



**LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

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**Ministry of Agriculture and Forestry**

**No 2985 /MAF**

**Vientiane Capital, dated 28 June 2019**

(unofficial translation)

**MINISTERIAL DECISION  
ON PHYTOSANITARY MEASURES FOR THE IMPORT AND TRANSIT OF  
PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES**

- Pursuant to amended Plant Protection and Quarantine Law No. 13/NA dated 15/11/2016;
- Pursuant to Prime Minister Decree No 99/PM dated 09/03/2017 on the Role and Functions of the Ministry of Agriculture and Forestry;
- Pursuant to the proposal letter of Department of Agriculture No 1045/DOA, dated 22/May/2019.

**PART I  
GENERAL PROVISIONS**

**Article 1. Objectives**

This Decision defines principles, rule, procedures and measures on phytosanitary import requirements, pre-border and border inspection, post-entry inspection, and transit to control the phytosanitary import and transit of plants, plant products and other regulated articles with the aim of preventing the introduction and spread of regulated pests and facilitating the trade, contributing to the national socio-economic development.

**Article 2. Phytosanitary measures for the import and transit of plants, plant products and other regulated articles**

Phytosanitary measures for the import and transit of plants, plant products and other regulated articles means the implementation of phytosanitary rules and procedures in accordance with official phytosanitary import requirement in order to prevent the introduction and spread of regulated pests which may create an economic impact to Lao PDR.

Phytosanitary measures for the transit of plants, plant products and other regulated articles means the implementation of phytosanitary rules and procedures in order to transport a consignment through Lao PDR to third country.

**Article 3. Definitions**

The terms used in this Decision have the following meaning:

1. **Biological control agent** means a natural enemy, antagonist or competitor, or other organism, used for pest control;
2. **Import requirement** means any rule established by the Plant Protection and Quarantine Administrative Authority to control regulated articles coming into Lao PDR;

3. **Phytosanitary Import permit** means an official document issued by the Plant Protection and Quarantine Administrative Authority authorising importation of a consignment in accordance with specified phytosanitary requirements;
4. **NPPO** means the Department of Agriculture which represents the National Plant Protection Organization of Lao PDR. as defined in article IV of the IPPC;
5. **IPPC** means the International Plant Protection Convention (as revised in 1997);
6. **ISPM 15** means in the International Standard for Phytosanitary Measure Number 15 of the International Plant Protection Convention on the Regulation of Wood Packaging Material in International Trade;
7. **Living modified organism or LMO** means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology

#### **Article 4. Scope**

This Decision shall apply to any person, legal person and organization within and outside the country engaged in the import and transit of plants, plant products and other regulated articles in Lao PDR.

## **PART II PHYTOSANITARY IMPORT REQUIREMENTS**

#### **Article 5. Phytosanitary import requirements**

phytosanitary import requirements refers to the provisions on importing regulation of plants, plant products and other regulates articles prescribed by the Ministry of Agriculture and Forestry including general phytosanitary import requirements, Specific requirements and other measures related to import plants, plant products and other regulates articles.

#### **Article 6. General phytosanitary import requirements for regulated articles**

In additional to the phytosanitary measures as prescribed in article 30 of the plant protection and quarantine Law (amended version) number 13/NA dated 15 November 2016, the import of plants, plant products and other regulates articles shall meets with general requirements for regulated as follows:

1. Accompanied with import permit issued by the Department of Agriculture;
2. An import permit shall apply for a consignment which comprises same or many species of plant and plant product but they shall come from same source and be exported together;
3. the plants, plant products and regulated articles are free from regulated pests;
4. the plants, plant products and regulated articles comply with Lao PDR phytosanitary legislation;
5. the plants, plant products and regulated articles conform to specific import requirements established and agreed either bilaterally with NPPOs based on by International Standards of the IPPC.
6. Accompanied by a valid phytosanitary certificate issued by National Pant Protection Organization of the country of origin.;
7. For plants, plant products and regulated articles that are imported by post or air freight, have a label, description or tag affixed as prescribed by guidelines issued on the Department of Agriculture website;
8. Subject to inspection, testing and treatment prior to export when required;

9. the identity and integrity of the regulated articles has been maintained and stored after certification in country of origin.;

where the import of a regulated articles that is in the list of plants, plant products and regulated articles required for import permit, it shall be subjected to pest risk analysis and meet specific requirement determined by the Department of Agriculture.

Where the plants, plant products and regulated articles are imported for phytosanitary work, scientific research or emergency situation, they shall be permitted by the Department of Agriculture with determined quantity requirement and security standard.

The Department of Agriculture shall evaluate any alternative phytosanitary measures proposed by an exporting country's National Plant Protection Organisation to ensure they provide the equivalent level of protection to the phytosanitary import requirements of Lao PDR.

#### **Article 7 . Specific requirements for transport and packaging material**

The owner or operator of any vehicle or carrier used to transport or store a plants, plant products and regulated article shall be required to carry out treatment in accordance with standards prescribed by the Department of Agriculture.

Any raw, unprocessed or solid wood packing material shall be treated in accordance with prescribed standards and shall be marked in accordance with ISPM 15 requirements and shall be accompanied by a phytosanitary certificate stating that it has been subject to the required treatment.

Any hay or straw used for packaging a regulated article shall be treated in accordance with prescribed standards and accompanied by a phytosanitary certificate.

#### **Article 8. Biological control agents or other living modified organisms**

The import of biological control agent or a living modified organism shall be subjected to pest risk analysis prior to import or prior to release and comply with other biosafety requirements as prescribed by the competent authority.

#### **Article 9. Specific Import Requirement of fresh fruit and vegetables**

The Department of Agriculture and the Provincial, Vientiane Municipality Agriculture and Forestry Offices shall, in collaboration with relevant authorities ,control and inspect the import of raw fruit and vegetable in accordance with food safety standards. the procedure shall be determined by the Department of Agriculture.

#### **Article 10. Joint inspections**

The Department of Agriculture shall be able to enter into agreements with regional or international organisation to establish schemes for joint inspections based on the Agreement of the Minister of Agriculture and Forestry.

#### **Article 11. Restrictions of imports of regulated articles**

The restriction shall permit to import regulated articles under principle, procedure and requirement determinised by the Ministry of Agriculture and Forestry



based on pest risk analysis and technical justification including economic or environmental.

The list of regulated agriculture subjected to import restriction shall be published through any media and posted at entry border check points where can be seen and acknowledged by broad public.

#### **Article 12. Phytosanitary measures required for regulated articles prior to entry and during shipment into Lao PDR**

A regulated articles which is in the list of plants, plant products and other articles requiring for import permit prior entry or shipment into Lao PDR shall comply with following phytosanitary actions and be certified by the National Plant Protection Organisation of the exporting country:

1. Inspection, testing and treatment
2. Production from plants under prescribed phytosanitary status, including those grown from virus-tested plants or under specified conditions;
3. Inspection or testing in the growing season prior to export; origin of the consignment is from a pest free place of production or pest free production site, area of low pest prevalence or pest free area as applicable;
4. Available appropriated procedures and official accredited by exporting country;
5. Maintenance of consignment integrity.
6. The Identity of consignment shall be secured during shipment and implement other necessary measures especially inspection at country of origin and entry checkpoint.

Where necessary to carry out the PRA process and procedure in technical principle, the Department of Agriculture may appoint plant protection officers to carry out verification inspections at the country of origin, evaluate pre- or post-harvest treatments, quarantine inspection and certification of facilities, packing housed and other procedures as necessary. The cost of these actions shall be borne by the either the importer or exporter concerned.

#### **Article 13. Tags and labels**

Any plants, plant products or regulated article that is germplasm or is highly perishable or high risk shall be tagged and labelled in accordance with the phytosanitary requirements.

the models, description and shall be determined in guidelines of the Department of Agriculture website.

#### **Article 14. Issuance of Phytosanitary import permit for plants, plant products and regulated articles in the list requiring import authorization**

Any person, legal person or organization intending to import a plants, plant products or regulated article in the list subjected to import authorisation, as defined in article 31 of plant protection and quarantine law (amended version) number 13/NA dated 15 November 2016, shall submit application at least fifteen days prior to the intended date of import to the Department of Agriculture for issuing phytosanitary import permit . The import permit shall specify which designated entry checkpoint shall be used for entry of the regulated article covered by the import permit.

where pest risk analysis cannot be completed within the prescribed time, the Department of Agriculture shall immediately inform the applicant in writing of the

status of the application and shall indicate a timeframe within which results can be expected.

Where the application does not meet Lao PDR requirements, the Department of Agriculture shall deny issuance of an import permit, and provide the reasons in writing to the importer within the prescribed period.

#### **Article 15. Issuance of phytosanitary import approval for plants, plant products and regulated articles which are not in the list requiring import permit**

Any person, legal person or organization intending to import a plants, plant products or regulated article, which are not in the list requiring import permit, shall submit application as prescribed form at least fifteen days prior to the intended date of import to the Department of Agriculture or Provincial, Vientiane capital Agriculture and Forestry Offices designed by the Department of Agriculture for issuing phytosanitary import approval. The import approval shall specify which designated entry checkpoint shall be used for entry of the regulated article covered by the import approval. Where the application does not meet Lao PDR phytosanitary requirements, issuance of an import clearance shall be denied and reasons shall be provided in written to the importer within the prescribed period.

the Provincial, Vientiane capital Agriculture and Forestry Offices designed for issuing phytosanitary import approval, shall take into account following criteria:

- good understanding of plant quarantine;
- knowledge of Lao PDR phytosanitary legislation, and phytosanitary principles and International standard on phytosanitary measures
- access international resources on phytosanitary matters.
- post entry monitoring

#### **Article 16. Validity period of the phytosanitary import permit**

The validity period of the phytosanitary import permit for the plants, plant products and other regulated articles which are in the list requiring import permit shall be established on a case by case basis, depending on the risk and consideration of other factors in relevant to phytosanitary import requirements such as import for research or commercial purpose and planting seasons.

#### **Article 17. Suspension or revocation of phytosanitary import permit**

The Department of Agriculture and Provincial, Vientiane Capital Agriculture and Forestry Offices may review, modify or suspend a phytosanitary import permit by written notice to the permit holder when any of the following circumstances occur:

1. There is a change in pest status in the exporting country or new pest status information is received;
2. A new pest is detected in a consignment at the designated entry checkpoint;
3. Where the variety or the quantity of the entry plants, plant products and other regulated articles are changed;
4. Where there is a change in the planting site which is part of the same country or region of export;
5. Where the entry border checkpoint is changed;
6. Where the validity period of the import permit is exceeded;
7. (g)Where there is information that importing the consignment presents a phytosanitary risk above the appropriate level of protection.

The Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices have right to suspend or revoke an import permit where there has been a significant case of non-compliance to Lao PDR Law and regulations related to phytosanitary. The National Plant Protection Organisation of the exporting country shall be notified within forty-eight hours of any action taken under this article and any emergency or provisional measure shall be taken until such time that the National Plant Protection Organisation of the exporting country provides evidence that the cause of the non-compliance has been rectified.

### **PART III PRE-BORDER AND BORDER INSPECTION**

#### **Article 18. Pre-border inspection**

The Department of Agriculture shall exercise and defines international plant quarantine border checkpoint where meets inspection standard of plants, plant products and other regulated articles for timely requesting consideration and approval from Ministry of Agriculture and Forestry. In additional, it shall enter into recognition or bilateral agreements with trading partners to prevent duplicative inspection at Lao PDR entry border checkpoints.

The plant quarantine inspector of The Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices, and international plant quarantine border checkpoints shall ensure that all steps of pre-border inspection procedure for importing plants, plant products and other regulated articles are carried out in accordance with guideline of The Department of Agriculture.

#### **Article 19. Official notification for importing plants, plant products and other regulated articles**

An importer shall submit an official notification form at the international plant quarantine border checkpoint using the form in guidelines issued by the Department of Agriculture.

Each official notification form shall have a notification reference number. The information contained in notifications shall be kept by the Plant Protection and Quarantine Administrative Authority and where relevant, the Customs authority.

The Plant quarantine inspector, after receiving dossier for importing plants, plant products and other regulated articles, shall stamp the official notification form with registration number and receiving date, and indicate the time and place of required inspection.

The international plant quarantine border checkpoint shall keep and records of imported consignments in the database include registration number and relevant information in accordance with this Decision. the data shall be backed up at the Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices or custom sector where this is required.;

#### **Article 20. Status and frequency of inspections**

The Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices shall carry out import inspections base on the risk and consider the following criteria:

- the phytosanitary measures taken by the National Plant Protection Organisation of the exporting country;
- the commodity type and intended use;
- consignment size and configuration;
- the volume, frequency and timing of shipments;
- whether there has been any previous handling and processing of the regulated article;
- the experience or compliance history of importer;
- the results of previous inspections;
- the means of conveyance and packaging;
- the available financial, technical resources and pest diagnostic capabilities;
- the sampling design characteristics necessary to achieve the inspection objectives;
- the difficulty of pest detection on a specific commodity;
- perishability of the commodity; and
- whether inspections would be effective to detect the risk presented by the consignment.

The Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices shall establish a record of compliance of importers, commodities and countries of origin.

Each shipment shall be inspected and sampled in accordance with guideline determined by The Department of Agriculture.

#### **Article 21. Inspection of import consignments at international plant quarantine border checkpoint**

Upon arrival of a consignment at the international plant quarantine border checkpoint, the plant quarantine inspector shall promptly inspect perishability consignment before another type of consignment and inspect the document as prescribed in article 22 of this Decision.

Where the Plant quarantine inspector inspects and verifies that the shipment is accompanied by all relevant documentation and complies with the phytosanitary import requirements of Lao PDR, he or she shall certify and clear the consignment immediately in accordance with legislation. Where the plant quarantine inspector finds that the consignment does not present a phytosanitary risk, but finds a discrepancy between the import permit and the consignment, the plant quarantine inspector shall detain the consignment until a new import permit is issued which matches the consignment.

the plant quarantine inspector shall report and confirm inspection outcome in written to the Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices, and keep one copy of report at the international plant quarantine border checkpoint.

#### **Article 22. Documentary inspection**

The Plant quarantine inspector shall verify the validation and completion of document as follows:

- import permits issued by the Department of Agriculture and the Provincial, Vientiane Capital Agriculture and Forestry Offices;
- phytosanitary or re-export phytosanitary certificates of exporting country;
- packing list and commercial invoices;
- treatment certificate;
- field inspection certificates or reports;
- establishment records;
- certificates of origin;
- CITES certificates in case import regulated article in the list defined by the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Other relevant document as timely determined by the Department of Agriculture.

For phytosanitary certificate inspection, the plant quarantine inspection shall verify the validness of phytosanitary certificate as follows:

1. The phytosanitary certificate conforms with the model approved by International standard on phytosanitary measure;
2. the period of validity of the phytosanitary certificate does not exceed fourteen days from the date of its issuance and shipment from exporting country.
3. be in English;
4. include the botanical name, scientific name and common name of the regulated article;
5. contain the date of issuance;
6. have been issued by, and bears the seal of the exporting National Plant Protection Organization;
7. contain additional declarations as specified in the import permit.

Where phytosanitary certificate is illegible including incompleteness of information presented, the period of validity of the phytosanitary certificate has expire, the certificate contains inclusion of unauthorized alterations, erasures, or conflicting, inconsistent or false information to the actual consignment, the phytosanitary certificate certifies or endorses prohibited products, the phytosanitary certificate is fraudulent, non-certified copies of the phytosanitary certificate have been provided, plant quarantine inspector shall deny for approval or notify importer in writing for providing additional information.

Fraudulent phytosanitary certificates include those that are:

- issued on forms not authorized by the National Plant Protection Office of the exporting country;
- issued by persons or organizations or other entities that are not authorized by the National Plant Protection Office of the exporting country;
- contain false or misleading information; or
- any Fraudulent found as prescribed in relevant Law and regulations.

Where any case mentioned above is found, the phytosanitary certificate shall be rejected and the case of non-compliance shall be notified to the Department of Agriculture which shall report to the National Plant Protection Office of the exporting country and notify the importer before taking further action.

### **Article 23. Sampling and analysis**

On the basis of inspection, where a plant quarantine inspector has grounds to believe that a consignment does not meet Lao requirements or where he or she suspects that a regulated pest is present, the plant quarantine inspector shall collect, prepare, label and seal a sample of the consignment and shall submit the sample to an official laboratory for analysis. Where necessary, the plant quarantine inspector shall place the consignment in detention until a determination is made as to the presence or absence of a regulated pest.

The plant quarantine inspector shall take samples as soon as reasonably possible and ensure the integrity, traceability and security of samples. The results of diagnosis of samples shall be reported to the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices and to importer.

All sampling principle, procedure and process shall follow the sampling and testing methodology set out in the Inspection Manual of the Department of Agriculture.

### **Article 24. Phytosanitary measures to be taken for inspection of consignment at the plant quarantine border check point**

On the time of inspection of consignment at the plant quarantine border check point, where the pest risk, regulated pest or regulated non-quarantine pest in an imported consignment are found, any of following Phytosanitary measures shall be taken :

1. **Detection of Pest risk:** the plant quarantine inspector shall collect and submit samples of the consignment for testing. where necessary, place the consignment in detention until a determination is made as to the presence or absence of a regulated pest and report. the result of inspection to the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices and to the importer within twenty-four hours;
2. **Detection of a regulated pest in consignment:** the plant quarantine border check point shall take a measure as appropriate including the confinement of the consignment with the collaboration of Customs to conduct treatment if available, the reshipment of the consignment to the country of export and, if the country refuses the reshipment and there is not any feasible phytosanitary action or alternative phytosanitary measures are not available to mitigate the risk then the Department of Agriculture shall order confiscation and destruction of such consignment. Any action taken under this section shall be at the expense of the importer.
3. **Detection of a regulated non-quarantine pest in consignment:** the plant quarantine inspector shall place the consignment in detention until a determination is made that the regulated non-quarantine pest is present within the tolerance levels established for that pest. Where the regulated non-quarantine pest in the consignment exceeds the established tolerance levels for that pest, the plant quarantine border check point shall order phytosanitary measures which are consistent with domestic measures and are limited to the suppression of the pest level to its established tolerance level, where feasible, through treatment, or by downgrading or by reclassification, where this is permitted, for equivalent material produced or to be regulated domestically. Where no measures are available to lower the pest level to within the

established tolerance level, the Department of Agriculture shall order the reshipment of the consignment to the country of export or, where the country refuses the reshipment, order its confiscation and destruction.

The plant quarantine inspector may decide not to apply phytosanitary action against a regulated non-quarantine pest where there is no risk of the establishment or spread of the regulated non-quarantine pest based on technical justification.

The plant quarantine inspector shall report the results of inspection, diagnosis and phytosanitary measures which is taken to the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices and to importer.

#### **Article 25. Phytosanitary actions and emergency actions for non-compliance of imported consignment**

The plant quarantine inspector shall take phytosanitary action where the consignment is found to have evidence of failure to meet the requirements included in bilateral agreements, permit conditions or import regulations and requirements, or the phytosanitary certificate or other required documentation is invalid, or the regulated articles to be imported are prohibited. The procedure and process for phytosanitary actions shall be determined in guidelines of the Department of Agriculture.

where it is found that phytosanitary measures have not yet been specified for consignment, or contaminants of conveyances, storage places or other places involved with imported commodities, or pests are found that have not been previously assessed or new or previously unknown pest is intercepted in a consignment. The plant quarantine border check point shall immediately take an emergency action and report to the Department of Agriculture who shall notify to National Plant Protection Organisation of exporting country on the phytosanitary measures taken. The procedure and process for phytosanitary emergency actions shall be determined in guidelines of the Department of Agriculture.

Where pests are routinely detected in a form that does not allow for adequate identification, the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices may take temporary phytosanitary measures and shall take steps to raise sufficient specimens and shall contact National Plant Protection Organisation of the exporting country to assist with the identification. Following identification of the specimen and where a PRA confirms that such pests justify phytosanitary actions, the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices shall add such pests to the Lao PDR list(s) of regulated pests.

#### **Article 26. Official release of consignment**

when inspection of consignment is completed, the plant quarantine inspector shall stamp on the declaration form to officially release the consignment. The stamp shall be designed in the guideline of the Department of Agriculture.

#### **Article 27. Conditional release of consignment**

Conditional release of consignment refers to provision that the plant quarantine inspector authorises consignment for post-entry inspection at a site where the consignment is moved into an inspection facility for period of time prescribed by the Department of Agriculture or meet conditions prescribed in the import permit or this Decision regarding isolation and detention, including the period under which the regulated article will be detained for observation.

Where the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices design the post entry inspection taking place in a site other than a plant quarantine border check point, the plant quarantine inspector shall make conditional release consignment to the customs authority for their clearance and report to the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices on location, quantity and prescribed details of such consignment. the post-entry inspection shall not exceed three working days from the date of conditional release of consignment.

**Article 28. Notification to IPPC on information of regulated pest**

The Department of Agriculture shall immediately notify the importer, the National Plant Protection Organization of the exporting country, the Secretary of the IPPC and any regional plant protection organization of which Lao PDR is a member, of regulated pest, inspection and phytosanitary emergency actions taken, any test results, any certificate of treatment, any confiscation and destruction certificates and any other relevant documentation.

**Article 29. Incident review for phytosanitary measures**

the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices shall timely review the implementation of phytosanitary measures. If violation or non-compliance with phytosanitary import requirements occur, the phytosanitary emergency actions may be adopted or modified in comply with phytosanitary import requirements.

**PART IV  
POST-ENTRY CONTROL**

**Article 30. Post-entry quarantine facility**

Any person who wishes to establish a post-entry quarantine facility shall be approved by the Department of Agriculture and implement the requirements prescribed in guidelines issued on the Department of Agriculture.

Upon receipt of the application form, the Department of Agriculture shall inspect the facility and where the facility meets prescribed phytosanitary requirements, shall issue technical approval of the facility and define period and frequency of inspection in such technical approval document.

**Article 31. Post-entry inspections at site**

In order to conduct Post-entry inspections at site, The plant quarantine inspector shall implement as follows:

- Following the importation of plants, plant products and other regulated articles, the plant quarantine inspector shall inspect consignment at designated inspection signed the post-entry inspections site;
- Issuing permit release of the regulated article from post entry quarantine, where the regulated article is found to be free from pests and disease for the prescribed period;
- where the consignment infested with regulated article, contaminated or infested with exotic pest, the plant quarantine inspector shall order the destruction of the whole or part of the imported consignment and advise

the importer to apply phytosanitary measures such as treatment using available methodologies in comply with technical principle.

Once the inspection of consignment has been completed at the storage place, post-entry inspections site, inspection report shall be prepared and signed by the officer and the plant quarantine inspector who inspect such consignment and countersigned immediately by the importer or person authorized by the importer.

## **PART V TRANSIT**

### **Article 32. Application for phytosanitary transit permit**

Any person, legal person or organisation wishing to transport plants, plant products or regulated articles through the territory of Lao PDR shall be authorised by the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices through submitting application as the form prescribed by the Department of Agriculture at least 15 days prior to the intended date of transit.

### **Article 33. Issuance of phytosanitary transit permit**

the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices shall issue a phytosanitary transit permit using the form issued in guidelines issued on the Department of Agriculture website, if it has been determined on the basis of pest risk analysis that the consignment poses no risk to plant health.

A phytosanitary transit permit is valid for seven days but may be valid for up to twenty-one days upon application of the transit operator under such circumstances as may be specified by the Department of Agriculture.

Where the consignment poses a risk to plant health, the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices shall specify in the phytosanitary transit permit the phytosanitary measures necessary to ensure phytosanitary security and integrity during transit within Lao PDR, including:

1. mode of transport and designated transit routes;
2. regulation of the changes of configuration of the consignment;
3. use of equipment or facilities prescribed by the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices;
4. customs storage facilities approved by the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices;
5. phytosanitary treatments such as pre-shipment treatments and treatments when consignment integrity is in doubt;
6. consignment tracking while in transit;
7. physical conditions such as refrigeration, pest-proof packaging or conveyance to prevent spillage;
8. use of Plant Protection and Quarantine Administrative Authority seals for conveyances or consignment;
9. transit time restrictions or season restrictions;
10. inspection of consignment at plant quarantine border check point;
11. disposal of waste; and
12. any other measure required to ensure phytosanitary security and integrity.

The transporter shall comply with the transportation standards prescribed in guidelines of the Department of Agriculture.

### **Article 34. Phytosanitary action on consignments**

Where the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices find evidence that the phytosanitary integrity of a consignment has been changed or where a regulated pest has been found in a transit consignment, package or vehicle, a phytosanitary action shall be taken as described in articles 24 and 25 of this Decision.

Where the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices take phytosanitary action on a consignment in transit, they shall notify the transit operator within twenty-four hours and shall provide evidence for taking such action, the results of the action and the non-compliance.

**Article 35. phytosanitary database for import and transit of plant, pant product and other regulated articles**

the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices shall be responsible for establishing and maintaining records concerning imports and transit information of plants, plant products and other regulated articles as follows:

1. types and quantities of consignments;
2. phytosanitary certificate of exporting country, phytosanitary import permit and phytosanitary transit permit of Lao PDR;
3. phytosanitary inspection reports and records of inspection, sampling and testing including documentation of pest risk analyses;
4. a list of importers of plants, plant products and other regulated articles;
5. records of phytosanitary actions taken;
6. violations of phytosanitary requirements and other cases of significant non-compliance;
7. a summary of any incidents or accidents that may have occurred and any action taken by the importer to prevent phytosanitary risks;
8. the dates, means and transport routes of the import and transit consignments;
9. other phytosanitary information;

In addition, the following information shall be collected and maintained concerning imports to support the management of import regulatory system:

- Intended use of consignment;
- Detention, post-entry quarantine or treatment procedures; or
- Inspection and required monitoring based on pest risk;

## **PART VI**

### **RIGHT AND OBLIGAIONS OF IMPORTER AND TRANSIT OPERATOR**

#### **Article 36 Rights of importer and Transit operator**

In additional to right and obligation prescribed in article 57 of the plant protection and quarantine law (amended version), importer and Transit operator shall have another right as follows:

1. To undertake their business on import and transit in strict compliance with the authorization, technical standards, laws and regulations;
2. To receive information on phytosanitary measures which are the rules defined by the plant protection and quarantine managment authority;

3. To request for inspection information from the plant quarantine inspector;
4. To be protected from other person disclosing, handling and using confidential commercial information;
5. To make the appeal to the relevant authority in case of violation of laws and regulations by the official and plant quarantine inspector.

### **Article 37 obligations of importer and Transit operator**

In addition to right and obligation prescribed in article 57 of the plant protection and quarantine law (amended version), importer and Transit operator shall have another obligation as follows:

1. To notify the Department of Agriculture on the date of importing
2. To take ownership on preventing, control, disinfection, treatment of pest and apply any available methodologies to prevent and take corrective action responding to incident which caused spreading of pest during import and transit.
3. To not release or mix consignment during the period of post entry quarantine, except for authorisation in writing provided by the Department of Agriculture;
4. To cooperate with the the Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices accessing post entry inspection site and follow the guideline given by the Department of Agriculture concerning such quarantine area or apply phytosanitary measure to imported consignment;
5. To maintain the checklist for facilitating inspection and ensure appropriate pest management and farm record;
6. To responsible for expense concerning post entry inspection;

## **PART VII PROHIBITION**

### **Article 38 General Prohibitions**

Any person, legal person and organization are prohibited from following:

1. Importing or transiting a plants, plant products and other regulated articles that causes harms to health of plants, human, animal and environment;
2. Importing, transiting and moving a plants, plant products and other regulated articles without authorization from the the plant protection and quarantine management authority;
3. Importing, transiting, multiplying or handling regulated pest without permission;
4. Operating business on importing and transiting of a plants, plant products and other regulated articles without approval;
5. Issuing import permit and transit permit without authorisation;
6. Bribing the plant quarantine inspector and providing incorrect information to officer, forging any document and falsifying the seal on plant protection and quarantine;
7. Threatening, delaying or impeding the performance of the plant quarantine inspectors and officers;
8. Misleadingly advertising on import and transit of plants, plant products and other regulated articles;

9. Increasing or reducing amount of consignment or change the type of commodity after phytosanitary certification or issuance of import permit or transit permit;
10. Performance other activities in violation of law and regulations

#### **Article 39 Prohibitions for the plant quarantine inspector and officer**

In addition to the prohibitions prescribed in article 38 of this decision, an officer and the plant quarantine inspector shall not:

1. Abuse his or her right, responsible and position by accepting bribes that damage the interest of the state, collective or individual;
2. Disclose confidential information of the state and official including information of business operator;
3. Forge any official document or falsify a document;
4. Issue phytosanitary certificate after exporting;
5. Carry out their responsibility recklessly or in bad faith which causes damage;
6. Ignore regulations, inspection principle of a plants, plant products and other regulated articles, resolve problem in a manner that is in consistence with technical standard;
7. Raise or reduce charge and technical service fee or use collected fee for personal benefit;
8. Evolve his or her self in financial, personal relationship and have benefit interest on registration of establishment, issuance of phytosanitary certificate and phytosanitary certificate for re-export;
9. Perform other activities in violation of laws and regulations;

### **PART VIII**

#### **MANAGEMENT OF IMPORT AND TRANSIT OF PLANTS, PLANT PRODUCTS AND OTHER REGULATED ARTICLES**

#### **Article 40 Management of import and transit of plants, plant products and other regulated articles**

The Ministry of Agriculture and Forestry manage centralised and unified the import and transit of plants, plant products and other regulated articles throughout the country by delegating the Department of Agriculture responsible and coordinate with relevance sector including industrial and commerce sector, public health sector, finance sector, public security sector and local administrative authorities.

Managing Authority of import and transit of plants, plant products and other regulated articles is the same with the plant protection and quarantine authority as prescribed in articles 67 of plant protection and quarantine law (amended version) including:

1. Ministry of Agriculture and Forestry to delegate function for the Department of Agriculture as implementing secretary;
2. Provincial, Vientiane capital Agriculture and Forestry Offices to delegate function for the agricultural sectors as implementing secretary;
3. International plant quarantine border checkpoint.

#### **Article 41. Rights and Duties of the Department of Agriculture**

In managing the import and transit of plants, plant products and other regulated articles, the Department of Agriculture of the Ministry of Agriculture and Forestry has the following rights and duties:

1. To develop manual and guideline for operating the management system of import and transit of plants, plant products and other regulated articles in uniform throughout the country;
2. To disseminate information of requirement and regulation on import of plants, plant products and other regulated articles in difference means such as publishing in official gazette, the Department of Agriculture website, radio, newspaper, adverting at the plant quarantine border check point or front desk of the Department of Agriculture or other public place;
3. To carry out pest risk analysis, determining equivalence of import measures with another country and regional, establish list of quarantine pest, list of regulated pest, list of the plants, plant products and other regulated articles which requires import permit;
4. To carry out pre-shipment inspections at the country of origin;
5. To issue, suspend or revoke import permits and transit permits, approval of post entry quarantine facility;
6. To evaluate and delegate the Provincial, Vientiane capital Agriculture and Forestry Offices where meet the criteria for issuing import approval and transit permit of plants, plant products and other regulated articles which are not in the list requiring permit and designate specific border checkpoint for importing;
7. To take phytosanitary action on consignment and non-compliance with Lao PDR requirements or emergency actions including treatment of regulated articles, reshipment or destruction;
8. To notify and collaborate in bilateral with secretariat of IPPC, National Plant protection organisation of exporting country, regional plant protection organisation in case the phytosanitary action and notification of non-compliance to trading partner;
9. To train and build capacity for officers who responsible for managing the import and transit of plants, plant products and other regulated articles;
10. To supervise, monitor and evaluate the implementation of import and transit of plants, plant products and other regulated articles throughout the country;
11. To notify parties of IPPC concerning non-compliance with phytosanitary import requirements, interception of quarantine pest and regulated non quarantine pest and phytosanitary action;
12. To summary and report the implementation of import and transit of plants, plant products and other regulated articles to the Mistry of Agriculture and Forestry;
13. To implement other rights and duties as prescribed by Laws and regulation.

**Article 42. Rights and duties of the Provincial, Vientiane Capital Agriculture and Forestry Offices**

In managing the import and transit of plants, plants product and other regulated articles, the Provincial, Vientiane Capital Agriculture and Forestry Offices have the following rights and duties:

1. To disseminate information of requirement and regulation on import of plants, plant products and other regulated articles in difference means such as radio, newspaper, adverting at the plant quarantine border check point or front desk of the Provincial, Vientiane Capital Agriculture and Forestry Offices or other means;
2. To issue, suspend or revoke import approval and transit permits of plants, plant products and other regulated articles which are not in the list requiring import permit designated by the Department of Agriculture;
3. To notify and report the Department of Agriculture interception of violation and non-compliance;
4. To coordinate with other relevant offices and sectors of provinces and Vientiane capital in managing the import and transit of plants, plant products and other regulated articles;
5. To train and build capacity for officers who responsible for managing the import and transit of plants, plant products and other regulated articles;
6. To provide a copy of inspection report and timely report the Department of Agriculture;
7. To implement other rights and duties as prescribed by Laws and regulation.

#### **Article 42. Rights and duties of the international plant quarantine border check points**

In managing the import and transit of plants, plant products and other regulated articles, **the international plant quarantine border check points** have the following rights and duties:

1. To notify and report the Provincial, Vientiane Capital Agriculture and Forestry Offices and the Department of Agriculture on interception of violation and non-compliance;
2. To carry the surveillance and inspection during import of plants, plant products and other regulated articles;
3. To detain, quarantine, ship the sample for diagnostic, reject the import, reship, destruct or take another action on plants, plant products and other regulated articles which are infested with regulated pest;
4. To take phytosanitary action on consignment and non-compliance with Lao PDR requirements or emergency actions including treatment of regulated articles, reshipment or destruction;
5. To provide a copy of inspection report and timely report the Department of Agriculture;
6. To implement other rights and duties as prescribed by Laws and regulation.

### **PART IX FINAL PROVISIONS**

#### **Article 44. Charging of fees**

The Department of Agriculture, the Provincial, Vientiane Capital Agriculture and Forestry Offices shall charge fees for inspections, sampling and analysis, treatment and the issuance of import permits, transit permit and other services of import and transit of plants, plant products and other regulated articles as specified and required under this Decision in accordance with the Presidential Decree on the Charging of Fees.

**Article 45. Implementation**

The Department of Agriculture, the Provincial, Vientiane capital agriculture and forestry offices and the international plant quarantine border check point shall be responsible for implementing this Decision, in collaboration with such other sectors and agencies as may be required to effectively implement this Decision.

**Article 46. Entry into force**

This Decision shall enter into force from the date of signing and fifteen days from the publication in the official gazette.

**Minister of Agriculture and Forestry**  
*Stamped and Signed*

*Bounkhouang khambounheuang*