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Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Government

No.234/GoL
Vientiane Capital, date 06 June 2012

Decree on the Implementation of the Law on Standardization

- Pursuant to the Law on the Government of Lao People's Democratic Republic No. 02/NA, dated 06 May 2003.
- Pursuant to the Law on Standardization of the Lao People's Democratic Republic No. 13/NA, dated 26 December 2007.
- Pursuant to the proposed letter of the Ministry of Science and Technology No. 0250/MoST, dated 31 May 2012.

The Government decrees:

Chapter I
General Provisions

Article 1. Objectives

This Decree is laid out to interpret, explain and instruct provisions of certain articles of the Law on Standardization to ensure the accuracy, clarity, correctness and uniform understanding throughout the country, aiming to implement the Law on Standardization effectively and in line with international and regional agreements and treaties to which Lao PDR is a party.

Article 2. International, Regional and Foreign Standards

International, regional and foreign standards as defined in Article 19, item 1 of the Law on Standardization shall have the following meaning:

International standard means a standard that is adopted by an international standards organization and made available to the public.

Regional standard means a standard that is adopted by a regional standards organization and made available to the public.

Foreign Standard means a standard that is adopted by a host country and made available to the public.

Article 3. Participation between Public and Private Sectors

The participation between the public and private sectors as defined in the last paragraph of Article 5 of the Law on Standardization includes the promotion by the government and local administration on public awareness regarding the benefits generated from standardization activities and the encouragement of private sector to participate in the development of standards and conformity assessment procedures.

Chapter II Standards

Article 4. Principles for the Preparation, Adoption and Application of National and Local Standards

The preparation, adoption and application of national and local standards as defined in Articles 19, 20, 21, 22, 23 and 24 of the Law on Standardization shall be implemented according to basic principles as follows:

1. Adopt the “Code of Good Practices for the Preparation, Adoption and Application of Standards” in Annex 3 of the World Trade Organization’s Agreement on Technical Barriers to Trade;
2. Compliance with standards is voluntary;
3. [Standards] shall not create unnecessary obstacles to trade;
4. Shall accord treatment to products originating [from] other countries no less favorable than that accorded to like products of national origin and to like products originating in any other country;
5. International standards shall be used as a basis for national standards wherever possible;
6. With a view to harmonizing standards on as wide basis as possible, Ministry of Science and Technology (MoST) shall, in an appropriate way, play a full part, within limits of resources, in the preparation by relevant international standardizing bodies of international standards regarding subject matter for which it either has adopted, or expects to adopt standards;

7. Wherever appropriate, standards shall be based on product requirements in terms of performance rather than design or descriptive characteristics.

Article 5. Procedures for the Preparation, Adoption and Application of National Standards

The development of national standards as defined in Article 21 of the Law on Standardization shall be implemented according to the following procedures:

1. Proposing the development of a National Standard

A proposal to develop a national standard can be made by an individual or organization to MoST, or can be self-initiated by the National Standards Council.

MoST shall review all proposals to develop national standards based on the principles stated in Article 6 of the Law on Standardization and in Article 4 of this Decree. Once the proposal is accepted, MoST shall assign the relevant Central Technical Committee to draft the standard.

2. Drafting a National Standard

The relevant Central Technical Committee (CTC) in coordination with the applicants, suppliers and consumers shall conduct research and draft a national standard. The CTC may include foreign technical experts, as appropriate.

The CTC shall post on the MOST webpage and other print media the draft national standard for public comments for at least sixty days. The CTC shall review and modify the draft national standard, as appropriate, based on received comments. The CTC shall propose such national standard to the National Standards Council for adoption. .

3. Adoption of a National Standard

The National Standards Council (NSC) shall review the draft national standard for adoption in principle.

A draft national standard will be adopted only if two-thirds of the NSC members attending the decision-making meeting vote in favor of the adoption. The NSC shall submit the adopted national standard in principle to MoST for the official adoption.

4. Promulgation, Publication and Application of a National Standard

MoST shall promulgate and publish a national standard. A national standard shall be effective after sixty days from the date of official promulgation.

Article 6. Procedures for the Preparation, Adoption and Application of Local Standards

Local standards shall be implemented by the same rules as for national standards. Every effort shall be made to avoid duplication and overlap of promulgated national standards. If a local standard conflicts with a national standard, the national standard shall be applied.

Procedures for developing a local standard are as follows:

1. Proposing the development of a Local Standard

A proposal to develop a local standard can be made by an individual or organization to the Provincial, Capital Department of Science and Technology (DST).

The DST shall review any proposal to develop a local standard, based on the principles stated in Article 6 of the Law on Standardization and Article 4 of this Decree. Once the proposal is accepted, DST shall assign a relevant Local Technical Committee to draft such standard.

2. Drafting a Local Standard

The relevant Local Technical Committee (LTC) in coordination with the applicants, suppliers and consumers shall review and draft a local standard.

The LTC shall post a draft local standard on the MoST webpage and other print media for public comments at least sixty days. The LTC shall review and modify the draft local standard, as appropriate, based on received comments. LTC shall propose such draft local standard to DST for adoption.

3. Adopting a Local Standard

The Provincial and Capital Departments of Science and Technology shall review and adopt a local standard.

4. Promulgation, Publication and Application of a Local Standard

Departments of Science and Technology shall promulgate and publicize local standards. The local standards shall enter into force after sixty days from the date of official promulgation.

Chapter III

Technical Regulations and a Code of Practice

Article 7. Rules for the Preparation, Adoption, Publication and Application of Technical Regulations

Detailed procedures for the preparation, adoption, publication, application and review of a national technical regulation as stipulated in the Articles 27 and 31 of the Law on Standardization shall be implemented according to the Code of Practice for Technical Regulations developed by the MoST and shall comply with the ASEAN Good Regulatory Practice Guide and ASEAN Policy Guideline on Standards and Conformance and shall comply with the WTO Agreement on Technical Barriers to Trade.

Detailed procedures on the preparation, adoption, publication, application and amendment of national technical regulations shall be applied on a uniform basis among all relevant authorities and sectors throughout the country.

Provincial and Capital authorities may develop a technical regulation that applies only to the jurisdiction of their authority. Local standards shall comply with national technical regulations and be developed based on specificity and appropriateness of local conditions. Where a local technical regulation conflicts with a national technical regulation, the national technical regulation shall apply.

The creation, adoption and application of technical regulations shall be based on the following principles:

1. The creation of a technical regulation shall have legitimate objectives to protect the life and health of humans, animals and plants, to protect the environment, to prevent deceptive practices, to protect national security and to ensure the quality of its exports.
2. Technical regulations shall be mandatory;
3. Technical regulations shall not create unnecessary obstacles to trade;
4. An imported product shall be provided with no less favorable treatment than accorded to like domestic products or among imported products regardless of origin;
5. The creation and application of technical regulations shall be applied in practical ways to achieve legitimate objectives in order to minimize compliance costs and avoid unintended consequences;
6. Technical regulations shall be based in terms of performance rather than design or descriptive characteristics, if appropriate;
7. Where technical regulations are required and relevant international standards exist or their completion is imminent, Lao PDR shall use them, or relevant parts of them, as a basis for creating technical regulations except when such international standards or relevant parts would be ineffective or inappropriate means for fulfillment of legitimate objectives;
8. Where technical regulations are required and relevant international standards or relevant parts are not available or would be ineffective or inappropriate means for the fulfillment of legitimate objectives, for instance, because of fundamental climatic or geographical factors or fundamental technology problems, then national standards may be used. If a relevant national standard does not exist, a technical regulation shall be based on technical and scientific evidence and shall be developed in line with the principles stipulated in this Article;

9. Determining compliance with technical regulations shall be carried out by conformity assessment procedures, as specified in Articles 11, 12 and 13 in this Decree.

Article 8. Procedures for the Preparation, Adoption, Publication and Application of Technical Regulations

The relevant government sectors responsible for developing a technical regulation, as stipulated in Articles 29, 30 and 31 of the Law on Standardization, shall appoint [assign] a Technical Committee consisting of relevant government agencies to develop a draft technical regulation to achieve a legitimate objective.

Once the Technical Committee completes the preliminary draft of a technical regulation, the draft shall be published in other print media and posted on the website for public comments for at least sixty days. During this period, such draft regulations shall be submitted to the WTO, ASEAN and other international organizations as specified in the treaties and agreements to which Lao PDR is a party. The Technical Committee shall consider and review a draft technical regulation taking into account received comments and feedback.

The Technical Committee shall follow the procedures in the Code of Practice for Technical Regulations and in compliance with international and regional agreements and treaties to which Lao PDR is a party.

Where there is a necessity related to safety, health, environment and national security [arise] or threaten to arise, procedures for developing technical regulations as specified in the aforesaid paragraph may be exempted, subject to notification to WTO, ASEAN and relevant international organizations as soon as possible. The relevant organizations of Lao PDR shall discuss and take into account comments from member countries of WTO, ASEAN and other relevant international organizations. .

The relevant governmental sectors shall adopt, promulgate and publish technical regulations and shall determine the conformity assessment procedures required for the application of such technical regulation.

Article 9. Responsibilities of MoST for the Development and Application of Technical Regulations

MoST shall be responsible for the development and application of technical regulations as defined in Articles 28 and 31 of the Law on Standardization as follows:

1. Provide technical assistance in the development and application of technical regulations to relevant Government agencies at the central and local levels;
2. Provide technical information, standards and international and regional conformity assessment procedures related to the proposed technical regulation upon request;

3. Coordinate with concerned sectors to ensure compliance with requirements in the Law on Standardization and this Decree, and with international and regional treaties and agreements to which the Lao PDR is a party;
4. Coordinate with relevant sectors to promote public awareness and understanding of the objectives and procedures for applying technical regulations.

Article 10. Development of the Code of Practice for Technical Regulations

MoST, in coordination with relevant sectors, shall develop a Code of Practice for Technical Regulations as defined in Article 28 of the Law on Standardization to provide uniform procedures for the preparation, adoption, publication, application and review of technical regulations at the central and local levels in line with international and regional treaties and agreements to which the Lao PDR is a party, and complying with the WTO Agreement on Technical Barriers to Trade, the ASEAN Good Regulatory Practice Guide and ASEAN Policy Guideline on Standards and Conformance and shall be applied uniformly throughout the country.

Chapter IV Conformity Assessment Procedures

Article 11. Conformity Assessment Procedures

Conformity assessment procedures as defined in Articles 44, 47, 48 and 49 of the Law on Standardization shall include all activities concerned with determining directly or indirectly that relevant requirements for standards or technical regulations are fulfilled.

Conformity assessment includes testing, inspection, market surveillance, product certification, quality management system certification, and accreditation. A specific conformity assessment procedure may include one or more of these conformity assessment activities.

Article 12. Rules for Conformity Assessment Procedures

Conformity assessment procedures shall be carried out according to international standards, procedures and guidelines and to requirements in international, regional and bilateral agreements and treaties to which Lao PDR is a party.

Conformity assessment procedures shall be implemented according to the following rules:

1. The preparation, adoption and application of conformity assessment procedures shall be applied at least equally between imported products and domestic products and between imported products originating in any other country;
2. Conformity assessment procedures shall not be prepared, adopted or applied with a view to create unnecessary obstacles to trade, and shall be carried out expeditiously and transparently;

3. In cases where a positive assurance is required that products conform with technical regulations and standards, and relevant guides or recommendations issued by international standardizing bodies exist or completion are imminent, Lao PDR shall use them, or relevant parts of them, as a basis for developing conformity assessment procedures, unless such procedures are inappropriate for application in the Lao PDR relative to the development level and financial capabilities of the Lao PDR;
4. There shall be applied with the minimum number of licenses, certifications and approvals needed to achieve objectives of technical regulations;
5. Information required shall be limited to what is necessary to assess conformity and to determine fees and charges;
6. Shall maintain confidentiality related to conformity assessment to protect legitimate commercial interests;
7. With a view to harmonizing conformity assessment procedures on as wide a basis as possible, relevant sectors shall play a full part, based on the appropriateness and within resource limitations, in the preparation by appropriate international standardizing bodies of guides and recommendations for conformity assessment procedures;
8. Shall ensure that all conformity assessment procedures that have been adopted are published promptly or otherwise made available to interested parties in the Lao PDR and other WTO and ASEAN members;
9. If a relevant international or regional conformity assessment procedure does not exist, a national conformity assessment procedure shall be developed in accordance with the Lao PDR's Code of Practice for Technical Regulations and this Decree;
10. The results of foreign conformity assessment procedures shall be accepted, even when those procedures differ from those in Lao PDR, provided that those procedures comply with Lao PDR's technical regulations or relevant standards ;
11. Conformity assessment procedures for local technical regulations shall comply with the national conformity assessment procedures; where a local conformity assessment procedure conflicts with a national conformity assessment procedure, the national conformity assessment procedure shall apply;
12. All conformity assessment procedures shall enter into force at least one hundred and eighty (180) days after publication in an official gazette.

Article 13. Determination of Conformity Assessment Procedures

Conformity assessment procedures as defined in Articles 47, 48 and 49 of the Law on Standardization shall be implemented according to the following methods:

1. Self-declared conformity assessment is carried out by the supplier or the manufacturer, and is commonly known as "Supplier's Declaration of Conformity" or First-Party conformance;
2. Second-party conformity assessment is carried out by a purchaser or legal entity and is commonly known as second-party conformance with the supplier's consent [agreement];
3. Third-party conformity assessment is carried out by an independent entity or organization that is not the supplier or producer or user of the product or service;

4. Assessment of conformity for standards is performed on a voluntary basis;
5. Assessment of conformity for a technical regulation shall be applied on a compulsory basis under the direction of the relevant Government authority using accredited laboratories where required; if [the parties] are not satisfied, the determination related to conformity assessment can be appealed to MoST for consideration, and if unresolved, this may be submitted to the court;
6. Conformity assessment shall comply with Mutual Recognition Agreements (MRAs) and multilateral and international recognition agreements to which Lao PDR is a party.

Chapter V

Accreditation and Certification

Article 14. Lao PDR National Accreditation Bureau

The relevant authority as referred to in Article 60 of the Law on Standardization shall mean the Lao National Accreditation Bureau (LNAB) which is established by Ministry of Sciences and Technology, with the responsibilities to grant, maintain, extend, suspend and withdraw accreditation to laboratory and conformity assessment bodies.

Article 15. Rights and Duties of the National Accreditation Bureau (LNAB)

The LNAB has the following rights and duties:

1. Provide formal accreditation on technical competence in accordance with standards, procedures and guidelines of international accreditation related to testing and calibration laboratories, quality management certification bodies, inspection bodies and proficiency testing bodies;
2. Comply with the international standards ISO/IEC 17011, which allows for the accreditation of public and private sector organizations;
3. Provide accreditation services for the accreditation of laboratories, certification and inspection bodies in accordance with the appropriate international ISO/IEC standards and guidance documents issued by the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF);
4. Develop regulations, instructions and other documents regarding to the conditions for granting and maintaining accreditation;
5. Participate actively in regional and international conformity assessment bodies and develop guides and recommendations for conformity assessment procedures in the Lao PDR;
6. Enter into negotiations with regional and international accreditation bodies of other countries to conclude agreements for the mutual recognition and acceptance of each other's conformity assessment procedures;
7. Undertake surveillance of accredited laboratories, and inspection and certification bodies, in accordance with international standards and practices;
8. Suspend or cancel the accreditation if violation occurred;

9. Organize and coordinate inter-comparison activities among laboratories within the country;
10. Maintain a published State Register of accredited laboratories and certification bodies;
11. Provide technical assistance on conformity assessment procedures to the relevant Government authorities at the central and local levels and promote public awareness of conformity assessment.

Article 16. Certification Body

A certification body is an organization established within relevant sectors and shall be approved by the [Lao] National Accreditation Bureau or Recognized Regional or International Accreditation Bodies.

Organization, activities, rights and duties of the certification body are defined in a separate regulation.

Article 17. Certification

Certification as specified in Articles 63 and 64 of the Law on Standardization shall be carried out by testing and calibration laboratories. Quality management certification, and inspector and proficiency certification, shall be carried out by relevant certification bodies.

All conformity assessment procedures and the issuing of certificates of compliance shall be done on a voluntary basis unless required as mandatory by a technical regulation.

The certification body shall be responsible for ensuring compliance. In the case of non-compliance, the certification body shall cancel the certification. The individual and entity whose had been cancelled the certification may appeal this decision to such certification body. If unresolved, an appeal can be made to the Lao PDR National Accreditation Bureau or to the court.

Chapter VI Modification or Cancellation of Standards and Technical Regulations

Article 18. Modification or Cancellation of Standards and Technical Regulations

The modification or cancellation of standards and technical regulations as defined in Article 34.5 of the Law on Standardization, the National Standards Council in cooperation with MoST and relevant Central Technical Committees shall review and determine to modify or cancel national standards once every five (5) years or earlier if necessary.

Departments of Science and Technology in cooperation with the Local Technical Committees shall review and determine to modify or cancel local standards once every five (5) years or earlier if necessary.

The government agency issuing the technical regulations at the central or local level may modify or cancel a technical regulation based on legitimate objectives, such as advances in technology or science, and as specified in the Code of Practice for Technical Regulations.

Chapter VIII

Final Provisions

Article 19. Implementation

MoST, in coordination with the other relevant ministries and government agencies at the national and local levels, shall strictly implement this Decree.

Article 20. Effectiveness

This Decree shall become effective from the date of its signing.

The Government of Lao PDR
Prime Minister of the Lao PDR

Thongsing Thammavong