



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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Ministry of Agriculture and Forestry

No 3919 /MAF  
Vientiane Capital, dated 12 December 2012

## **Agreement of the Minister on the Management and Use of Plant Variety**

- Pursuant to the Agriculture Law No 01/98NA, dated 10 October 1998;
- Pursuant to the Plant Protection Law No. 06/ NA, dated 9 December 2008;
- Pursuant to the Amended Intellectual Property Law No 01/NA, dated 20 December 2011

**The Minister of Agriculture and Forestry hereby issues the Agreement as follows:**

### **Chapter 1**

#### **General Provisions**

##### **Article 1. Objective**

This Agreement defines principles, rules, and measures regarding the conservation, research, multiplication, certification, registration, production, and business operation on plant variety with the aim to manage and upgrade efficiency of crop production for food security, commercial production and international cooperation.

##### **Articles 2. Plant Variety**

Plant variety means a plant grouping of similar or identical genetic and botanical characteristics, with particular features which are uniform, stable, and distinct from other groupings in the same species of plant collecting from traditional and indigenous plant variety, genetically modified organism, plant variety from implantation and propagating material.

### **Article 3. Definitions**

The terms used in this Decree shall be defined as follows:

1. Traditional plant variety means a plant variety originating or existing in the country where it has been extensively used.
2. Indigenous plant variety means a local plant variety that has specific characteristics and has beneficial use in that particular locality.
3. Wild plant variety means a plant variety currently existing or used to exist in its natural habitat and has not been extensively cultivated.
4. Genetically modifier organism plant variety means a plant variety that is derived from breeding, selection, manipulating and testing.
5. Propagating material means a stalk, stump, bulb or shoot, rhizome, branch, twig, bud, root, , leaf, , and plant cell.
6. New plant variety means a plant variety that is derived from an improvement or development method using selection and breeding technology or advanced technology with an exception of GMO-Genetically Modified Organism
7. Testing of new plant variety means the examination of distinctness, uniformity, and stability, as well as the giving of name for that plant variety.
8. Certification of plant variety means that the plant variety has passed through the system of testing and evaluation of its characteristics including distinctness, unity, stability, field adaptability, pest and disease resistance, and acceptability by the society.
9. Registration of plant variety means the plant variety has passed through the system of evaluating the technical characteristics of plant variety and found to be distinct from the other groupings in the same species of plant.
10. Conservation of plant genetic resource means the preservation of plant genetic resource in its original habitat or in the gene bank.
11. Production of plant variety means the principles, processes, sustainable and systematic procedures in producing plant variety.
12. Gene bank means the place for conserving and preserving the plant genetic resources.
13. Counterfeit plant variety means the plant variety that does not meet the standard as defined in the technical provisions.

14. Genetic means the process of trait hereditary transmission from parents to offspring which is controlled by genes that create a variation of inherited characteristics among similar or related living organisms.

15. Botany means structure, development and reproduction of plant.

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

This agreement applies to all persons, juristic persons or organizations engaged in plant variety conservation, research, multiplication, certification, registration, production and operating business on plant variety.

#### **Article 5. Policies on Plant Variety Management**

The State promotes and encourages persons, juristic persons, organizations to invest in developing and controlling plant variety with focus on construction of technical infrastructure, conducting research or improvement and production of plant varieties, conservation of inbred lines; surveillance, collection, conservation of endangered and threatened plant varieties or related activities.

#### **Article 6. Principles of Management and Use of Plant Variety**

The principles of management and use of plant variety are as follows:

1. Ensure centralized and harmonized control and use of plant variety throughout the country, use plant variety in accordance to the state laws and regulations, with effective sustainability plans and does not pose any negative effects and impacts to environment and society.
2. Conserve, protect, develop, manage and inspect plant varieties in compliance with relevant international conventions in which Laos is a contracting party;
3. Protect the interests of the state, community, family, Lao farming households and entrepreneurs in both domestic and foreign markets.

#### **Article 7 International Cooperation**

The State promotes linkages and cooperation with foreign countries in the region, and with international organizations for the management of plant varieties through exchanges of lessons, experiences, information, news, scientific and technological researches; development of human resources; and implementation of international conventions in which Laos is a contracting party.

## **Part II**

### **Development of Plant Variety**

#### **Article 8. Goal**

To promote the management of plant variety production that meets the quality and quantity level and to be able to supply throughout the society.

#### **Article 9. Management Process of Plant Variety Development**

1. Research and production of new plant variety.
2. Certification of new plant variety.
3. Registration of new plant variety.
4. Inspection of new plant variety.

## **Chapter I**

### **Research and Production of New Plant Variety**

#### **Article 10. Research on New Plant Variety**

A person, juristic person, or organization within the country or from a foreign country has right to conduct research, selection, testing, study, manipulation and production of new plant variety in Lao People's Democratic Republic.

#### **Article 11. Testing of New Plant Variety**

1. A new plant variety that has passed through selection, improvement and import but it does not exist in the list of authorized plant variety for production and conducting business, shall be tested and certified before being registered in the aforementioned list.
2. Testing requirements
  - a. Testing on distinctness, uniformity, and stability of plant variety (DUS)
  - b. Testing on value for cultivation and use (VCU);
3. The approval of new plant variety test
  - the test of new plant variety that has been selected and developed in Lao PDR and the test of imported variety which has not been in the list of authorized plant variety for production and business;
  - A person, juristic person, or organization who wishes testing new plant variety shall submit document based on the technical requirement to the Department of Agriculture, Ministry of Agriculture and Forestry.
  - In case the test is carried out by breeder, he/she shall follow the procedure stipulated by the Ministry of Agriculture and Forestry or make the contract with recognized testing unit as prescribed in article 16 of this Agreement.

#### **Article 12. Production of New Plant Variety**

Production of new plant variety shall be under the control of the technical unit that is responsible for plant variety production to retain the genetic characteristics of the original plant variety, seed and plant part of plant variety propagated by

**1. Pure seed is generally produced in four stages.**

The guidelines for producing seed in each stage namely breeder seed, foundation seed (stage 1), registration seed (stage 2), and certified seed (stage 3) , shall be defined by the Ministry of Agriculture and Forestry;

**2. Production of horticultural, ornamental, and other plant varieties**

A person, juristic person, or organization involved in horticulture, ornamental and other crop production using asexual reproduction (propagation) technique or vegetative reproduction using mother plant part for propagation shall follow the production scheme defined by the Ministry of Agriculture and Forestry.

## **Chapter II**

### **Certification of New Plant Variety**

**Article 13. Certification of New Plant Variety**

A new variety which is developed through research in Lao PDR shall be certified by the Department of Agriculture, Ministry of Agriculture and Forestry.

**Article 14. Requirements for Certification of New Variety**

A person, juristic person, or organization, who wishes to apply for certification of new plant variety, shall have requirements as follows:

1. Result of test from the new plant variety testing unit;
2. Result of test from wide production area which are accepted and certified by the Provincial or Vientiane Capital Agriculture and Forestry Offices;
3. Result of consideration for new variety approval made by the Technical-Science Committee of the Ministry of Agriculture and Forestry.

**Article 15. Consideration for certificate of new plant variety**

The Department of Agriculture, Ministry of Agriculture and Forestry shall consider to issue or refuse the certificate of new plant variety within 15 official working days after receipt of the application dossier.

**Article 16. Management Unit for Plant Variety Testing**

The Management Unit for Plant Variety Testing is a section under the administration of the Department of Agriculture, Ministry of Agriculture and Forestry. It has the rights and duties as follows:

1. Review and evaluate an application for certification of new plant variety;
2. Manage the inspection and testing of distinctness, uniformity and stability (DUS);
3. Implement other rights and duties as assigned.

**Article 17. Designing the Name of the New Plant Variety**

The name of new plant variety shall be suitable, clear, and distinguishable from similar or the same variety that exists in Lao PDR or a foreign country.

## **Chapter III**

## **Registration of Plant Variety**

### **Article 18. Registration of Plant Variety**

A person, juristic person, or organization intending to produce and conduct business on any plant variety in Lao PDR shall apply for registration from the Department of Agriculture, Ministry of Agriculture and Forestry.

### **Article 19. Requirement for Registration of Plant Variety**

1. A person, juristic person, or organisation, who wishes to request for registration of plant variety, shall hold Agricultural and Forestry Business License.
2. The Department of Agriculture, Ministry of Agriculture and Forestry shall consider to issue or refuse registration of plant variety within 15 official working days after receipt of application dossier.
3. in case the plant variety is imported from a foreign country for the purpose of research, donation, present and exchange, such variety shall be registered by the country of origin and notified to the Department of Agriculture to arrange the inspection as prescribed in the section on import plant variety.
4. Registration Certificate is the legal document issued by the Department of Agriculture, the Ministry of Agriculture and Forestry and remains valid for two years.
5. The certificate of plant variety registration shall be withdrawn before expiration by the Department of Agriculture, the Ministry of Agriculture and Forestry in cases of serious violation of this agreement and if the plant variety no longer meets the standard in accordance with the rule of management and use of plant variety for crop production in Lao People's Democratic Republic.

### **Article 20. Rights and Duties of Plant Variety Management Unit**

Plant Variety Management Unit is a section under the administration of the Department of Agriculture and it has rights and duties as follows:

1. evaluate and consider an application for plant variety registration and propose to the Department of Agriculture for Approval;
2. regularly inspect, monitor, and review the list of registered plant varieties;
3. propose for approval of labels of plant variety; and
4. Implement other rights and tasks as described in related legislations.

## **Chaper IV**

## **Inspection of Plant Variety Quality**

### **Article 21. Plant Variety Quality**

A person, juristic person, or organization intending to produce and operate business on plant variety shall follow the standards as described in Article 22 of this agreement.

### **Article 22. Standards of Plant Variety Quality**

1. The standards of plant variety quality control include:
  - a. Quality standards of the Ministry of Agriculture and Forestry; and
  - b. Quality standards of the regional and international institutions.

## **Chapter V**

### **Management - Conservation of Plant Genetic Resources**

#### **Article 23. Management of Plant Genetic Resources**

1. A person juristic person, or organization has the duty to manage plant genetic resource;
2. A person, juristic person, or organization intending to explore and use the plant genetic resource under the state's control shall request approval from the Natrional Agriculture and Forestry Research Institution, Ministry of Agriculture and Forestry and relevant sectors.

#### **Article 24. Conservation of Plant Genetic Resources**

1. The The Ministry of Agriculture and Forestry promotes the conservation of plant variety for sustainble development and use.
2. A person, juristic person or organization has the duty to conserve plant varieties under the provisions of related laws and regulations.
3. the National Agriculture and Forestry Research Institution, The Ministry of Agriculture and Forestry shall responsible for compiling the list of plant varieties that are required for conservation.

#### **Article 25. Exchange of Plant Variety and Genetic Resource**

1. A person, juristic person, or organization has the right to exchange plant varieties within the country for research, experiment, production and business must get the approval from the Ministry of Agriculture and Forestry
2. Exchange of International plant genetic resource shall be certified by the Plant genetic inspection unit under the authorization of the Ministry of Agriculture and Forestry.
3. In the case that a plant variety is required for research and testing but is not yet included in the list of plant varieties as described above, it shall be accompanied with supporting documents as follows:

- Phytosanitary certificate issued by the legal authority of the exporting country;
  - Certificate of material transfer from contracting party and non-contracting party according to the Standard Material Transfer Agreement (SMTA); and
  - Import permit for the plant variety.
4. The Plant Disease Inspection Unit is a section under the administration of the National Agriculture and Forestry Institution,

## **Chapter VI**

### **Business on Plant Variety**

#### **Article 26. Requirement for Business on Plant Variety**

A person, juristic person, or organization intending to operate business on plant variety shall have conditions and submit documents as follows:

1. Evaluation of economic-socio-technique or Business plan on variety production;
2. Available place for the conduct of the business and infrastructure, technical facilities and materials involved in the business on plant variety production; and
3. Available technical staff who have adequate working knowledge and skills on the variety production.
4. Enterprise registration
5. Agricultural and Forestry Business License
6. Plant variety registration certificate;

#### **Article 27. Import and Export Management of Plant Variety**

A person, juristic person, and organization intending to import and export plant variety shall implement requirements as follows:

##### **Import management of plant variety:**

1. Plant variety shall be in the list of authorized production;
2. Plant variety registration certificate issued by the Department of Agriculture, the Ministry of Agriculture and Forestry of Lao People's Democratic Republic.
3. Phytosanitary Certificate issued by the legitimate authority in the country of origin.

##### **Export management of plant variety:**

1. A person, juristic person, or organization has the right to export plant variety which is not in the list of prohibited variety;
2. The import permit issued by the country of destination;
3. The phytosanitary certificate from country of origin.

#### **Article 28. Collection of Fees and Technical Service Charges**



Collecting fees and technical service charges for registrations, certifications, and permit related to plant variety shall be based on the presidential resolutions on fees and technical service charges which are promulgated from time to time.

## **Chapter VII**

### **Administration and Inspection of Plant Variety**

#### **Article 29. Administration and inspection of Plant Variety**

Administrative and inspection organization are represented by the agriculture and forestry sector which consist of:

- Department of Agriculture, Ministry of Agriculture and Forestry;
- National Agriculture and Forestry Institution;
- Provincial and Vientiane Capital Agriculture and Forestry Offices;
- District and Municipality Agriculture and Forestry Offices;

Administrative and inspection body shall establish the Inspection Unit which consists of technical staffs who are trained by the Department of Agriculture.

#### **Article 30. Inspection of Plant Variety**

Inspection on plant variety is the monitoring of any activity related to production, testing, certification, registration, conservation of genetic resource, business and inspection of seed quality.

#### **Article 31. Forms of Inspection**

Inspections consist of three forms as follows:

1. **Regular inspections** are routine inspections which are carried out at prescribed times in accordance with the roles, rights, and duties of the various management levels;
2. **Inspections with advanced notifications** are inspections that are deemed necessary for certain reasons and for which advanced notification is given to the subject;
3. **Urgent inspections** are special inspections that are deemed necessary to be conducted urgently and for which no advance notification is given.

#### **Article 32. Rights and Duties of the Department of Agriculture**

In performing administration of plant variety, the Department of Agriculture has rights and duties as follows:

1. To transform and disseminate the policies, guidelines, strategies, policy plans, law and other relevant international conventions of which Lao PDR is a contracting party, into detail programs and projects on production, business, certification, registration and quality control throughout the country;
2. To define principles, madates , guidelines for effectiveness implementing the agreement on management and use of plant variety;
3. To disseminate, guide, monitor, and inspect the implementation of this agreement and the provisions of relevant international convention of which Lao PDR is a contracting party;

4. To manage the issuance of certification, registration and inspection of plant variety, and other documents in accordance with the responsibilities assigned by higher authorities;
5. To coordinate with relevant sectors at central and local level for implementing administration, monitoring and inspection of plant variety management processes namely certification, registration, quality control, production, and business related to plant variety throughout the country;
6. To communicate and cooperate with foreign countries and international organizations concerning plant variety management;
7. To regularly summarize and report on the implementation of plant variety management to higher authorities;
8. To implement others rights and duties as stipulated in related legislations;

**Article 33. Right and Duties of the National Agriculture and Forestry Institution**

In performing administration of plant variety, National Agriculture and Forestry Institution has rights and duties as follows:

1. To transform the policies, guidelines, strategies, policy plans, law and other relevant international conventions of which Lao PDR is a contracting party, into detailed programs and projects on conservation of genetic resource, research of new plant variety throughout the country; coordinate with relevant sectors and local administrative authorities for implementing all work related to the management of plant variety such as conservation and research of plant variety.
2. To study science-technology and implement the conservation of plant genetic resource and carry out research on plant variety and upgrade ability of plant variety research.
3. To communicate and cooperate with foreign countries concerning the conservation and research of plant variety;
4. To regularly summarize and report on the implementation of conservation and researches and testing a new plant variety throughout the country to the Ministry of Agriculture and Forestry;
5. To implement other rights and duties as stipulated in related legislations;

**Article 34. Right and Duties of the Provincial and Vientiane Agriculture and Forestry Office**

In implementing the administration of plant variety, the Provincial and Vientiane Capital Agriculture and Forestry Offices have the following rights and duties:

1. To transform and disseminate the agreement on the management and use of plant variety into detailed programs and projects and to implement them within its own areas of responsibility;
2. To disseminate the laws and regulations related to plant variety management;
3. To guide, encourage, monitor, inspect, and evaluate results of the implementation of plant variety management of the District and Municipality Agriculture and Forestry Offices;
4. To issue the permit for importing, exporting, selling a plant variety that is registered by Department of Agriculture;

5. To coordinate with relevant sectors in implementing plant variety management works;
6. To summarize and regularly report on the implementation of plant variety management within the province or Vientiane Capital to the Ministry of Agriculture and Forestry and the provincial and Vientiane Capital authorities;
7. To implement other rights and duties as stipulated in related legislation.

**Article 35. Rights and Duties of the District and Municipality Agriculture and Forestry Offices**

the administration of plant variety, the District and Municipality Agriculture and Forestry Offices have rights and duties as follows:

1. To implement the work plans, projects, decisions, ordinances, notifications, and guidelines related to plant variety management;
2. To support, monitor, and report on the implementation of plant variety management within its own areas of responsibility to the Provincial and Vientiane Capital Agriculture and Forestry Offices and the District and Municipality Administrative Authorities;
3. To coordinate with local authorities and relevant sectors in the district and municipality on the plant variety management work;
4. To implement other rights and duties as stipulated in related legislation.

**Article 36. Right and Duties of the Plant Variety Inspection Unit**

**The plant variety inspection unit has rights and duties as follows:**

1. To notify producers and entrepreneurs on the context of this agreement;
2. To present the letter of authorization for inspectors to producers and entrepreneurs while he/she is doing work in the proper and strict manner in accordance with this agreement;
3. To inspect all sectors concerning to production, business and quality management in line with rules and laws of Lao PDR from time to time;
4. To inspect registration of production and business, certificate of new plant variety, certificate of seed quality or other documents or permits issued by the competent authority or any notification made under this agreement.
5. To monitor, inspect plant variety production in the file from the date of planting date to the date of harvest and storage.
6. To sample seed or material which is related to plant variety for testing quality;
7. To inspect seed stored in container, label or documents concerning the plant variety;
8. To seize plant variety, materials, documents, invalid agreements or documents which are in serious violation of this agreement;
9. To implement the rights and duties as stipulated in related legislation;
10. To take appropriate action within its own area of role and duties;
11. To implement others rights and duties as stipulated in related legislation.

**Article 37. Rights and Duties of Other Sectors**

Other sectors and parties have rights and duties to control plant variety as determined by their own roles.

## **Part VIII**

### **Prohibitions**

#### **Articles 38. General Prohibition**

A person, juristic person, or organization and domestic and foreign entrepreneurs are prohibited from committing as follows:

1. To conduct business on counterfeit variety and without warranty of plant variety quality;
2. To produce and conduct business on plant variety which is not in the list of approved production.
3. To destroy, smuggle, export plant variety without permit issued by the Ministry of Agriculture and Forestry;
4. To conduct pest and disease trials in plant variety production area;
5. To impede research, experiment, production, and business on plant variety which is approved by the Ministry of Agriculture and Forestry;
6. To Import and produce plant variety and conduct business that could cause potential damage to domestic production and harm to human health, environment, and ecosystems;
7. To define quality standards and advertise its characteristics that could lead to consumer's abuse.

#### **Article 39. Prohibitions to Plant Variety Manager and Inspectors**

In addition to the prohibitions identified in Article 38 of this Agreement, the inspector is prohibited from doing as follows:

1. To abuse his/her powers and duties by forcing or threatening, coercing, pressurizing, and accepting bribes that may be lead to damage to the interest of the state, collectively or individually;
2. To disclose publicly any officially confidential information; falsify document; discharge irresponsibly its plant protection function;
3. To ignore regulations and rules on plant variety control or solve problems inconsistently with technical standards;
4. To raise or reduce charges and technical service fees without permission from authorities and use collected fees for personal benefit.

## **Part IX**

### **Rewards and Penalty Measures for Violators**

#### **Article 40. Rewards for Outstanding Performance**

Individuals or organisations that perform outstandingly in the implementation of this agreement shall receive a reward and other forms of recognition in accordance with the regulations and the provision defined by the Ministry of Agriculture and Forestry.

#### **Article 41. Penalty Measures for Violators**

Individuals or organisations committing offenses under this Agreement shall be re-educated, disciplined, fined, and charged with civil sanctions and crime penalties under the law depending on the severity of the offense.

## **Part X**

### **Final Provisions**

#### **Article 42. Enforcement**

The Department of Agriculture, The Ministry of Agriculture and Forestry in collaboration with other relevant sectors shall implement this regulation effectively.

#### **Article 43. Entry into Force**

This agreement comes into force from the date of signature by the Minister. Any provisions and regulations, which are in contradiction to this agreement, shall be repealed.

**Minister of Agriculture and Forestry**

**Dr. Phet Phomhipak**