



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

No: 1502/MAF

Ministry of Agriculture and Forestry

Vientiane Capital, dated 23 June 2011

Ministerial Decision
on the Organization and Operation of Sanitary and Phytosanitary Enquiry Point

- Pursuant to the Prime Minister's Decree No.148/PM, dated 10 May 2007 on the Organization and Operation of the Ministry of Agriculture and Forestry.
- Pursuant to the Prime Minister's Decree No. 363/PM, dated 19 August 2010 on the Notification and Enquiry of Trade Related Information.
- Pursuant to the Minutes of a meeting co-organized between the Ministry of Industry and Commerce and the Ministry of Agriculture and Forestry on the Preparation for World Trade Organization Accession No.0333/MAF, dated 10 May 2011 and No.0474/MIOC, dated 09 May 2011.

The Minister of the Ministry of Agriculture and Forestry hereby decides as follows:

Chapter I
General Provisions

Article 1. Purpose

This Decision defines the location, roles, duties, rights, organizational structure, working procedures and operations of the Sanitary and Phyto-sanitary Enquiry Point (SPS EP or Enquiry Point)¹ to develop a place for collecting and providing information with regard to sanitary and phyto-sanitary measures of the Lao PDR, aiming to ensure transparency of the supervision of agricultural products, to minimize the impact on trade and to contribute to the improvement of agricultural business environment.

Article 2. Location and Roles

¹ "SPS EP" or "Enquiry Point" is the informal abbreviation of Sanitary and Phyto sanitary Enquiry Point for ease of reading only and is not included in the Lao version.

SPS EP is a body under the organizational chart of the Department of Planning of the Ministry of Agriculture and Forestry with the roles to answer questions and provide information on sanitary and phyto-sanitary measures to interested domestic and foreign individuals, legal entities and organizations.

Chapter II

Duties and Scope of Rights

Article 3. Duties

- 3.1. Follow up and compile questions from relevant individuals, entities and organizations in coordination with focal points in order to provide answers in compliance with the basic principles as provided for in Articles 3, 5 and 6 of Decree No. 363/PM, dated 19 August 2010;
- 3.2. Answer to questions and provide information as requested by state or private sectors, domestic or foreigners, in a transparent manner and within a reasonable timeframe with regard to the following matters:
 - a. Any laws, legal acts, technical regulations and standards relating to the application of approved or promulgated sanitary and phyto-sanitary (SPS)² measures in Lao PDR and in foreign countries;
 - b. Any quality control measures for production, quarantine, inspection, certification, approval of veterinary medicines, additives in human and animal foods and pesticides;
 - c. Methods of risk assessment, considered factors including determination of the appropriate level of sanitary and phyto-sanitary protection;
 - d. The membership of Lao PDR in relevant international and regional organizations or bilateral or multilateral cooperation within the scope of the SPS Agreement;
 - e. Detailed information regarding the location of the enquiry point, focal points and responsible persons or officers, as well as other information related to the publicized documents or places where relevant documents may be requested within the scope of this Decision;
- 3.3. Coordinate and cooperate with the Notification Unit and Technical Barriers to Trade (TBT)³ Enquiry Point by establishing a regular inter-link reporting system;
- 3.4. Establish a systematic SPS database;
- 3.5. Train staff of the enquiry point and focal points to upgrade their capacity overtime;
- 3.6. Research and suggest recommendations for the improvement of compliant and effective coordination mechanisms;

² "SPS"

- 3.7. Report routinely to the leadership of the Ministry of Agriculture and Forestry on the operations of the enquiry point;
- 3.8. Encourage the use of information and standards to assist entrepreneurs to develop the production and exportation of safe products by complying with SPS requirements of foreign markets and to be active in providing information in support of the efforts of researchers to study the impacts of the application of SPS for each period;
- 3.9. Perform other duties as assigned by higher-level authority.

Article 4. Rights

- 4.1 Manage personnel and assign responsibilities according to the capacity of its personnel;
- 4.2 Directly coordinate with the SPS and TBT Notification Unit and work closely with the TBT Enquiry Point;
- 4.3 Directly coordinate with both domestic and foreign parties concerned with SPS;
- 4.4 Provide information related to SPS to requesting parties;
- 4.5 Supervise and request answers from focal points located within relevant departments and from other sectors involved in the application of SPS at both central and local levels according to their scope of responsibilities;
- 4.6 Charge fees related to the provision of information on SPS, such as costs for printing, copying, sending documents or other services related to the provision of information as defined in specific regulations of each period that are not in contradiction with laws of Lao PDR;
- 4.7 Participate in meetings, seminars or technical training activities related to enquiry or notification activities on sanitary and phyto-sanitary measures;
- 4.8 Publicize information on the application of sanitary and phyto-sanitary measures of Lao PDR and international bodies to the public within the scope of its responsibilities;
- 4.9 Propose various issues with solutions related to its responsibilities to higher-level authority;
- 4.10 Decide on particular matters, provide opinion and certify documents related to the roles, rights, duties and responsibilities of the focal points.

Chapter III Organizational Structure

Article 5. Organizational Structure

The SPS EP has a clear organization structure and clearly assigns responsibilities to each staff or teamwork.

The SPS EP shall establish focal points within the Department of Agriculture, Department of Livestock and Fisheries of the Ministry of Agriculture and Forestry and within the Department of Food and Drugs of the Ministry of Public Health and within other relevant sectors.

Article 6. Personnel Structure

The SPS EP shall consist of qualified personnel who are capable of using foreign languages such as French or English, and are able to coordinate [with concerned bodies] and answer questions effectively regarding SPS. The SPS EP is composed of a manager, a vice-manager and assisting staff. The Department of Planning of the Ministry of Agriculture and Forestry shall propose the personnel structure of the SPS EP to the Minister for official endorsement.

Chapter IV

Duties of Focal Points and Coordination with Other Relevant Sectors

Article 7. Duties of Focal Points

- 7.1 Summarize, analyze and answer the questions and report the application of SPS measures that are in force or in draft form to the Enquiry Point and Notification Unit according to their scope of responsibilities;
- 7.2 Report to the Enquiry Point on information for agricultural products or food that are related to trade;
- 7.3 Participate in meetings, seminars and training or dissemination activities that are related to the receiving and answering of questions or SPS notification activities;
- 7.4 Request for aid or technical assistance from the Enquiry Point and other sources;
- 7.5 Assist the National *Codex Alimentarius Committee* in defining national safety standards related to the prevention of contamination in human food, animal feed, agricultural products, including determination of the appropriate level of SPS protection;
- 7.6 The Department of Planning shall coordinate with the Department of Agriculture, Department of Livestock and Fisheries of the Ministry of Agriculture and Forestry and with the Food and Drugs Department of the Ministry of Public Health in order to effectively implement activities of the SPS EP.

Article 8. Coordination with Other Relevant Sectors

- 8.1. The Enquiry Point shall closely cooperate with the SPS and TBT Notification Unit of the Ministry of Industry and Commerce to ensure that information on the application of SPS of Lao PDR is notified to the WTO or other international organizations;
- 8.2. For coordination with the science and technology sector, the TBT Enquiry Point shall be a focal point in order to exchange experience on the management of

- information or receiving, answering the questions from domestic and foreign individuals, legal entities or organizations accurately, promptly and to avoid overlap of work;
- 8.3. For coordination within its sector at local levels and with other relevant sectors in addition to the two sectors mentioned above, the Enquiry Point shall follow up, develop and establish coordination mechanisms with sectors that are related to the receiving and answering of questions on SPS measures according to the needs of each period;
 - 8.4. Coordinate with other relevant sectors to monitor and keep them informed about the development, changes and amendment of legislation related to SPS measures within the jurisdiction of each sector to make information available for answering questions or for providing information to the Enquiry Point and to send questions back to Enquiry Point in the case such sectors received questions directly.

Chapter V

Working Procedures

Article 9. [no specific title]

The SPS EP shall operate according to the following procedures:

- 9.1. Comply with the principles of democratic centralism, collective leadership, individual responsibility combined with the implementation of a single leader regime according to the division of administration of each level that has clear delineation of responsibilities within the team;
- 9.2. The Director General of the Planning Department is directly responsible for the working of the SPS EP team in terms of achievements and shortcomings on the performance of their political duties; the Deputy-Director General of the Planning Department shall assist the Director General of the Planning Department, and take specific responsibilities as assigned by him;
- 9.3. Liaise and coordinate with the Department of Agriculture and Department of Livestock and Fisheries of the Ministry of Agriculture and Forestry, Department of Food and Drugs of the Ministry of Public Health and relevant FoOppand0002

- 9.6. Organize meetings on a weekly, monthly, quarterly, semiannual and annual basis, and summarize the overall situation to report to higher-level authority within specified timeframe.

Chapter VI Final Provisions

Article 10. Budget and Seal

The SPS EP shall use the budget and seal of the Department of Planning of the Ministry of Agriculture and Forestry to carry out official activities.

Article 11. Implementation

The Department of Planning of the Ministry of Agriculture and Forestry shall play a central role to disseminate this Decision to organizations in charge of managing SPS activities and shall actively coordinate with all relevant sectors in strict implementation of this Decision.

Article 12. Effectiveness

This Decision is effective from the date of its signing.

Minister of Agriculture and Forestry
(Signature and seal)

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statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

SPS EP is a government organization established by the Ministry of Agriculture and Forestry designated to answer queries from individuals, legal entities and organizations of both domestic and foreign private and public sectors, and share information on the management and inspection of the application of sanitary and phytosanitary measures.

Focal point refers to a government unit established by the Department of Agriculture, Department of Livestock and Fisheries of the Ministry of Agriculture and Forestry and by the