



Authentic in Lao only

Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

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 checkpoint** means, 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 points to 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 cancellation 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, including access 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 may be 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 10 working 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 plant 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