertaken within 60 days. This notification does not include plants for which importation has been granted on trade obligations by government sectors before notification 2551 entered into force, except where there is reliable scientific information about the outbreak of new plant pests or the detection of new plant pests in the imported commodities that are threat to the country's agriculture.
2	Plant and articles which are subject to exception for prohibition	Conditions for import:
2.1	 Bat guano or organic fertilizer made from bat guano, carcasses, bones and bloods of animals. Preserve food derivatives from any plant part in a state still considered as a plant and that have passed the process that could destroy plant pests and diseases. 	The importation shall be declared in the prescribed form to the officials at the plant quarantine station and subjected to inspection and testing according to the procedures and rules.
2.2	Fresh fruits of prohibited articles which are frozen at a temperature below - 17.8 °C or O °F.	 The Phytosanitary Certificate shall bear additional declaration that "the consignment are frozen below temperature (temperature ° C)." The importation shall be declared in the prescribed form to the officer at the plant quarantine station for conducting an inspection and testing according to the procedures and rules.

2.3 Prohibited articles which have been **Conditions for import:** allowed to be imported in Thailand where pest risk analysis had been completed: 2.3.1 • Chili Pepper, Capsicum annuum L. - The importation shall be accompanied (only for dried and fresh fruit) be the import permit issued by the • Plant of Genus: Citrus spp. (only for Department of Agriculture of Thailand fresh fruit) and fulfill the procedures and Tomato. Lycopersicon esculentum requirements stipulated by the Director General of the Department of Mill. (seed for planting only). • Plant of Genus: Musa spp. (only for Agriculture of Thailand. fresh fruit). - The importation shall be accompanied • Tomato, Solanum tuberosum L. (only by the phytosanitary certification issued by the competent authority of for tuber for processing, potato tuber). Lao PDR and it must indicate detailed • Corn, Zea mays L. (only for seed) information according to the • Papaya, Carica papayae L.(only for requirements specified in the import fresh fruit). permit for the specific consignment. - The importation shall be only made • Cassava. Manihot esculenta Crantz through a designed Plant Quarantine (only for cassava chip and meal). Station. • Barbados, Jatropha curcas L. (seed for planting only and fresh fruit) • Tobacco, Nicotiana spp. (only for dried leaf) 2.3.2 Potato tuber, Solanum tuberosum - Potato tuber shall be washed by sterilized water to clean the soil residue or contaminants. The weight of loose soil shall exceed 100 g per 50 kg seed potatoes (equivalent to 0.2 % soil by weight). For caked soil, seed potatoes which have more than 20 % of the surface of the tuber with caked soil should not exceed 30 tubers in a 600 unit sample (equivalent to 5 %). In addition, the potato tuber shall be treated with sprout inhibitor. - The potato tuber, after cleaning the soil, shall be packed in a clean container and exported within 1 month of harvesting. - The importation shall be accompanied by the import permit issued by the Department of Agriculture of Thailand and the consignee shall have a potato processing business that is registered and approved by Department of Agriculture of Thailand - The phytosanitary certificate shall bear

		the additional declaration that "the consignments were produced in Laos in accordance to the conditions governing entry of potatoes for processing to Thailand" and "The potatoes in this consignment have been washed" or "The potatoes in this consignment were treated with a sprout inhibitor" or "The potatoes in this consignment were packed and shipped within one month of harvest"
2.3.3	Corn, Zea mays including grain, ear	- Corn intended to be imported shall
	and cop	only be used as raw material for industrial processing for which is required to submit documentary evidence of business operation. The importation shall be accompanied by the import permit issued by the Department of Agriculture of Thailand and fulfill the procedures and requirements stipulated by the Director General of the Department of Agriculture of Thailand. Transportation of corn imported to Thailand shall be covered or enclosed. The corn intended to be imported shall be free from Khapra beetle, Trogoderma granarium, infestation of quarantine pest of concern to Thailand and contamination of soil, sand and other parts of the corn, except for that which is allowed in the permit, or plants or other materials that are capable of carrying quarantinable pests. Where a quarantinable pest is intercepted in a consignment prior to export, fumigation shall be applied as a treatment which must be carried out by a company registered by the Department of Agriculture of Lao PDR and fulfill the technical requirement stipulated in the notification of Thailand on the conditions for import of corn from Lao PDR. A phytosanitary certificate issued by the Lao competent authority shall bear the additional declaration that "the consignments were produced and prepared for export in accordance with

		the conditions for import of (name of corn part to be import)from Lao PDR to Thailand" and "This consignment were inspected and found free of <i>Trogoderma granarium</i> "; in case that fumigation is applied, the relevant technical information shall be indicated in part III (Disinfestation and/or Disinfection treatment) of phytosanitary certificate such as fumigation date, chemical, duration, temperature and dosage.
2.3.4	Industrial soil including soil that is used in the ceramic industry to produce tile and sanitary wares. Its property is considered as clay which is able of forming a clay body into objects of required shape.	 The importation shall be accompanied by the import permit issued by the Department of Agriculture of Thailand and the consignee shall operate the ceramic ware business and bear documentary evidence indicating the use of imported soil in the production process. Industrial soil intended to be imported shall be packed in cleaned and enclosed containers which are free from infestation of live insects, weeds, seeds or plant parts such as leaf, branch, plant waste or materials that are capable of carrying quarantinable pests. The phytosanitary certificate shall indicate information that it is "industrial soil"
2.4	Prohibited articles that have been allowed to be brought in transit where pest list analysis had been completed to a third country as follows:	Bringing prohibited articles in transit that where pest list analysis had been completed must follow the phytosanitary measures as follows:
	 Tobacco, <i>Nicotiana</i> spp. Inclusing dried tabacco left) Banana, <i>Musa</i> spp. including fresh banana fruit 	 The importation shall be accompanied by the import permit issued by the Department of Agriculture of Thailand. Tobacco shall be packed in new and clean containers.
		 Clean containers. Tobacco shall be transported by using enclosed containers. A tag shall be affixed on the left side of the container in the prescribed form P.Q. 4-2. The consignment brought in transit

		shall be accompanied by the phytosanitary certificate issued by the competent authority of Lao PDR.
II	Restricted articles and exceptions	
1	Restricted articles	Conditions for import and transit
1.1	Dried tea leaf (Camellia sinensis (L.) Kuntze.), Fresh coffee bean (Coffea spp.), cotton lint (Gossypium spp.), milled rice (Oryza spp.)	A. The importation or bringing in transit of restricted articles shall be subjected to following rules: - The consignment shall be
1.2	Any part of plant Mush room (<i>Pleurotus ostreatus</i> (FR.) Guel), coriander (<i>Coriandrum sativum</i> L.) carrot (<i>Daucus carota</i> L.), cerely (<i>Apium graveolens</i>), taro (<i>Colocasia esculenta</i> (L.) Schott), sunflower (<i>Helianthus annuus</i> L.), cabbage (<i>Brassica olearacea</i>), morning clory (<i>Ipomoea aquatic</i> Forsk.), peanut (<i>Arachis hypogaea</i> L.),soybean (<i>Glycin max</i> (L.) Merr), asparagus (<i>Asparagus officinalis</i> L.), onion (<i>Allium cepa</i> L.), garic (<i>Allium sativum</i> L.), orchid dendrobium (<i>Dendrobium</i> spp),sesame (<i>Sasamum indicum</i> L.), oat (<i>Avena sativa</i> L.), barley (<i>Hordeum vulgare</i> L.), bamboo (<i>Bambusa</i> spp.), rose (<i>Rosa</i> spp.), ginger (<i>Zingiber officinale</i> Roscoe) Any plant of plant of family	accompanied by the phytosanitary certificate issued by the competent authority of Lao PDR and shall indicate information according to the import requirement of the restricted article. - the consignment shall be only imported or brought in transit through a plant quarantine station, except for non-prohibited articles which may be imported through a customs border checkpoint where a plant quarantine station is not declared. However, the plant quarantine office shall be informed.
	Cucurbitaceae (excluding fruit) watermelon (<i>Citrullus lanatus</i> (Thunb.) Matsum&Nakai), bitter gourd (<i>Momordica charantia</i> L.) pumpkin (<i>Cucurbita mochata</i>)	
2	Plants subject for Exception	Conditions for import
2.1	Preserved food including food derivatives from any plant part in a state still considered as a plant and that have passed the process that could destroy plant pests and diseases.	The importation shall be declared in the prescribed form to the officer at the plant quarantine station for conducting an inspection and testing according to the regulations.
III	Non-prohibited articles means any plants which are not listed in the prohibited article or restricted article	The Importation or bringing in transit of non-prohibited articles shall be subjected to following rules: - The consignment shall be accompanied by the phytosanitary certificate issued by the competent authority of Lao PDR. - The consignment may be imported

through any plant quarantine station
or custom border checkpoint where a
plant quarantine station is not
declared. However, the plant
quarantine official shall be informed.

Remark:

- Any person who intends to export a plant to Thailand that has not been subjected to pest risk analysis can make a request for pest risk analysis according to the notification of the Department of Agriculture of Thailand on specifications, methods and conditions of pest risk analysis for the importation of prohibited articles dated 11/07/2007 and follow the instructions of the Department of Agriculture of Lao PDR which are released from time to time.
- In addition to the specific requirement written above, the inspection and certification made by plant protection officials shall take into account the avoidance any infestation of quarantine pests of concern to Thailand, which are not described in this notification, that can refer to the notification of the Ministry of Agriculture and Cooperatives of the Kingdom of Thailand (No 6) B.E. 2551
- 3. Apart from the above mentioned information, the Province and Vientiane Capital Agricultural Offices shall encourage exporters to understand and seek more updated information on phytosanitary import requirements as well as those for other crops which are not covered in this notification. Any updated and new information shall be notified to the Department of Agriculture to verify it in the importing country. The formal citations for this information can be found at www.doa.go.th/ard which was created by the Plant and Agricultural Inputs Control Division of Thailand, www.ippc.int which was created by the Plant Protection Convention and www.wto.org which was created by the World Trade organization.
- 4. The Province and Vientiane Capital Agricultural departments shall strictly implement and disseminate this information to relevant sectors within the province to ensure that they comply with this notification. In addition, they shall regularly report on any constraints and weakness of any aspect of the phytosanitary certificate to the Department of Agriculture in order to find a timely solution.
- 5. The detail information on scientific names and common names of plants can be found in the reference books that have been distributed to plant protection border check points throughout the country namely (1) Jules Vidal, 1956, Noms vernaculaires de Plants en usage au Laos and (2) list of plant in Lao PDR, Mike Callaghan, Vientiane, December 2003.

Therefore, this notification is released to concerned authorities for your utmost consideration and implementation.

Deputy Director General Department of Agriculture Phaydy Phiaxaysarakham

CC.

Minister of Ministry of Agriculture and Forestry
Vice Ministers of MAF
Permanent secretary office, MAF
Department of Planning and Cooperation (SPS enquiry point)

Department of Inspection, MAF
Department of Foreign trade policy, MOIC (SPS notification point)
Department of Import and Export, MOIC
Province and Vientiane capital Agricultural and Forestry office

Legal Document

Title: Notification on Enhancing the Implementation of Plant Protection

Functions No.429/MAF

Type: Notification

Issuing Agency: Ministry of Agriculture and Forestry **Responsible Agency:** Ministry of Agriculture and Forestry

Issuing Date: 18-11-2009

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LAO PEOPLE'S DEMOCRATIC REPUBLIC Peace Independence Democracy Unity Prosperity

Ministry of Agriculture and Forestry No. 1429/MAF Vientiane, Dated 18 November 2009

Notification

To: Directors of the Province and Capital City Agriculture and Forestry Offices

Subject: Enhancing the Implementation of Plant Protection Functions

- Pursuant to the Plant Protection Law No.06/NA, Dated 09/12/2008;
- Pursuant to International Plant Protection Convention that LAO PDR is contracting party.

In the recent year, since the Lao government promulgated the Plant Protection Law, it has been transforming the movement of import/export plant and plant products into the regulatory control and compliance with relevant regulations, the agriculture production and agricultural exported commodities are generally protected from the invasion of dangerous pest and diseases. However, the outbreak of plant pests such as coconut hispine beetle, fruit fly and coffee berry borer are still present in some local areas, these are caused by domestic movement, import and export agriculture commodity products without subject to quarantine procedures and the inspection of plant protection officer at border check point.

In respond to those issues mentioned above and also reduce the risk of pest outbreak ensuring the security of the ongoing 25th SEA Games hosted by Lao PDR.

The Minister of Agriculture and Forestry issues the notification:

1. Definition of Plant Protection

The plant protection is the control, inspection of plant and plant products and other articles during its movement from an area to other according to the regulations, law and conforming to the technical principles aiming to limiting and obstructing the outbreak of plant pest, protecting the outbreak of plant pest from an area to another in the country or introduction into the country and spreading to other country.

2. The duties of Agricultural Sectors on Plant Protection Functions

2.1. The Department of Agriculture (DOA)

DOA is executive organ to Ministry of Agriculture and Forestry (MAF) on authorizing the issuance of import permit for plant and coordinating with local administration both inside the country and abroad, it is also the focal point of elaborating technical regulation, provide necessary information, and facilitate, monitoring and evaluation of plant protection function in the vertical line of administration throughout the country.

2.2. The Provincial and Capital City Agriculture and Forestry Office (PAFOs)

PAFOs have the duties to elaborate, guide, develop and disseminate the law and regulations on plant protection in order to implement within its own areas of responsibility and also coordinate with local authorities and public understanding and awareness, and contribute to the strict implementation the law. In additional, It also shall advise, monitor and evaluate the result of implementation of plant protection functions of the district and municipality agriculture and forestry offices and plant protection border check points, and regularly reported to MAF and the provincial and capital administrations.

2.3. The District and Municipality Agriculture and Forestry Offices (DAFOs)

DAFOs have the duties to implement, elaborate, guide and disseminate the law and regulations on plant protection through coordinating with the local authorities and other concerned sectors within the district, municipality for enhancing the public's understanding and strictly contribution to implementation. In additional, it also shall monitor and report periodically the outbreak of pests and the implementation of plant protection activities to the PAFO and the district and municipality administrations. Top

2.4. Plant Protection Border Check Points

Plant Protection Border Check Points have the duties to disseminate the law and regulations on plant protection and strictly, correctively and promptly perform the duties in accordance with the roles, function and technical norms. It also obstruct violation of the law and regulation related to plant protection and inform concerned sectors to prosecute violators; examine the validity of document and facilitate import - export plant, plant product in the manner fast and correct in line with the law and regulations, beside that it shall the isolate the plant and plant products, and inform the plant owner to carry out treatment or return or destroy plant in case of pests presence; collect technical services charge and fees as prescribed by government law and regulation.

3. Plant Protection Officers (PPOs)

PPOs have duties to strictly, correctively and promptly perform their own duties in accordance with the roles, function and technical norms at the plant protection border check point. They shall be appointed by the PAFO and holding the identity card which is accredited by the DOA through the training course. PPO shall wear uniform with insignia and carry an identity card which are authorized by the DOA. The PPO may have technical assistants who is accredited and issued the identity card of plant protection assistant by the PAFO according to technical standard prescribed by DOA.

4. Application and Inspection of import/export plant

The organizations, companies or individual are prohibited to import plant, plant products and other materials which are regulated by the plant protection law, except it is authorized by DOA and the import of plants, plant products and other articles shall pass through the plant protection border check point designed by MAF.

4.1. Import plant carried by passenger or by post

The import of plant carried by passengers or by post, the owner have the obligation to inform as prescribed form and the plant shall be subjected to inspection of the PPOs according to regulations.

4.2. Import of plant commodities

The owner of commodities has to apply for import permit as prescribed form in advance (2 weeks) for conducting pest risk analysis (PRA) and determine phytosanitary measures. The entrepreneurs who are holding the import permit shall import commodities as prescribed quantity of plant in the permit and through the designed plant quarantine border check point. When the commodity arrives to border post, the owner shall declare relevant documents issued by exporting country to plant quarantine officer for verification.

The importation mentioned above shall also include the importation for the propose of research, extension, exhibition, official use, foreign aid or donation and gift.

Plant quarantine officer should carry out the inspection and report the result within 24 hours after receiving declaration form. In case of pests is intercepted, PPO shall inform the consignee and apply phytosanitary action including treatment or return to exporting country or destroy base on technical norms. The consignment shall be immediately released by PPO's signature and using certified stamp after the inspection and it meets phytosanitary requirements. the PPO shall sign and stamp The consignee shall pay the services fees as prescribed regulation.

4.3. Inspection of plant in transit

The consignee shall declare the document as prescribed form to plant protection border check point for receiving inspection and certify the security and integrity of the consignment. After receiving the application form, PPO shall carry out the inspection and report the result within 24 hours. The consignment shall be immediately released after receiving inspection and it meets the phytosanitary requirement. Top

4.4. Inspection of plant for export

Individual or organization intend to export plants, plant products and other articles shall submit application as prescribed form to DOA or the authorized PAFO to undergo inspection and phytosanitary certification in compliance with the phytosanitary import requirements by importing country.

5. Domestic plant protection

Where the families or organization find the evidence of pest infestation or outbreak in any area, he/she shall immediately report to agriculture and forestry sectors or local authorities concerned. In case of pest outbreak, agriculture sectors where responsible for plant protection function shall report to the government and local authorities to declare

the epidemic zone and apply control measures to confine the spreading accordingly as prescribed in the plant protection law.

6. Plant Protection Business

Individual, families and organization both inside the country and abroad intending to render services on pest control and phytosanitary treatment shall follow the relevant law and regulations and shall be authorized by DOA, MAF.

7. Implementing measures

DOA shall coordinate with the concerned sectors both in the central and local level to disseminate information to the public and contribute to the effective implementation the law.

The provincial and capital agriculture and forestry offices shall collect information and report to MAF on the non-appointed plant protection border check point for requesting the approval base on the notice of the Prime minister office No.405/PO dated 14/03/2007.

Therefore, the Ministry of Agriculture and Forestry notify to your sectors in order to execute effectively.

Minister of Ministry of Agriculture and Forestry

Mr Sitaheng Rasphone

Signature and Seal