

Ministry of Agriculture and Forestry

No. 1502/MAF
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) 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

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) 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) 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;
 - 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 Focal points to fulfill planned activities;
- 9.4. The Enquiry Point may directly ask for information from international organizations or other countries, or represent both the public and private sectors upon their request regarding the SPS measures that are in use;
- 9.5. With regard to receiving and answering questions, requesting information, providing information and coordinating with relevant sectors, questions received shall be recorded into a database system and an investigation shall be conducted to answer them. Should the Enquiry Point be unable to answer such questions, they shall be sent to a relevant Focal point in writing. Answers received from the concerned Focal point shall be sent to the applicant within 5 days from the date of reception;
- 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
Sitaheng Rasaphonh**

Definitions of terms of Sanitary and Phytosanitary Measures

Sanitary and Phytosanitary Information covers:

- The approved or proposed Lao or foreign legislation aiming at protecting human, animal or plant life or health;
- Procedures on the control and inspection of production, protection and approval of additives, appropriate level of contaminants;
- Procedures and factors used in a risk assessment;
- Determination of the appropriate level of sanitary and phytosanitary measures;
- Membership and participation of Lao PDR in the treaties or agreements under bilateral, multilateral or regional frameworks related to sanitary and phytosanitary measures and the implementation of their contents;
- Standards, regulations and guidelines of *Codex Alimentarius Commission*, World Organization for Animal Health, International Plant Protection Convention and other organizations related to the health of human, animals and plants;
- Names and addresses of relevant sectors or persons in charge of sanitary and phytosanitary measures;
- Names and addresses of sanitary and phytosanitary measures Enquiry Points in foreign countries.

Sanitary refers to cleanliness, hygiene and safety on toxins, contamination and diseases affecting human and animal health;

Phytosanitary refers to actions to enable plants and plant products to be clean and safe from the risks of having pesticides and plant diseases;

Measures refer to laws, decrees, regulations, instructions, standards, notices, related inspection procedures including product standards, quality certification inspection and sanitary and quarantine procedures on the transportation of plants and animals, reporting and collecting of statistics, sampling processes, risk assessment procedures, requirements for packaging and labeling related to food safety and plant and animal products.

Sanitary and Phytosanitary Measures refer to measures established by the government to protect life or health of human, animals and plants from the risks that may occur from the import and export of agricultural goods and food including:

- Risks occurring from plant diseases, animal diseases and zoonosis;
- Risks from the over use of additives in human food, animal feed, pesticides, insecticides and toxins that may be contained in food and drinks;
- Risks from animals, plants or products that may carry human, animal and plant diseases into and out of the country;
- Risks from pests.

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 Food and Drugs Department, Ministry of Public Health, assigned to assist in the activities of the Enquiry Point.

Other Relevant Sectors refer to the SPS/TBT Notification Unit of the Ministry of Industry and Commerce and the TBT Enquiry Point of the National Authority for Science and Technology and other relevant sectors at the central and local levels concerning the application of SPS measures.

Transparency refers to the disclosure or open notification of information related to sanitary and phytosanitary measures proposed, approved and promulgated by Lao PDR to the domestic and foreign public, organizations and entrepreneurs for their awareness and anticipation.

Risk Assessment is the evaluation of the likelihood of entry, establishment and spread of human disease, plant disease, animal disease, zoonosis and causes of adverse effects on human or animal health arising from the presence of additives in human food, animal feed, contaminants in agricultural products, and toxins in beverages and animal feeds in Lao PDR or may arise from the import or export that could have adverse effects on biodiversity or the national economy that needs sanitary and phytosanitary measures for control and inspection.

Appropriate level of sanitary or phytosanitary protection is the level of protection deemed appropriate as defined by the authorities in charge of agricultural and forestry issues and health of Lao PDR including the level of residue from pesticides, volume of additives, residue from animal medicines, microorganism in food, beverages and agricultural products to protect life or health of humans, animals or plants to be safe from the risks that may occur from their consumption.

Endnote

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.

2 “SPS” is the informal abbreviation of sanitary and phyto-sanitary for ease of reading only and is not included in the Lao version.

3 “TBT” is the informal abbreviation of Technical Barriers to Trade for ease of reading only and is not included in the Lao version.