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**Lao People's Democratic Republic**  
**Peace Independence Democracy Unity Prosperity**  
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Ministry of Agriculture and Forestry

No. **0039/MoAF**  
Vientiane Capital, date **11 January 2012**

**MINISTERIAL DECISION ON**  
**THE BASIC PRINCIPLES FOR THE APPLICATION OF SANITARY AND**  
**PHYTOSANITARY MEASURES IN PLANT AND ANIMAL PRODUCT**  
**ADMINISTRATION**

- Pursuant to Law on Plant Protection No. 06/NA, dated 09 December 2008;
- Pursuant to Law on Animal Husbandry and Veterinary Matters No. 03/NA, dated 25 July 2008;
- Pursuant to Decree on the Notification and Enquiry of Trade Related Information of the Lao PDR No. 363/PM, dated 19 August 2010; and
- Pursuant to Request from the Department of Planning, Ministry of Agriculture and Forestry No.0090/DOP, dated: 09 January 2012.

**The Minister of Agriculture and Forestry hereby issues a Decision as follows:**

**SECTION 1**  
**GENERAL PROVISIONS**

**Article 1. Purpose**

This Decision sets out basic principles on the application of sanitary and phytosanitary measures, management and implementation of such principles to protect human, animal and plant health in the Lao People's Democratic Republic (Lao PDR) from the risks and dangers that may arise from the domestic and cross-border movements of animals, agricultural and forestry products. This Decision also aims at improving related measures of the country to be in line with international agreements and treaties to which the Lao PDR is a party and to avoid the creation of unnecessary barriers to trade.

**Article 2. Interpretation of Terms**

Terms used in this Decision shall have the following meanings:

1. **Sanitary** means cleanliness, hygiene and safety from the risks of toxins, residues and diseases affecting human and animal health;
2. **Phytosanitary** means ensuring the cleanliness and safety of life and health of plants, plant products, and other articles from pests and plant diseases, including the control of pesticides, chemicals and other contaminants in plants;

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international standards, guidelines and recommendations for animal health and zoonoses, including methods of analysis, sampling and guidelines on good practices for animal production and etc;

14. **International Plant Protection Convention (IPPC)** means an international convention on plant health aiming to protect domestic and wild plants from the establishment and spread of diseases and pest;
15. **Risk assessment** means the assessment of the likelihood of entry, establishment or spread of a pest or disease within Lao PDR; and the analysis of associated potential biological and economic consequences; including the assessment of the potential for adverse effects on human and animal health within Lao PDR arising from the presence of additives, contaminants, toxins or disease caused by microorganisms in food, beverages or animal feedstuff to be used as a ground to introduce sanitary or phytosanitary measures.
16. **Appropriate level of sanitary or phytosanitary protection** means the level of protection determined by the authorities of Agriculture and Forestry and Public Health

Sanitary and phytosanitary measures applied shall be based on scientific evidence or justification. In the absence of adequate scientific information, such measures shall be based on other additional pertinent information and that most relevant to the fact. The additional information to be used as the basis shall be from risk assessment within a reasonable period and meet the results and objectives of the risk assessment at the time.

#### **Article 6. Harmonization**

All measures applied shall be harmonized with relevant international or regional standards, guidelines or recommendations. Where Lao PDR could not apply standards in line with international standards, relevant regional standards shall be applied. In case international and regional standards could not be applied or used as a basis, the measures shall be based on the outcomes of



## **MANAGEMENT AND IMPLEMENTATION OF SANITARY AND PHYTOSANITARY PRINCIPLES**

### **Article 12. Management and Implementation Authorities**

The management and implementation of SPS principles include:

**1. Agriculture and Forestry Sector:**

The Cabinet, Planning Department, Agriculture Department, and Livestock and Fisheries Department; Provincial and Capital Agriculture and Forestry Department; District Agriculture and Forestry Offices.

**2. Public Health Sector:**

The Food and Drugs Department;

**3. Other Relevant Sectors are:**

- ! The Industry and Commerce Sector;
- ! The Science and Technology Sector; and
- ! Other sectors as necessary for each period.

### **Article 13. Duties of the Agriculture and Forestry Sector**

1. The Cabinet of the Ministry of Agriculture and Forestry shall support and coordinate with relevant departments to research contents of the principles and establish plans for the amendment of legislation, strategies and the development of Agriculture and Forestry Sector management mechanism in order to apply basic principles defined in this Decision effectively;
2. The Department of Planning, Ministry of Agriculture and Forestry shall propose the organizational structure, define roles of the Enquiry Point and coordinate with other relevant departments and sectors to establish Contact Points in order to answer questions and provide information on the application of principles effectively;
3. The Department of Livestock and Fisheries, and the Department of Agriculture, Ministry of Agriculture and Forestry have the following duties:
  - ! Review measures being enforced, if they are not adequate, additional measures shall be developed to ensure that principles defined in this Decision are fully and completely applied;
  - ! Amend the existing measures that are inconsistent with the principles defined in this Decision;
  - ! Monitor and report to the relevant units of the Minister of Agriculture and Forestry immediately on the progress and any inconsistencies with this Decision;
  - ! Disseminate this Decision and relevant measures to other sectors and the public as required by their own duties and responsibilities;
  - ! Coordinate with the Planning Department and other relevant sectors to ensure the implementation of its duties effectively;

4. Provincial and Capital Agriculture and Forestry Offices have the following duties:
  - ! Regularly monitor and report the progress and any non-compliance issues of the implementation of this Decision to relevant authorities in accordance with their own jurisdictions vertically and horizontally;
  - ! Disseminate this Decision and relevant measures to the district agriculture and forestry offices and other relevant authorities in the provincial level and to the public within their own jurisdictions;
  - ! Coordinate with other line authorities, if necessary, to ensure their effective performance; and
  - ! Follow guidance of the Ministry of Agriculture and Forestry in relation to this Decision.
  
5. District agriculture and forestry offices have the following duties:
  - ! Monitor and report the implementation of this Decision to the relevant provincial, capital agriculture and forestry offices via the livestock and fishery authority (in case of animal related matters) or the agriculture authority (in case of plant related matters);
  - ! Coordinate with other line authorities, if necessary, to ensure effective performance within its own district;
  - ! Disseminate this Decision to relevant authorities and to the public within its own district as appropriate;
  - ! Follow guidance of the higher level in relation to this Decision.

**Article 14. Cooperation with the Public Health Sector**

In order to achieve fruitful outcomes in the implementation of the basic principles defined under this Decision, the authorities in charge of the management and application of sanitary and phytosanitary principles of the Agriculture and Forestry Sector shall establish a close cooperation mechanism with the Public Health Sector by engaging the Food and Drug Department under Ministry of Public Health as a contact point in order to effectively and fully implement the sanitary and phytosanitary measures in the Lao PDR.

**Article 15. Cooperation with Other Relevant Sectors**

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- The authorities in charge of the management and application of sanitary and phytosanitary principles of the Agriculture and Forestry Sector shall coordinate with the Science and Technology Sector in order to establish a coordination mechanism between the SPS Enquiry Point and TBT Enquiry Point to be able to manage and inspect aiming at facilitating trade and avoiding overlapping operations;
- Cooperate with concerned authorities of the Science and Technology Sector to define lists of goods, regulations and policies to support entrepreneurs and the public to participate in the application of sanitary and phytosanitary measures effectively;

**Article 16. Development and Improvement of SPS Measures**

The authorities in charge of the management and application of sanitary and phytosanitary principles of the Agriculture and Forestry Sector shall strictly carry out its duties and actively research or amend relevant legislations, regulations, standards and instructions under their jurisdiction [to be] in compliance with the principles on the application of SPS measures defined in this Decision completely as well as to establish a development strategy for the basic technical infrastructure, management tools and building of capacity of the personnel to modernize SPS activities of the country to be recognized