



Authentic in Lao only

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Public Health

No: 297 /MOH
Vientiane Capital, date 24 February 2012

DECISION

ON FOOD INSPECTION

- Pursuant to Food Law No. 04/NA, dated 15 May 2004;
- Pursuant to Prime Minister Decree No. 114/PM, dated 04 July 2008 on the Organization and Operations of the Ministry of Public Health;
- Pursuant to Proposal Letter of the Food and Drug Department N. 894/FDD, dated 10 February 2012.

The Minister of Public Health issues the Decision as follows:

PART I

GENERAL PROVISION

Article 1. Objectives

This Decision sets out the principles, rules and measures for the inspection of food and food business in Lao PDR with the objectives of protecting consumers against the risks of unsafe food and to facilitate trade in food products.

Article 2: Scope

This Decision applies to the inspection of food and food businesses operating in Lao PDR, including the chemical or drug residue analysis testing in food. This Decision does not cover the inspection of the primary production such as abattoirs or raising animals as food or the import of fresh meat and fish to the extent such matters are regulated by other authorities.

Article 3: Definitions

The terms used in this Decision have following meanings:

1. **Inspection:** means the examination of food, raw materials, food business, premises or systems for control of food processing, including in process and finished product testing, in order to ensure the compliance of such food or food control systems with the safety and quality standards prescribed by law.

2. **Inspector:** means a person officially appointed by the Minister of Public Health to act as a food inspector and whose has the prescribed qualifications for such appointment as set out in this Decision.
3. **Equivalence:** means the capability of different inspection and certification systems to meet the same objectives;
4. **Food:** means any substance which the human consumes and drinks in fresh, cooked, raw or processed form, except drugs;
5. **Food business:** means any activity operating in the manufacture, processing, preparation, handling, treatment, packaging, labeling, selling, serving, transport, import, export, distribution or food exhibition including food donations and charity events but excluding street vending;
6. **Food business operator:** means any person authorized to operate food business in accordance with laws and regulations of Lao PDR;
7. **Food safety:** means the assurance that food will not cause harm to the consumer when it is produced, prepared or eaten according to its intended use;
8. **Food safety system:** means an auditable mechanism or procedure employed within a food business to ensure its systematic implementation, so as to ensure food complying with the prescribed requirements under food safety legislation in Lao PDR;
9. **Adulterate:** means making food impure or unsafe in order to give a false impression or value or to hide defects, by the addition of a foreign, inferior or inert substance to food, or by the exclusion or removal of a valuable or necessary ingredient of food;
10. **Contaminant:** means any substance, not intentionally added to food, which is present in such food as a result of manufacturing, processing, preparation, treatment, packing, packaging, transport or holding of such food, or as a result of environmental contamination;
11. **Residue:** means any remaining substance resulting from utilization process of pesticides, veterinary medicines, herbicides and cleaning chemical substances, etc;
12. **Manufacturing:** means the production, preparation, processing and preservation or other manufacturing process;
13. **Misbranded:** means an article of food offered or promoted for sale with false, misleading or deceptive claims either upon the label or package or through advertisement;
14. **Premise:** means any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjacent land used in connection therewith, and includes any street, open space or place of public resorts, or vehicles used for food business operation;
15. **Risk analysis** means a process consisting of risk assessment, risk management and risk communication;
16. **Risk assessment:** means a scientifically-based process consisting of hazard identification, hazard characterization, exposure assessment and risk characterization.
17. **Risk management:** means a process separating from the risk assessment, the prioritization of policy, the consultation with relevant stakeholders by taking into account the risk assessment and other important factors in relation to the consumer protection and promotion of fair trade and if necessary, the selection of appropriate protection and control measures is applied.
18. **Risk communication:** means the coordination and exchange information and comments/recommendation in details with respect to the risk analysis, factors relating to the risks and concepts and acknowledgement of risks among those who

conduct risk assessment and risk management, consumers, industry, university or other interest parties including the explanation.

19. **Primary production:** means production of commodities or raw materials from the ground (soil) or water or marines, including commodities from raising, fishing or from forest. These commodities may be sold or used as raw materials for food preparation or manufacturing.
20. **Consignment:** means a quantity of goods imported at one time.

PART II

INSPECTION

Article 4: Risk analysis and risk assessment

The risk analysis shall be undertaken prior to deciding whether or not the Food and Drug Department (hereafter FDD) shall carry out an inspection, pay visits, take samples or carry out tests.

Risk assessment shall be based on scientific data most relevant to the context of Lao PDR and the FDD shall use quantitative information to the greatest extent possible and also take into account qualitative information, relevant production, storage and handling practices used throughout the food chain including traditional practices, methods of analysis, sampling and inspection and the prevalence of specific adverse health effects.

Constraints, uncertainties and assumptions having an impact on the risk assessment shall be considered and documented in a transparent manner.

Risk assessments shall be based on realistic exposure scenarios, with consideration of different situations including consideration of susceptible and high-risk population groups and also acute, chronic, cumulative or combined adverse health effects where relevant.

Article 5: Categorization of food risks

Foods are categorized based on risks into 3 categories: high, medium and low risk foods, as follows:

1. High-risk foods

High-risk foods are foods intended for high-risk group of consumers such as pre- school children, patients and elders, or specialized foods such as smoked, vacuum packed, canned, infant formulations and any foods processed for extended shelf life and ready to consume, dairy products, shell fish, raw eggs in food, foods for hospitals, all foods with high moisture and with high protein which needs temperature control system.

2. Medium-risk foods

Medium-risk foods are foods from processing facility, full service restaurants, extensive menu, handling of raw ingredients, complex preparations including cooking, cooling, reheating for hot holding, but not for long, involves many hazardous foods such as: foods ready to eat or heat and serve, raw chicken and meat to be cooked before consumption, all frozen fishery products, meat, low acid processed products, juices etc, with active management control through history of documentation that the food borne disease risk factors are under control.

3. Low-risk food

Low-risk food are foods from retail food stores, prepackaged foods, not served to susceptible population, quick service operation, limited menu, prepared, cooked and served immediately, no cooling, hot holding for short time, all commercially processed foods, raw material holding for preparation, warehouses used for storage of dried prepackaged or processed foods, processing facilities and foods with proven history through records that the food borne disease risk factors are minimum and can be controlled in subsequent process.

Examples of low-risk foods are: all dried prepackaged foods, dried cereals and pulses, sugar and sugar products, oils and fats, pickles , jam, jellies and other salted and dried products, nuts with the exception of peanuts (Aflatoxin).

The Ministry of Public Health shall determine and disseminate by appropriate means, a List of High, Medium and Low risk Foods, taking into account the factors listed in Article 4 of this Decision and the risks occurring in countries of origin or in domestic production, any disease out-breaks and any advice received from the Ministry of Agriculture and Forestry, the Codex Alimentarius Commission, the World Organization for Animal Health, the Food and Agriculture Organization and any other international organization with a mandate in food safety.

Article 6 – Nature and Frequency of inspections

The nature and frequency of inspection shall be based on the risk to human health and safety presented by the food and shall be proportionate to the level of risk attributed to it. In deciding how frequently to carry out inspections, the Food and Drug Department shall take into account all relevant factors, including but not limited to:

1. the risk to human health posed by the product or its packaging;
2. the likelihood of non-compliance with requirements;
3. the target consumer group;
4. the extent and nature of any further processing of the product;
5. history of conformity of producers, processors, manufacturers, exporters, importers and distributors; and
6. in the case of imports:
 - (i) the reliability of food controls carried out by producers, manufacturers and handlers, as well as the inspection and certification systems in the exporting country;
 - (ii) certificates issued by the exporting country;
 - (iii) equivalence determinations;
 - (iv) memoranda of understanding or mutual recognition agreement between Lao PDR and the exporting country.

The frequency of inspection of high, medium and low risk food is as follows:

1. For import:

Where the consignment is accompanied a certificate of health, or with certificates of analysis and testing from accredited laboratories in the exporting country attesting to the characteristics for which tests would otherwise be conducted in Lao PDR, the inspection should be conducted as follows: one in every five consignments for the high-risk food; one in every ten consignments for the medium-

risk food; and one in every fifteen consignments for the low-risk food will be inspected.

Where there is no certificate of health or where the consignment is accompanied with an invalid certificate of health, each consignment shall be subject to inspection for high-risk food; one in every three consignments for the medium-risk food; and one in every ten consignments for the low-risk food will be inspected.

If at any time a consignment is found not to be in compliance with an applicable standard, the subsequent consignments shall be inspected: until five consecutive inspections for high-risk food, four consecutive inspections for medium-risk food, and three consecutive inspections for low-risk food, show no violation of standards.

For imports of foods manufactured or produced under GMP or GHP and are HACCP certified, one in every ten consignments for high-risk food, one in every fifteen consignments for medium-risk food and one in every twenty consignments shall be randomly inspected.

The frequency of inspection may be reduced if the importer has a good record of compliance with the requirements.

The importers of food shall be registered with the FDD in accordance with the separate food registration regulation.

2. For domestic production:

Domestic food businesses shall be approved by the Ministry of Public Health prior to operating food business which shall follow the HACCP system supporting the use of GHP and GMPs. For food business involving in high-risk, medium-risk and low-risk food shall be subject to inspections once every three months, once every six months and once every twelve months, respectively. However, the inspection can become more frequent if there are any complaints from the public, if there is repeated non-compliance or if ineffective corrective actions are taken.

The Ministry of Public Health shall divide and list in an Annex food businesses that have high, medium and low risk, in order to determine frequency of inspections that take into account the varied health needs and susceptibility to food-borne diseases, of certain consumers.

The FDD shall adjust the nature and frequency of the inspections to be less stringent following sustained conformance with requirements, where such adjustment is considered appropriate. The FDD shall also adjust the nature and frequency of inspections to be more stringent following food-borne illness outbreaks, epidemiological findings and detections of non-compliances at the border entry points and shall notify and publish this to public, business community and relevant stakeholders.

Article 7. Sampling plans and methods of analysis

The sampling plans and methods of analysis established by the FDD shall be set out in a Manual on Inspections and shall be based on Codex standards and guidelines, or in the absence of the same, on internationally accepted or scientifically based sampling plans.

Article 8. Emergency actions

During food-borne disease outbreaks or food safety emergencies, the Ministry of Public Health may authorize:

1. more frequent inspection of food businesses in the country;
2. the inspection of every import consignment of the food in question;

Article 9. Street food inspections

The Ministry of Public Health shall establish separate Regulations for the food inspection and control of street vendor.

Article 10. Targets of inspections

Inspections carried out by food inspectors may cover the following:

1. food businesses and their surroundings, any vehicles used for transportation and any equipments and materials used in connection with the production, manufacturing, treatment, grading, packing, packaging, labelling, storage, handling, preparing, serving or sale of any food;
2. food, food ingredients, additives, disinfectants and any substances, processes or methodologies used in the production, manufacturing, handling or marketing of food;
3. persons employed at the food business, including personal cleanliness and clothing;
4. packaging materials of foods and food consignments;
5. cleaning, disinfecting and maintenance at the food business;
6. labeling of foods; and
7. any documentation related to the food business.

PART III

RIGHTS AND DUTIES OF FOOD INSPECTOR

Article 11. Appointment of inspectors

The Minister of Public Health shall appoint a person who is knowledgeable, capable and qualified in the field of food sciences, pharmaceuticals, chemistry, biology and who has passed the prescribed examination for food inspectors in Lao PDR, as a food inspector.

Article 12. Rights, duties and responsibilities of food inspectors

1. Except for a dwelling place, a food inspector has the rights to enter, monitor and inspect the place of food businesses or other premises where there is the manufacturing, processing, treatment, grading, packing, labeling, storing, handling, selling, cooking catering or serving of food;
2. A food inspector must show his or her identification to the owner or person in charge of the food business before undertaking the inspection;

3. In accordance with the Manual of Inspection, a food inspector may:
 - 3.1 inspect or search a food business, and examine any food, object or substance used in connection with the used in connection with the production, manufacture, treatment, grading, packing, packaging, labeling, storage, handling, preparing, serving or sale of any food;
 - 3.2 examine, make copies or take extracts of any documents including any license issued to the food business and require the owner or person in charge of the food business to provide any information related to the food business;
 - 3.3 measure, mark, count, open and take samples of food, object or substance or its package or container, or close any door giving access to it;
 - 3.4 inspect the imported food items;
 - 3.5 inspect production facilities, work plans, hygiene, disinfection, maintenance practices in food businesses or premises related to food handling, including the practices adopted by the personnel in such food business;
 - 3.6 inspect food labels or other claims related to food or food ingredient;
 - 3.7 inspect food safety control systems used by food businesses including but not limited to GHP, GMP, HACCP);
 - 3.8 take photographs or videos as an inspection evidence;
 - 3.9 seize or confiscate food products, equipments, raw materials, documents or any items that do not comply with the Food Law or these Regulations, providing a written notice counter-signed by the owner or person in charge of the food business, premises or materials;
 - 3.10 destroy those products with potential for food borne disease risk factors, providing written notice to the owner or person in charge of the food business, premises or materials. The method of disposal may be decided through a mutual agreement between the food inspector and the food business, although the costs of destruction shall be borne by the owner of the food business;
 - 3.11 verify whether the conditions required for the approval of the facility have been maintained;
 - 3.12 issue a written notice where appropriate;
 - 3.13 produce a written and signed report of each inspection or each action taken in accordance with article 14 of this Decision.
4. Food inspectors are prohibited from disclosing any confidential information acquired in the performance of official duties relating to any person or business, except when required to by the Director or by a court.
5. Food inspectors shall inform the Director of the FDD of outbreaks of food-borne diseases in a timely manner. Prior to ordering the re-shipment or destruction of a food-item, the food inspector shall request authorization from his or her supervisor either in writing or in the interests of time, orally followed by signed authorization within five days.
6. Food inspectors may suspend authorization of the FDD for food business activities in cases of severe breaches of the Food Law or this Decision, for a period of three days pending analysis and further investigation. Where there has been a food-borne disease outbreak or in repeated cases of food-poisoning the period shall be seven days. The Director of the FDD shall inform MOIC that the food business is in breach of the Food Law and this Decision and may recommend that the business license is revoked or cancelled.
7. A food inspector shall:
 - provide advice if appropriate or if requested regarding good practice and any corrective actions to be taken by the owner or person in charge of the food business;
 - warn against food borne disease risk factors associated with the product or the facility; and

- communicate the need for control of the risk factors to ensure safety of the product and protection of public health.

Article 14. Inspection report, written notices and receipts

Following an inspection or control, a food inspector shall prepare a written inspection report containing such information as shall be prescribed in the Manual of Inspections, including the strengths, weaknesses, issues remaining to be addressed and recommendations. Three certified copies shall be made of the report, one to be kept by the inspector, one to be provided to the food business operator and one to be submitted to the Director of the FDD.

Where food inspector has reasonable grounds for believing that a food business operator or person in charge has failed to comply with the Food Law or this Decision, he or she may serve a written notice the food business operator or person in charge:

1. stating the grounds for believing that the Food Law or Decision is not being complied with;
2. specifying the measures which the food inspector deems that the food business operator or person in charge shall take in order to remedy the failures referred to in paragraph (1);
3. requiring the food business operator or person in charge to implement those measures, or measures which are at least equivalent to them, within the time period specified in the written notice.

Where no person is in actual occupation of any premise, or where the occupier or person in charge cannot be present, service of any notice under this Decision shall be made by affixing the notice to a conspicuous place in the premise, and such affixing shall be considered as good service of the notice.

Food inspectors shall keep records of all written notices, receipts issued and reports drafted.

Article 15. Training of food inspectors

A food inspector involved in the inspection, monitoring and verification or audit of food safety and hygiene shall receive periodic trainings by the Ministry of Public Health.

Training for food inspectors shall include, but not be limited to:

1. different control techniques, such as inspection, at different stages of the food chain, sampling, assessing non-compliance, verification and sample examination;
2. food legislations;
3. hazards in food production;
4. evaluation of HACCP and hygiene programs;
5. evaluation of quality management systems;
6. implementing official certification systems;
7. initiating legal proceedings for offences under the law;
8. examination of written documentation and records (review documents); and
9. regulating and inspecting traceability schemes.

Article 16. Official laboratory

The Ministry of Public Health shall designate any laboratory in Lao PDR or abroad as an official laboratory for the purposes of testing and analysis required for the enforcement of this Decision.

Article 17. Cooperation with other relevant Ministries

1. Public sector

Ministry of Public Health shall coordinate and cooperate with other relevant Ministries such as Ministry of Agriculture and Forestry, Ministry of Industry and Commerce, Ministry of Science and Technology, Ministry of Natural Resources and Water, involved in the control of food borne disease risk factors.

A food inspector exercising his or her authority under this Part III may request the assistance of the police if necessary.

The Customs Officer shall inform the FDD prior to the arrival of shipments containing food at the border.

2. Business Sector

Businesses importing or exporting foods shall be responsible to inform the food inspector prior to the arrival of shipments containing foods at the border.

The domestic food businesses shall ensure that their food products are safe to public health.

Article 18. Recall orders

A food inspector shall recommend to the Director General of the FDD the issuance of a recall order for an imported consignment or for items for distribution or sale. The Director General shall review the report and issue the recall order if appropriate within two days of receipt of the request from the food inspector.

The Ministry of Public Health shall provide notification as required to other Ministries or international organizations following such recall order, specifying the grounds for his or her decision.

PART IV INSPECTION OF FOOD BUSINESS

Article 19. Types of inspections

In accordance with Article 46 of the Food Law, and Article 6 of this Decision, there shall be three types of inspection:

1. regular systematic inspections;
2. inspection by advance notice; and
3. surprise inspection.

Article 20. Obligations and responsibilities of food business operators during inspections

During an inspection, the food business operator or person in charge shall:

1. cooperate in all the activities of the food inspector to facilitate the inspection;
2. provide relevant information or documents as requested by the food inspector;
3. allow the food inspector to take samples and gather evidence including taking photographs or videos;
4. be liable for any action in contravention of the Food Law such as expired, unlabelled, unidentified or misbranded food, including unhygienic storage of food and or other input materials; and
5. bear all expenses related to testing and destruction or disposal of the products.

Article 21. Food or food businesses in compliance with food legislations after inspections

Following an inspection, where a food item or a food business complies with the requirements of the Food Law or this Decision, the food inspector shall issue a report to this effect, making any recommendations for better practices and improvement if necessary.

Article 22. Food inappropriate for consumption

Where a food inspector has reasonable grounds for believing that any food is inappropriate for human consumption or with potential for food borne disease risk factors or is likely to cause harm or danger to human health, or that any food is labeled, marked or otherwise presented in such a manner as to deceive or defraud consumers, or that the food fails to comply with the Food Law or this Decision, the food inspector shall:

1. provide a report in writing stating the grounds for such conclusion and provide the food business operator or person in charge of the food item with a written notice to remedy the non-compliance;
2. upon a repeat inspection within two weeks, if the inspector is satisfied that the non-compliance has been remedied, the inspector shall withdraw the written notice;
3. where the non-compliance has not been remedied in second or third instances or in cases of first time serious non-compliance, the inspector may seize the food products and fine the food business operator or owner of the food product ten percent of the market value; and
4. where the non-compliance is very serious, shall detain the product, remove the product to a specified place or destroy it and fine the food business operator or owner of the food product 50 percent of the market value.

A food inspector shall issue a receipt to the food business operator or person in charge of the food product, for any food product seized under this Decision.

Any expenses for removal or destruction of a food product carried out by a food inspector shall be borne by the owner of the food product or food business operator. Any food ordered to be removed or destroyed in a written notice shall be handled and treated in compliance with the food inspection manual.

A food inspector shall seek authorization from his supervisor in order to carry out actions such as notifying the public, recalling products, limiting or prohibiting the distribution of the products in a timely manner.

Article 23. Use of premises other than for approved purposes

The approved premises for the specific purpose of food business shall not be used for other purposes.

Part V INSPECTIONS OF FOOD IMPORTS

Article 24. Risk assessment for imports

The imported food inspection requirements established by the Minister shall be based on risk assessment. The level of risk assigned to a food by the Minister should be reviewed periodically to take into consideration new information.

The FDD shall ensure that the imported food inspection requirements are publicly available and regularly updated in accordance with scientific data.

In determining the level of risk for an imported food item, the FDD shall assess the food safety risk to human health based on available scientific information, including but not limited to:

1. the scientific determination of the food safety risk;
2. the adequacy of processing controls in place in the exporting;
3. the compliance history of the food, irrespective of the source;
4. the compliance history of the food with respect to the source of the food including the compliance history of the exporting country, the producer and manufacturer, the exporter, the shipper and the importer; and
5. reports from officially recognized inspection or certification bodies.

Article 25. Inspection procedures and requirements for imported food

A food inspector may inspect any food item brought into Lao PDR, taking into account Article 6 and Article 22 of this Decision, undertaking as necessary, a document check, a visual inspection or an organoleptic inspection, or all of the foregoing. Procedures for inspection as well as criteria for acceptance, rejecting, holding, reconditioning or relabeling shall be addressed in a Manual of Inspections.

Inspections for imported food items shall take place at entry border points or warehouses of food business operators, except for food that should be kept in specific temperature and for which there is no such facility at the border, the inspection on which shall be conducted at the warehouse of food business operators or at any predetermined premises.

Physical inspections of imports shall be carried out in the following circumstances:

1. foods categorized as high risk;
2. a suspicion of non-conformity for a particular product; or
3. a history of non-conformity for the product, processor, importer or country.

Where samples are taken by the food inspector, he or she shall:

1. in the presence of the owner, importer or person in charge of the food, seal and mark them as prescribed, with samples allowed to be kept of the same batch or lot by the owner for the purposes of control;
2. according to the Manual of Inspection;
3. release the consignment where it complies with prescribed requirements;
4. detain the consignment if there is a minor lack of compliance with prescribed requirements and, where he or she deems necessary, issue a written notice

temporarily ordering its removal to a specified place or to allow the importer an opportunity to provide additional documents or to require the importer to re-label the product or take any other action to achieve conformity with Lao PDR food standards;

5. where the consignment does not meet prescribed requirements, issue a written notice ordering the immediate destruction of the consignment, and where the importer does not take action within three days, carry out the destruction himself or herself; and
6. where the consignment does not meet prescribed requirements, issue a written notice ordering the re-direction of the food product for uses other than for human consumption (details should be prescribed in each case).

Consignments shall not be released until the inspection process, including receipt of laboratory or test kit results, has been completed. The inspector shall ensure that the process is carried out as quickly as possible. The costs of any inspection, transport, analysis, storage or destruction under this section shall be borne by the importer.

Where any food sought to be imported contravene the food legislation and standards in Lao PDR, the FDD may nonetheless allow its importation solely for the purpose of re-labelling or reconditioning. If subsequently such reprocessed or reconditioned food is in compliance with the relevant standards the food item can be released. Where such re-labelling or reconditioning is not carried out within the prescribed time period, the importer shall export or dispose of such food at his or her expense.

Where an inspector detects problems with import of a food product so serious as to be a food emergency, he or she shall immediately notify the Director of the FDD who shall notify the country of export within two days of receipt of such finding by a food inspector.

Article 26. Equivalence

The Ministry of Public Health shall establish mechanisms to accept inspection and control systems of an exporting country where these systems achieve the same level of protection as that required by Lao PDR.

Article 27. Charges associated with import inspection and testing or compliance with written notices

The importer shall be responsible for the expenses or the charges for the analysis of samples of food, for destruction or for any other action required to bring such food product into compliance with the Food Law and any regulations issued thereunder.

PART VI INSPECTION OF FOOD EXPORTS

Article 28. Certification for food export

The FDD shall, upon request, provide certification that the food product is in compliance with standards prescribed by the importing country. The FDD may issue certificates of health, certificates of analysis or other documents required for export following an inspection and testing of the product to be exported.

PART VII
MISCELLANEOUS PROVISIONS

Article 29. Reward for outstanding persons

Any person or organization who has continuously, successfully and actively implemented this Decision will be rewarded with Certificate of Appreciation by The Ministry of Public Health.

Article 30 . Indemnity

Ministry of Health nor the Government of Lao PDR, nor any inspector shall be liable or pay compensation for the destruction of any food item or for the temporary suspension or permanent closure of food business operations or for any action or decision carried out in good faith for the purposes of the Food Law or for any regulations issued thereunder.

Article 31. Audit

The activities of the food inspectors as well as the FDD shall be subjected to periodic review and audit for continuous improvements and to ensure that the food inspectors are following the prescribed procedures and requirements. The FDD shall ensure the integrity, impartiality and independence of the food inspection system in Lao PDR.

Article 32. Fees

Food business operators shall pay the required fees for inspections, sampling, certification or audit controls as stipulated in the relevant Presidential Decree.

Article 33. Administrative sanctions

Any person who does not comply with the Food Law or this Regulation shall be issued a written notice and may be subject to administrative sanctions. First time violation will receive a written notice to take remedial action. Where such action is not taken, or for second time violation, the inspector shall confiscate the food product or item in question and issue a fine, which shall be 10 percent of its market value and the business shall be temporarily suspended. For third time violation, the inspector shall confiscate the food product or item in question and issue a fine, which shall be double of the second violations and the business shall be revoked.

Article 34. Criminal Offences

Where non-compliance with the Food Law or this Decision is severely serious that it causes harm to human health, a food inspector can initiate criminal legal proceedings against the offender in accordance with relevant legislations in Lao PDR.

Article 35. Offences by inspectors

Where an inspector acts outside his or her authority, appropriate action shall be initiated in accordance with relevant legislation on civil services.

Article 36. Appeals

Where a person or legal entity is aggrieved by a decision of an inspector, he or she has the right to file an administrative appeal to the Director of the FDD, stating the grounds for the claim. The Director shall submit his or her decision regarding the claim within thirty days of receipt of the appeal. Where the person is still not satisfied, he or she may appeal an administrative appeal to the Minister within forty-five days of receipt of the Director General's submission. The Minister shall render his or her decision within sixty days or receipt of the appeal.

Where the person is still not satisfied, he or she has the rights to take the action to court in accordance with relevant Lao PDR legislations.

**PART VIII
FINAL PROVISIONS**

Article 37. The implementation

The FDD shall take responsible to elaborate and coordinate with relevant agencies to implement this Decision effectively.

Article 38. Enforcement

This Decision enters into force 180 days from the date of signature. Any Decisions or regulations contradicted with this Decision will be nullified.

Minister of Public Health

Stamped and Signed

Prof. Dr. Eksavang Vongvichith