

LAO PEOPLE'S DEMOCRATIC REPUBLIC

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

The Ministry of Agriculture and Forestry

0719/MOAF

**REGULATIONS ON THE MANAGEMENT AND USE OF
PLANT SPECIES AND SEEDS FOR PLANTING
IN THE LAO P.D.R.**

- Pursuant to the Prime Minister's Decree on the Organization and Management of the Ministry of Agriculture and Forestry Decree No. 84/PM; issued on 22/11/1992.
- According to the resolutions of a meeting held on 13/08/1997 to consider the regulations on the management and use of plant species and seeds for planting in the Lao PDR.
- According to the opinion of the Office of the Ministry of Justice No. 512/PM/PS issued on 21/11/1997.

The Ministry of Agriculture and Forestry hereby issues these regulations on the management and use of plant species and seeds for planting within the Lao PDR, with the following objectives:

Part I
General

Article 1: Objectives

1. To control the import and export of plant species and seeds for plant production in the Lao PDR.
2. To control and check the distribution and the methods of the production of seeds for planting in the Lao PDR.
3. To encourage agricultural workers in the use good plants and seeds for agricultural production, and to enable those farmers or businessmen involved in the production of seeds to improve both the quantity and quality of production. This should happen throughout the country and the system should be fair for both producers and consumers.
4. To prevent the use of plants weakened either by infectious diseases or by pest infestations, which are injurious to the health of both the producers and the consumers.

Article 2: The Scope of the Regulations

These regulations are to be implemented by all offices, state organizations, ministries, ministry-equivalent organizations, local authorities, and state enterprises so that people of all walks of life shall have access to plants and seeds for use in agricultural production in the Lao PDR.

Article 3: Definitions

Seeds or plants: Seeds and plants are defined as that subsidiary group of the genus of plants, which are similar to each other by virtue of heredity.

Seed or seeds: Seed or seeds are defined as seeds or parts of plants, which are used for planting or for other purposes. These include trees, stumps, sprouts, rhizomes, twigs, branches, small branches, eyes, roots, heads, flowers, fruit and seeds.

Management of plant species: This is defined as the control of the import and export of all seeds, including those seeds irrespective of whether or not they are used in agricultural production and crop cultivation in the Lao PDR.

Inspected seeds: By inspected seeds is meant those seeds for sale, which have been satisfied the criteria set by the Ministry of Agriculture and Forestry.

Certified seeds: Certified seeds means those seeds which have been tested, checked or analyzed and have been found to be of good quality at every stage of the checking process. These inspection processes begin with the planting of the seeds, their growth until harvest, and their collection and storage. If seeds meet all these criteria and are up to standard they will receive a certificate of approval. This may be displayed on containers alongside the brand name of the seeds. This approval process is the direct responsibility of the Ministry of Agriculture and Forestry (Department of Agriculture and Agricultural Extension).

Selected seed varieties: By this is meant seeds of those plant species, owned by state organizations, privately, or by people of all levels, which have been shown to possess improved characteristics and which have gained official registration. The owners of these plants may apply to the Ministry of Agriculture and Forestry (Department of Agriculture and Agricultural Extension) requesting that these plants are allowed to become selected seed varieties. These plant species must be outstanding and always be able to produce plants, which are capable of withstanding common infections or infestations. After due consideration of the technical aspects of testing processes, the Ministry of Agriculture and Forestry (Department of Agriculture and Agricultural Extension) will certify these as selected varieties of seeds.

Plant species: By plant species is meant those plants, which are produced by the efforts of agricultural workers. These may be indigenous, improved varieties, new or registered seeds, which have not yet been certified by the Ministry of Agriculture and Forestry (the Department of Agriculture and Agricultural Extension).

Registered plant species: These are those seeds which have satisfied the selection procedures of and testing by the Ministry of Agriculture and Forestry (the Department of Agriculture and Agricultural Extension), and whose seed genotypes have been registered.

Indigenous or native plant species: Indigenous or native plant species are defined as those plant species, originating from local areas and are permanent inhabitants of such areas. Furthermore they breed true.

Distributors: Distributors are those state organizations, state enterprises, private enterprises, individuals and people at all levels, who are involved in selling or in businesses involved with the production of seeds in the Lao PDR.

Users: Users are those people who use or buy seeds from tradesmen in order to grow them.

Out-of-date Seeds: Out-of-date seeds are those seeds on which the date for planting has expired, or seeds which are not those indicated by the labels, and seeds which are of poorer quality than that of the standard set by the Ministry of Agriculture (the Department of Agriculture and Agricultural Extension).

Counterfeit seeds: Those seeds which are of entirely false materials, or are designed to make people believe they are real, and those seeds which falsely bear the names of seeds, and trade marks including illegal dates of import, and those seeds which have been mixed with other seeds or materials in excess of that stated on the label or which misrepresent the percentage content of seeds of good quality.

Containers: Those materials, which are us

4. There are two procedures for the approval of plant species use in production:

4.1 Registration of Plant Species

The Ministry of Agriculture and Forestry actively encourages state organizations, state enterprises, private enterprises, individuals and people from all walks of life to undertake experiments with plant species in order to obtain new plant species, which are of a hardy character and good for cultivation. Any such species should be registered with the Ministry of Agriculture and Forestry (the Department of Agriculture and Agricultural Extension).

4.2 Withdrawal of Plant Species

After two years, the Ministry of Agriculture and Forestry has the right to cancel the registration of any recommended plant species if it is found that those species have disadvantages i.e. they give low yields, carry disease, are prone to destruction by insects or are unpopular with agricultural workers, and that these disadvantages render them detrimental to the national economy.

5. Prohibitions of the Use of Species of Plants: The Ministry of Agriculture and Forestry has the right to prohibit the use of certain species of plants for production if such species have a deleterious effect on the national economy. This may be because of their high rate of disease and insect destruction and their low popularity with agricultural workers.

Article 5: Limitations on the Use of Plant Species for Research

1. State organizations, state enterprises, private enterprises and people from all walks of life have the right to research and experiment with plant species. However this must be under the auspices of the Ministry of Agriculture and Forestry (Department of Agriculture and Agricultural Extension).
2. There are two main types of plant species for use in agriculture in the Lao PDR
 - 2.1. All species of plants
 - 2.2. Selected species
3. State organizations, state enterprises, private persons, individuals and people from all walks of life have the right to use plant species for production as follows (note 2).

Article 6: The Department of Agriculture and Agricultural Extension have the right and duty to publicize the list of selected plant species.

Article 7: The principles and conditions governing the issue of certificates of approval of the registration of species are as follow:

1. State organizations, state enterprises, private persons, individuals or people of all levels, who require certificates of approval for the registration of plant species must apply to the Department of Agriculture and Agricultural Extension.

2. The following documents must accompany the application:
 - 2.1. The type of plant, the name of the species or sub-species
 - 2.2. The origin and the history of the plant species
 - 2.3. The scientific characteristics of the species.
3. Plant species for registration can be produced in different ways.
 - 3.1. Species may be obtained by selection and improvement procedures based on the use of hybridization or mutation. They may be inbred-lines, pure-lines, open-pollinated varieties, synthetic varieties, composite varieties and hybrid varieties.
 - 3.2. Or they may be species obtained by the selection of indigenous plants or plants imported from foreign countries, which can be used as pure stock or in other ways to bring about the overall improvement in the acquisition of new hereditary characteristics.
4. The Procedures for the Issue of Certificates of Approval of the Registration of Plant Species
 - 4.1. To satisfy the conditions for checking the character of the species
 - 4.2. To satisfy the organization for the approval of plant species for production, or the committee for the approval of plant species for production of the Department of Agriculture and Agricultural Extension.
 - 4.3. To publish a notice at the Department of Agriculture and Agriculture Extension and to notify any groups involved over a period of 60 days.
 - 4.4. Within 60 days of the publication of the notice, the Department of Agriculture and Agricultural Extension will issue certificates of the approval of the registration of the plant species.
5. The Department of Agriculture and Agricultural Extension has the right to rescind any certificates of approval of the registration of plant species if it is found that the species are not the same as those described in the application documents or that they are similar to other plant species already registered.
6. The applicant must pay all the costs in accordance with the Regulations of Plant Species and Seeds as given in Article 27.

Article 8: The approval of selected varieties of plant species
The details for the principles and conditions governing the issue of certificates of approval of selected varieties of plant species are as follow:

1. Any state organizations, state enterprises, private companies, individuals or people of all levels requiring certificates of the approval of seeds of selected varieties must apply to the Department of Agriculture and Agricultural Extension.
2. Plants species, which are intended to become selected varieties of species, must have already satisfied the registration requirements of the Department of Agriculture and Agriculture Extension.

3.

Article 11: Management Conditions

1. The Department of Agriculture and Agricultural Extension has the right and duty to regulate on the standard of quality of registered seeds (First, second and third generation).
2. The Department of Agriculture and Agricultural Extension has the right and duty to issue certificates of quality of certified seeds.
3. The Department of Agriculture and Agricultural Extension has the right and duty to declare rules and regulations in producing seeds for the department. This is to administer and manage production and distribution of seeds by the department.

Article 12: Procedures of Plant Propagation for the Production of Certified Seeds of Open-Pollinated Varieties Classified According to the Generations

1. Breeder's seeds or Pre-basic seeds, which are sometimes called "White-Tag Seed" are produced by the plant breeder in order to select for various stable characteristics, such as high yield, disease resistance, insect resistance, short – average life time. These are pure stocks in small quantities, are expensive and are for use in propagation.
2. Foundation or basic seeds which are the result of scientific selection groups who are responsible for the seeds being of the correct plant species and which will produce good quality seeds more cheaply than others.
3. Registered or second-generation seed which are those seeds produced by technical groups from the basic seed or first generation seed. The hereditary characteristics are stable and they are of good quality.
4. Certified or third generation seed is that which is produced under the management of technical groups and these are the seeds which are distributed to farmers for planting.

Article 13: The Department of Agriculture and Agricultural Extension is responsible for recommending to the Ministry of Agriculture and Forestry appointments to the committees for organizing and approving certificates of seed certification.

Part IV
The Distribution and the Use of Seeds

2. Seeds for business purposes must have been properly inspected as detailed in Article 22.
3. Any person using seeds for plant production has the right to use them according to the procedures as detailed in Article 23.

Article 15: The Management and Scope of the Regulations

1. The Department of Agriculture and Agricultural Extension has the responsibility of co-ordinating with the various sections involved for checking seed distribution. In the event of a distributor failing to meet the standards of quality as described in Article 23, the Department also has the right to levy a fine.
2. Those rights and duties for seed checking are given in Part V.
3. The Department of Agriculture and Agricultural Extension has the right to issue documents giving permission for the collection, sale, import and export of seeds, which have satisfied the quality standards.

Article 16: In order to be granted permission for the collection, sale, import and export of seeds, which have satisfied the quality standards, any person must meet the following criteria:

1. Be able to demonstrate their ability to engage in the business.
- 2.

6. All containers must display labels in Lao and these must indicate:
 - 6.1 The type and name of plants species of inspected seeds and display the words “inspected seeds”
 - 6.2 The trade mark of the inspected seeds
 - 6.3 The name of the collector and the place of collection.
 - 6.4 The weight of the inspected seeds.
 - 6.5 The rate of germination and date
 - 6.6 The date and year of collection.
 - 6.7 The date of expiry of the use of the seeds for germination showing the month and year
 - 6.8 If there are any other materials in the containers, then the names and proportions of such materials must be clearly stated showing the percentages: seeds %, other seeds %, other materials %.
7. Permissions are valid for one year from the date of signature of the Permission Forms. If extensions are required, the applicant must submit a request to the Department of Agriculture and Agricultural Extension 20 days before the expiry of the permission.
8. In the event that the seed collector wishes to move his place of collection to a place not shown on the permission form, then they must apply to the Department of Agriculture and Agricultural Extension for the necessary approval.
9. If the permission form is lost or otherwise damaged the owners must inform the Department of Agriculture and Agricultural Extension and submit a new application within 20 days of the receipt of a statement acknowledging the loss of the original document.

Article 18: Obligations of those persons authorized to sell inspected seeds

1. To submit an application form to the Department of Agriculture and Agricultural Extension with evidence of:
 - 1.1 Documents showing the owner of the business.
 - 1.2. A copy of the business registration.
 - 1.3. A copy of the business owner’s identity card.
 - 1.4. Any other relevant documents.
2. To pay the fees as detailed in Article 27.
3. To display the Certificate of Permission or the substitute certificate in an open place where it can clearly be seen. This must be inside the building specified on the document.
4. To ensure that all the labels on the containers are correct in all particulars.
5. The Certificate of Permission is valid for one year from the date of signature. If an extension is required, an application must be submitted to the Department of Agriculture and Agricultural Extension 20 days before its expiry.

6. If the permission form is lost or otherwise damaged the owners must inform the Department of Agriculture and Agricultural Extension and submit a new application within 20 days of the receipt of a statement acknowledging the loss of the original document.
7. To display a sign which is easily visible outside the building indicating that the premises are for the sale of inspected seeds.

Article 19: Obligations of persons who are authorized to import inspected seeds for trade.

1. To submit an application form to the Department of Agriculture and Agricultural Extension with evidence of:
 - 1.1 Documents showing the owner of the business.
 - 1.2 A copy of the business registration.
 - 1.3 A copy of the business owner's identity card.
 - 1.4 A plan of the premises for storage of the checked seeds
 - 1.4 Any other relevant documents.
2. To pay the fees as detailed in Article 27.
3. To display a sign which is easily visible outside the premises indicating that the premises are for the import of inspected seeds.
4. To inform the Department of Agriculture and Agricultural Extension 7 days before the intended date of import of inspected seeds. This notification must be accompanied by an Import Permission Form and invoice.
5. Documents of collectors from abroad must list in detail: the place of collection, the plant species, the name of the plant species of the inspected seeds for import, the place of their origin, the place of their collection, the quantity to be imported, the purity (%), germination rate (%). These details together with the certificate must be submitted to the Department of Agriculture and Agricultural Extension.
6. Have samples of the inspected seeds for intended sale available for quality analysis by a technical group before import permission will be granted.
7. All containers must be clearly labeled and inspected seeds kept in separate containers. The labels must indicate:
 - 7.1 The type and species of plant and have the words "inspected seeds"
 - 7.2 The trade mark of the inspected seeds
 - 7.3 The name of the collector and the place of collection
 - 7.4 The weight of the inspected seeds
 - 7.5 The germination rate and the date of testing
 - 7.6 The month and year of import
 - 7.7. The date of expiry of the use of the seeds for germination showing the month and year.

- 7.8. If the inspected seeds contain other materials then the name and their proportion must be clearly shown.
8. The Certificate of Import Permission is valid for one year from the date of signature. If an extension is required, an application must be submitted to the Department of Agriculture and Agricultural Extension 20 days before its expiry.
9. In the event that the seed importer wishes to move his place of importation to a

Article 22: A list showing the names of inspected seeds for sale including their name and species is given below:

No	Type of Plant	Seeds
1.	glutinous and ordinary rice	All seeds
2.	corn	All seeds
3.	sweet corn	All seeds
4.	green beans	All seeds
5.	black beans	All seeds
6.	soya bean	All seeds
7.	peanut	All seeds
8.	beans	All seeds
9.	coffee	All seeds
10.	cotton	All seeds
11.	tobacco	All seeds
12.	sesame	All seeds 1

Article 23: Regulations concerning the standards of quality of inspected seeds for sale

No	Type of Plant	Seeds	Germination not lower than %	Purity not lower than %
1.	glutinous and ordinary rice	All seeds	80	95
2.	corn	All seeds	75	95
3.	sweet corn	All seeds	70	95
4.	green beans	All seeds	70	95
5.	black beans	All seeds	70	95
6.	soya bean	All seeds	70	95
7.	peanut	All seeds	70	95
8.	beans	All seeds	70	95
9.	coffee	All seeds	70	95
10.	cotton	All seeds	70	95
11.	tobacco	All seeds	70	95
12.	sesame	All seeds	70	95
13.	Chinese kale	All seeds	70	95
14.	cucumbers	All seeds	75	98
15.	Chinese cabbage	All seeds	70	98
16.	Chinese mustard	All seeds	70	98
17.	turnips	All seeds	75	96
18.	morning glory	All seeds	50	94
19.	chili	All seeds	55	97
20.	long beans	All seeds	70	98
21.	cabbage	All seeds	70	98
22.	cauliflower	All seeds	70	98
23.	onion	All seeds	70	98
24.	garlic	All seeds	70	98
25.	tomato	All seeds	65	98
26.	water melon	All seeds	70	98

Article 24: The various types of Permission Forms for trading in inspected seeds are as shown below:

1. Permission for the Collection of Inspected Seeds (valid for one year).
2. Permission for the Sale of Inspected Seeds (valid for one year).
3. Permission for the Import of Inspected Seeds (valid for one year).
4. Permission of the Export of Inspected Seeds (valid for one year).
5. Permission for the Transit of Inspected Seeds (valid for one year).

Article 25: Prohibitions concerning the possessors of Permission Forms for the Collection of Inspected Seeds in respect of their sales.

1. The storage of containers of inspected seeds in a place other than that stipulated on the permission form is prohibited.
2. The sale of inspected seeds in incorrect containers is prohibited.

Article 26: Prohibitions of the distribution of out-of-date inspected seeds.

1. The import or export of inspected seeds, which are past their expiry date, is prohibited.
2. The advertisement of false claims in respect of the quality of inspected seeds is prohibited.
3. The import or export of counterfeit seeds is prohibited.

Article 27: Payment of fees

1. Permission Form for Seed Collection 4,000kip/form.
2. Permission Form for Seed Sales 2,000 kip/form.
3. Permission Form for Seed Import 4,000 kip/form.
4. Permission Form for Seed Export 4,000 kip/form.

2. Take appropriate amounts of the seeds or suspect materials, out-of-date or counterfeit seeds, for testing and analysis.
3. Confiscate the seeds, the containers, the labels, the accounts or any other documents relating to the seeds.

Article 39: Those owners, who have received notice of withdrawal or termination,