



Lao People's Democratic Republic  
Peace Independence Democracy Unity Prosperity

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National Assembly

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## **LAW ON PLANT PROTECTION AND QUARANTINE (Amended version)**

### **Chapter I General Provision**

#### **Article 1.(amendment) Objectives**

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

#### **Article 2. (amendment) Plant Protection and Quarantine**

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

#### **Article 3. (amendment) Definitions**

The terms used in this Law have the following meaning:

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

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

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

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

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

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

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

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

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

#### **Article 6. (amendment) Scope**

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

#### **Article 7. (amendment) International cooperation**

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

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

## **Chapter II Plant Protection**

### **Article 8. (new) Plant protection activities**

Plant protection activities are as follows:

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

### **Article 9. (new) Development of regulated pest list**

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

The List of Regulated Pest includes:

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

### **Article 10. (new) Emergency response plan**

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

An emergency response plan shall address at least the following:

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

**Article 11. (new) Surveillance and control of pest**

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

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

**Article 12. (new). Report of regulated pest**

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

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

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

**Article 13. (new) Identification of a pest**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Article 16. (new) Phytosanitary measures**

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

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

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

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

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

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

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

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

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

**Article 19. (new) Use of pesticides**

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

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

**Article 20. (new) Types of pesticides**

Pesticides are divided into the following categories:

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

**Article 21. (new) Extremely hazardous pesticides**

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

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

**Article 22. (new) Highly hazardous pesticides**

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

**Article 23. (new) Moderately hazardous pesticides**

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

**Article 24. (new) Slightly hazardous pesticides**

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

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

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

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

**Article 26. (new) List of pesticides**

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

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

**Article 27. (new) Use of biological control agents**

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

## **Chapter III Plant Quarantine**

**Article 28. (new) Plant quarantine activities**

Plant Quarantine Activities are as follows:

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

### **Section 1 Import**

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

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

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

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

#### **Article 30. (new) Phytosanitary measures for imports**

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

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

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

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

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

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

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

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

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

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

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

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

### **Article 33. (amendment) Documentary declaration**

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

### **Article 34. (amendment) Import inspections**

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

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

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

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

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

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

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

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

### **Article 35. (New) Postal import**

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

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

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

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

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

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

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

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

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

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

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

### **Section 2 Exports**

#### **Article 38. (amendment) Export**

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

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

#### **Article 39. (new) Re-export requirements**

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

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

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

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

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

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

### **Section 3 Transit**

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

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

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

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

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

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

**Article 42. (amendment) Authorization for transit**

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

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

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

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

**Article 43. (amendment) Unpacking and loading**

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

**Section 4  
Treatment**

**Article 44. (new) Treatment**

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

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

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

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

**Article 46. Import of equipment and packaging material**

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

## **Chapter IV**

### **Plant Protection and Quarantine Businesses**

#### **Section 1**

#### **Applications for Business Operations and Types of Business**

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

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

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

Plant protection and quarantine businesses includes:

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

##### **Article 49. (New) Pest diagnostic business**

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

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

##### **Article 50. (New) Protection and control of pest**

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

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

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

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

**Article 52. (New) Phytosanitary export assurance services**

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

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

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

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

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

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

**Section 2**

**Suspension and withdrawal of business authorisation**

### **Article 55. (New) Suspension of business operation**

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

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

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

### **Article 56. (New) Cancellation of business operation**

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

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

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

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

## **Chapter V**

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

### **Article 57. (amendment) Rights and obligations of entrepreneurs**

Entrepreneurs have the following rights and obligations:

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

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

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

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

## **Chapter VI**

### **Prohibition**

### **Article 59. (amendment). General prohibitions**

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

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

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

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

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

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

**Chapter VII**  
**Resolution of conflicts**

**Article 61. (amendment) Form of resolution of conflicts**

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

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

**Article 62. (new) Conciliation or mediation**

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

**Article 63. (new) Administrative conflict resolution**

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

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

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

**Article 65. Judgment of People's Court**

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

**Article 66. (amendment) International dispute resolution**

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

## **Chapter VIII**

### **Administration and inspection of plant protection and quarantine**

#### **Section 1**

#### **Administration of plant protection and quarantine**

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

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

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

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

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

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

1. To develop policy guidelines, strategies and legislation on plant protection proposed to the Government for consideration;
2. To transform policy guidelines, strategic plans, policy plans and Laws into detailed programs, projects, laws, rules and regulations;
3. To issue agreements, orders, guidelines and notices on plant protection and quarantine;
- 4.
5. To disseminate policies, strategies, laws, rules and regulations related to plant protection and quarantine throughout the country;
6. To guide, monitor and evaluate the implementation of plant protection measures by vertical line agencies countrywide;
7. To build capacity, provide training, manage and use the personnel on Plant Protection and Quarantine.
8. To appoint, transfer or dismiss plant quarantine inspectors at international checkpoints throughout the country, in coordination with relevant local authority;
9. To establish and manage international plant quarantine border checkpoints, laboratories and post-entry quarantine stations and approve pest diagnostic laboratories in coordination with relevant sectors and the local authority;
10. To carry out pest risk analyses, forecast regulated pest incidence, and establish the list of regulated pests, the list of other regulated articles, the list of regulated articles that require import permits, establish a pest free area and area of low pest prevalence, develop a contingency plan for pest outbreaks and define phytosanitary measures to contain or eradicate the pest outbreak throughout the country;
11. To assess and propose to the relevant authority to make a declaration on the pest outbreak area;
12. To establish and develop databases and report on plant protection and quarantine activities;
13. To administer, issue and revoke permits for plant import, phytosanitary certificates, technical approvals for plant protection and quarantine businesses, and other documents within their responsibilities;
14. To register pesticides, biological control agents and plant protection equipment;
15. To accept and process appeal or complain on plant protection and quarantine
16. To coordinate with foreign and international organizations on plant protection and quarantine including to establish a national contact point as required by the International Plant Protection Convention;
17. To regularly summarize and report on the performance of plant protection and quarantine functions to the Government;
18. To implement other rights and duties as prescribed by Laws and regulations.

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

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

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

**Article 70. (amendment). Rights and duties of the District, Municipal and City**

## **Agriculture and Forestry Offices**

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

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

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

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

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

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

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

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

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

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

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

## **Section 2**

### **Inspection of Plant Protection and Quarantine**

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

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

#### **Article 75. (new) Context of inspection**

Inspection shall cover the following matters:

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

#### **Article 76. (amendment) Forms of Inspection**

Inspection consists of three forms as follows:

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

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

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

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

## **Section 3**

### **Plant Quarantine Inspector**

**Article 77. (New) Plant quarantine inspector**

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

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

A plant quarantine inspector has right and duties as follows:

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

**Chapter VIII**  
**Uniforms, insignia and Seal**

**Article 79. (amendment). Uniforms and insignia**

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

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

**Article 80. (amendment). Seal**

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

**Chapter X  
Rewards and Penalties**

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

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

**Article 82. (amendment) Penalty measures for violator**

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

**Article 83. Warnings**

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

**Article 84. (amendment.) Disciplinary measures**

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

**Article 85. (amendment) Penalty measures**

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

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

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

**Article 86. (amendment) Civil sanctions**

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

**Article 87. Criminal sanctions**

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

**Chapter X  
Final Provisions**

**Article 88. (amendment) Implementation**

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

**Article 89. (amendment). Effectiveness**

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

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

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

President of the National Assembly  
Pany Yathotou