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Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Agriculture and Forestry

No.0162 /MAF

Vientiane capital, date 1 February 2017

Guidance

on the implementation of Sanitary and Phytosanitary Works under Border Trade Agreement between Government of Lao People's Democratic Republic and Government of Socialist Republic of Vietnam

- To:
- Director General of Department of Agriculture
 - Director General of Department of Livestock and Fishery
 - Directors of Agriculture and Forestry Office of Provinces and Vientiane Capital
 - Plant Quarantine inspector and Veterinarian Officers at International Border Check Points
-
- Pursuant to Plant Protection Law No 06/NA, dated 9 December 2008;
 - Pursuant to Live stock and Veterinary Law No 03/NA, dated 25 July 2008;
 - Pursuant to Border Trade Agreement between Government of Lao People's Democratic Republic and Government of Socialist Republic of Vietnam dated 27 Jul 2015;
 - Pursuant to agreement and international treaties which the Lao PDR is a contracting party

In order to uniformly implement Border Trade Agreement between the Government of Lao People's Democratic Republic and Government of Socialist Republic of Vietnam to create highest benefits for citizen of the two countries in selling, buying and exchanging plants and plant products, animal and animal products along the border, and the implementation should be easier, consistent with Law and regulation of the two countries as well as international treaties that Lao PDR is a contracting party, and contribute to socio-economic development of both countries especially in districts of provinces located along the border.

Minister of Agriculture and Forestry issues guidance as follow:

1. Objectives

To provide an instruction for implementing Sanitary and Phytosanitary work under the Border Trade Agreement between Government of Lao People's Democratic Republic (PDR) and Government of Socialist Republic of Vietnam in order to increase bilateral trade volume, develop land border line running along Lao-Vietnam becoming border of selling,

buying, and exchanging goods, to ensure peace, stability, friendship, cooperation, and sustainable development.

2. Scope of the implementation

The implementation of Sanitary and Phytosanitary work under the Lao-Vietnam Border Trade Agreement in Lao PDR includes 21 districts of 10 provinces as follow:

1. Phongsali Province including 2 Districts namely Muang Mai and Muang YotOu;
2. Houaphan Province including 6 District namely Muang Ad, Muang Xiengkore, Muang Sobbao, Muang Viengsay and Muang Samtai;
3. Xiangkouang Province including 2 districts namely Muang Mok and Muang NongHad
4. Louangphabang province including 1 district namely Muang Phonethong;
5. Bolikhamxai including 2 districts namely Muang Champhone and Muang Khamkert;
6. Khammouan province including 3 districts namely Muang NaKai, Muang Yommalath, Muang Bualapha;
7. Savannaketh province including 2 districts namely Muang Sepon and Muang Nong;
8. Salavan province including 1 district namely Muang Samuay;
9. Sekong province including 1 district namely Muang dakjueng;
10. Attapeu province including 2 districts namely Muang Sansay and Muang Phouvong.

The international, regional and local Quarantine border check points where allow the import of plant and plant product based on the requirement and trade preferential treatment as defined in section 3.1, 3.2, 3.3 of this guidance are as follows:

1. Phongsali Province including 3 border checkpoints namely Panghok, Pangterm and HouayLa
2. Houaphan province including 15 border checkpoints namely Namsoi, Pahang, Bandan, Somvang, Sopdung, thalao, Yot Tew, Mong Nam, Banbo, Nasao, Huaymo, Phiangsa, Namtai and Thadore,
3. Xiangkouang Province including 2 border checkpoints namely Namkan and Thadore;
4. Louangphabang province including 1 border checkpoint namely Nasone;
5. Bolikhamxai province including 3 border checkpoints namely Nampao (505), Phonmuang and Namyon;
6. Khammouan province including 3 border checkpoints namely Napao, Makka and NongMa;
7. Savannaketh province including 2 border checkpoints namely Dansavanh and Lahang;
8. Salavan province including 1 border checkpoints namely Lalai;
9. Xekong province including 4 border checkpoints namely TaOk, Dakpa, Janok and Tavang;
10. Attapeu province including 1 border checkpoints namely Phoukeua, 1 VangTat and Phouyang.

3. The context of Agreement related to the Agriculture and Forestry Sector

The Border Trade Agreement between the Government of Lao People's Democratic Republic and Government of Socialist Republic of Vietnam give trade preferential treatment only for Lao PDR as one party. It is different from bilateral agreement signed on 3 March

2015 in Vientiane capital that offers treatment for both parties. The obligation of Vietnam is to grant preferential treatment on trade for Lao PDR that has three levels related to sanitary and phytosanitary as the following:

3.1. Preferential treatment on trade for districts located at the border or border district level

Plants and plant products, and animals and animal products which are produced, grown or raised by people living in the border district of Lao PDR, after they are inspected, certified by competent authority of Lao PDR including sanitary and phytosanitary certification, shall be exempted from import tax and other duties when being imported into Vietnam, and shall not subject to any kind of permit, exempting from sanitary and phytosanitary inspection, technical measures and food safety inspection from competent authority of Vietnam, except there is an official notice from a competent agency of one party about risks threaten particular goods that can cause damage to plant, human, animal and environment.

3.2. Preferential treatment on trade for provinces at the border or border province level

- Plants and plant products, and animal and animal products which are produced and not processed, including plant, animal grown or raised by people, business operator living in the border provinces of Lao PDR under investment made by Vietnamese investors in accordance with the respective laws and regulation of the parties shall not subject to import duties and value added tax when they are imported into Vietnam;
- Plants and plant product, and animal and animal products which are produced, grown and raised by people living in border districts of Lao PDR and business operator who register business as Agriculture and Forestry sector at border province of Lao PDR under investment made by Vietnamese investors in accordance with the respective laws and regulation of the parties shall not subject to import tax when they are imported into Vietnam;
- Plant and plant products, and animal and animal products which are produced, grown and raised by people and business operator living in the border provinces of Lao PDR under the investment made by Vietnamese investors in accordance with the respective laws and regulation of the parties shall not subject to quantities restrictions (quotas) and import permits (if any) when they are imported into Vietnam.

3.3. Preferential treatment on trade for Lao PDR or Country level

Vietnam grants preferential tariffs on import of zero percent for goods originating from Lao PDR. The trade authority of Lao PDR shall issue certificate of origin for goods importing into Vietnam as prescribed in the annex 1 of the Agreement which includes agriculture good from section 1 to 23, section 25.01 and 40.01 which is originated in Lao PDR shall also receive preferential tariffs and no import quota restriction and other restrictions.

4. Condition for receiving preferential treatment on trade

4.1. General conditions:

Person, juristic person or organization living in the border area who intend to apply for the preferential treatment on trade under the Lao-Vietnam Border Trade Agreement shall present evidences as follows:

- The card of trade preferential treatment issued at the border district or provincial Industry and commerce office of Lao PDR;
- The certificate of origin for goods which are produced, grown or raised by people living in the border area issued by the Industry and Commerce authority of Lao PDR;
- The sanitary and phytosanitary certificate under the Lao-Vietnam Border Trade Agreement, issued by the designed officer from the Border district agriculture and forestry office who is appointed, designated and trained on relevant technical ground.

4.2. Additional Conditions for business operator on crop production, livestock, fishery and veterinarian

4.2.1. Agriculture business operator shall meet the conditions as follows:

- Having Agriculture land, capital, office, building, equipment, tool and vehicle as appropriate;
- Having technician on crop production, plant protection, plant quarantine with at least diploma education and holding certificate of working experience in related field. In case of Plant protection and plant quarantine business, technician shall have training certificate on crop production, plant protection and plant quarantine;
- Receiving approval from the Agriculture and Forestry Sector and relevant local administrative authority;
- Complying with further requirement as prescribed by the Plant protection and Quarantine management authority.

4.2.2. Business operator on livestock, fishery and veterinarian shall meet the conditions as follows:

- Having land, capital, office, building, equipment, tool and vehicle as appropriate;
- Having Technician on livestock with at least diploma education or veterinarian and holding certificate of experience working in the field of livestock. In case of Veterinarian business, technician shall have professional certificate on veterinary or Veterinary Nursing issued by veterinary council;
- Receiving approval from agriculture and forestry sector and relevant local administrative authority;
- Complying with further requirement as prescribed by the plant protection and quarantine management authority.

5. Procedure and process for applying for sanitary and phytosanitary certificate

5.1. Procedure for applying sanitary and phytosanitary certificate

- Person or farmer living in border village closed to Vietnam who has ever sold, bought, exchanged good along the Lao-Vietnam border and never requested for the sanitary and phytosanitary certificate shall not be issued such certification.

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- Citizen, farmers who intend to request for the sanitary and phytosanitary certificate shall submit an application to the agriculture and forestry office in district enclosing with an identical card or family register book or card of the trade preferential treatment under Lao-Vietnam border trade agreement;
- Companies or Business operators on agriculture and forestry in district closed to Vietnam who intend to export plants, plant products, animal and animal products to Vietnam shall submit an application to the District Agriculture and Forestry Offices as prescribed form enclosing with the card of the trade preferential treatment under the Lao-Vietnam border trade agreement and a copy of enterprise registration certificate;
- Person intending to export plants, plant products, animal and animal products to Vietnam shall prepare his/her plants, plant products, animal and animal products for inspection based on prescribed technical principle at least 02 days before exporting.

5.2. Process for applying the sanitary and phytosanitary certificate

- Upon receiving all documents for application, designed officer responsible for sanitary and phytosanitary work at the District Agriculture and Forestry Offices shall verify the documents. If submitted documents are not complete or correct as defined in section 4 of this guidance, designed officer shall inform the applicant to complete them. In case all submitted documents are complete and correct, designed officer shall immediately proceed to inspection and report the result for issuance of the sanitary and phytosanitary certificate under the Lao-Vietnam border trade agreement;
- The District Agriculture and Forestry Office shall assign or appoint officer to record and maintain information on import and export of goods in each time and report to the Agricultural Sector and the Livestock and fishery Sector weekly which will be used as a reference for relevant sectors at provincial level to be compiled, summarized and analyzed then regularly report to the Department of Agriculture and Department of Livestock and fishery as vertical line of supervision.
- Collection of Fees and Service Charges shall strictly follow the Presidential Decree as timely promulgating.
- Import and export of plants, plant products, animal and animal products under the Lao-Vietnam border trade agreement must only be allowed through plant quarantine border checkpoint as prescribed in section 2 of this guidance.

6. Validity period and scope of the phytosanitary certificate

- The Sanitary and Phytosanitary certificate under the Lao-Vietnam border trade agreement has Validity period of 7 days from the date of issuance with single use only and can be used only in the scope of trade between Lao government and Vietnam government. In case of sanitary and phytosanitary certificate is expired before exporting, exporter shall request to renew the phytosanitary certificate from the Agriculture and Forestry Office of border district;
- The sanitary and phytosanitary certificate under the Lao-Vietnam border trade agreement shall be issued only for plants, plant products, animal and animal products which are grown or raised in the border villages, districts and provinces of Lao PDR.

7. Mechanism of the Phytosanitary certification

The Sanitary and phytosanitary certification must be signed by District Agriculture and Forestry Office then name and signature of competence authority shall be notified to the Department of Agriculture and The Department of Livestock and Fishery as its own vertical line of supervision.

8. Implementation

- The Department of Agriculture and the Department of Livestock and Fishery shall be a center point to coordinate with relevant Ministries and sectors in central and local level to extend and implement this guidance in an effective way.
- After receiving this guidance, the Agriculture and Forestry office in the Vientiane Capital, Phongsaly, LouangPhabang, Houaphan, XiangKouang, Bolikhamxay, Khammouan, Savannaket, Salavan, Sekong and Attapeu shall give direction to relevant sectors and the District Agriculture and Forestry Office under their supervision to disseminate and consult internally, and develop project and detailed action plan to implement this guidance.
- Within the period of implementation, if there is any constrain, problem encountered they shall be suddenly reported to the Ministry and Forestry for seeking solution.

Therefore, this guidance has been distributed for your attention and implementation.

Vice Minister
(Signed and sealed)
BounKouang Khambounheuang

Copy to:

- Ministry of Finance 1 copy
- Ministry of Industry and Commerce 1 copy
- Minister, Vice Ministers 1 Copy
- Permanent Secretary Office, MAF 1 copy
- Department of Livestock and Fishery 1 copy
- Filling 1 copy

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Peace Independence Democracy Unity Prosperity

**Application form for phytosanitary Certificate
Under Lao-Vietnam Border trade Agreement**

Attend to:

Subject: Requesting for Phytosanitary Certificate under the Lao-Vietnam Border trade Agreement

I, (Name and Surname)..... holding card of trade preferential treatment under the Lao-Vietnam Border trade Agreement with reference number.....dated, issued bywould like to request for the phytosanitary certificate under the Lao-Vietnam Border trade Agreement for goods as follows:

Commodity name	HS code	Origin of goods from District, Province or Vientiane Capital

I hereby certify that all above information is true and correct.

Therefore, your consideration would be very much appreciated.

Place....., date.....

Signature of Applicant

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Province of.....
Agriculture and Forestry Office
District of.....
Agriculture and Forestry Office

No...../DAFO
Date.....

Phytosanitary Certificate
Under Lao-Vietnam Border Trade Agreement

Agriculture and Forestry Office of District of..... certify that plant and plant product defined below are free from pest infestation and comply with Law and regulation on plant protection and quarantine and these goods are suitable for consumption.

No	Commodity name	HS code	Unit	Amount	Inspection result (Pest present or absent)
1					
2					
3					
4					
5					

Remark: this Phytosanitary certificate is valid for 07 days from the date of issuance.

Sign and seal
The District Agriculture and Forestry Office

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Record of Inspection of Plant, Plant Product under the Lao-Vietnam Border Trade Agreement, For officer or inspector at Agriculture and Forestry office of the District of

.....

No	Commodity name	Place for collecting sample	Number of Sample	Weigh per Sample	Inspection result (pest present or absent, the species of intercepted pest and its damage must be recorded and keep specimen as reference sample)	

Place....., date.....

Officer or inspector of the District

owner of Goods

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Application form for certificate of Animal Health and Sanitary of Animal Product under the Lao-Vietnam Border trade Agreement

Attend to:

Subject: Requesting for certificate of Animal Health and Sanitary of Animal Product under Lao-Vietnam Border trade Agreement

I, (Name and Surname)..... holding card of trade preferential treatment under Lao-Vietnam Border trade Agreement with reference number.....dated, issued bywould like to request for certificate of animal health and sanitary of animal product of the good as follows:

Commodity name	HS code	Origin of goods from District, Province or Vientiane Capital

I hereby certify that all above information is true and correct.

Therefore, your consideration would be very much appreciated.

Place....., date.....

Signature of Applicant

(unofficial translation)



Lao People's Democratic Republic
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Province of.....
Agriculture and Forestry Office
District of.....
Agriculture and Forestry Office

No...../DAFO
Date.....

Certificate of Animal Health and Sanitary of Animal Product under Lao-Vietnam Border trade Agreement

The Agriculture and Forestry Office of District / Agriculture and Forestry Office of province of..... certify that goods of animal and animal product defined below are healthy and free from threaten disease and suitable for consumption.

No	Commodity name	HS code	Unit	Amount	Inspection result
1					Healthy and free from disease
2					
3					
4					
5					

Remark: Health certificate for living animal is valid for 7 days from the date of issuance and Sanitary certificate for animal product is valid for 15 days from the date of issuance.

Sign and seal
The District/province Agriculture and Forestry Office