

CONTENTS

SECTION 1 GENERAL PROVISIONS	2
Article 1 Objectives	2
Article 2 A plant variety	2
Article 3 Definitions	2
Article 4 Government policies on plant varieties	3
Article 5 Principles on a plant variety	4
Article 6 Scope	4
Article 7 Interantional cooperation	4
SECTION 2 TYPE AND LIST OF PLANT VARIETIES	5
Article 8 Type of plant varieties	5
Article 9 A general plant variety	5
Article 10 A new plant variety	5
Article 11 A promotion plant variety	5
Article 12 List of a plant variety	5
SECTION 3 PLANT GENETIC RESOURCES	
CONSERVATION	6
Article 14 Survey and collection of plant genetic resources	6
Article 15 Exchange of plant genetic resources	6
Article 16 Plant genetic resources evaluation	7
Article 17 Plant genetic resources database	7
SECTION 4 RESEARCH AND TESTING OF NEW PLANT	
VARIETIES	7
Article 18 Research on a plant variety	7
Article 19 Plant variety testing	8
SECTION 5 REGISTRATION OF PROMOTION PLANT	
VARIETIES	8
Article 20 Registration of a promotion plant variety	8
Article 21 Plant varieties with registration exemption	9

Article 22	Requirements for registration of promotion plant varieties	9
Article 23	Documents used for registration	9
Article 24	Examination and consideration of registration of a promotion plant variety	10
Article 25	Issuance of Permanent Certificate of Promotion Plant Variety Registration	11
Article 26	Withdrawal of certificates of promotion plant variety registration	11
SECTION 6	SEED QUALITY CONTROL	12
Article 27	Seed quality control	12
Article 28	Seed quality standards	12
Article 29	Seed quality certification	12
Article 30	Inspection of seed production area	13
Article 31	Seed quality testing in a laboratory	13
Article 32	Issuance of a seed quality certificate	13
Article 33	Labels and labelling	14
Article 34	Storage and transport	14
Article 35	Advertisement	14
Article 36	Seed import	14
Article 37	Seed export and re-export	15
Article 38	Seed transit	15
Article 39	Distribution	16
SECTION 7	SEED BUSINESSES	16
Article 40	Seed businesses	16
Article 41	Requirements for seed businesses	16
Article 42	Required documents for permission	17
Article 43	Consideration of seed business permission	17
Article 44	Validation of a seed business permit	17
Article 45	Rights and obligations of seed business owners	18
Article 46	Suspension or withdrawal of a seed business permit	18
SECTION 8	PROHIBITIONS	19

Article 47	General prohibitions	19
Article 48	Prohibitions for seed business owners	19
Article 49	Prohibitions for seed inspectors	20
SECTION 9 MANAGEMENT AND INSPECTION OF PLANT VARIETIES		20
Article 50	The Plant Variety Management and Inspection Organizations	20
Article 51	Rights and Duties of the Ministry of Agriculture and Forestry	21
Article 52	Rights and duties of Provincial Agriculture and Forestry Offices	22
Article 53	Rights and duties of the District Agriculture and Forestry Offices	23
Article 55	Rights and duties of other sectors	24
Article 56	Seed inspectors	24
Article 57	Rights and duties of seed inspectors	25
Article 58	Context of inspection	25
Article 59	Forms of inspection	26
SECTION 10 REWARDS AND PENALTIES		26
Article 60	Rewards for persons withoutstanding achievement	26
Article 61	Penalty measures for violators	26
Article 62	Warnings	27
Article 63	Disciplinary measures	27
Article 64	Fine measures	27
Article 65	Criminal sanctions	27
SECTION 11 FINAL PROVISIONS		27
Article 66	Implementation	28
Article 67	Effectiveness	28



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

The Government

No. 238/GOV.
Vientiane, Date: 18/05/2020

Decree
on
Plant Varieties

- Pursuant to the Law on Government No. 04/NA, dated 08 November 2016;
- Pursuant to the Law on Agriculture No. 01/98 NA, dated 10 October 1998;
- Pursuant to the Law on Plant Protection and Plant Quarantine No. 13/NA, dated 15 November 2016;
- Based on the letter of proposal of the Ministry of Agriculture and Forestry's No. 0172/MAF, dated 25 February 2020.

The Government issues following Decree:

Section 1

General Provisions

Article 1 Objectives

The Decree establishes the principles, regulations and measures on management and inspection of plant varieties to conserve a native plant variety, a local plant variety, and promote the use of an improved plant variety and a new plant variety that has outstanding characteristics, good yield and quality, and that is suitable for each location, with the aim of managing and enhancing crop production, ensuring food security and commercial crop production, and contributing to national socio-economic development.

Article 2 A plant variety

A plant variety including a native plant variety, a local plant variety and an improved plant variety is any seed or planting material within a group of species that has the same or similar genotype or botanical characteristics, and that has its own distinguishing characteristics such as uniformity, physical stability and distinctness from other plant varieties.

Article 3 Definitions

The terms used in this Decree have the following meaning:

1. **Native plant variety** means the plant variety that occurs in the country for a long period of time and is used extensively;
2. **Local plant variety** means the plant variety that occurs naturally in a given area with its distinguishing characteristics;
3. **An improved plant variety** means the plant variety that is obtained through the breeding or selection of a plant species, with its natural physical characteristics;

4. **Seeds** means seed or planting material used for cultivation or reproduction including rootstock, shoot, stock, branch, leave, node, root, flower, fruit or seeds;

5. **Plant genetic resources** means a part of or a whole planting material which is of value for breeding for a new plant variety;

6. **Plant genetic resources conservation** means the storing of plant genetic resources for each of plant species in a given genebank and in a given natural area;

7. **Counterfeit seeds** means seed that is incorrect such as name, trademark, quality, validation date and other relevancies for its registered information prescribed in its label;

8. **Inspection for seed production area** means a process of inspection of seed quality growing in an inspected area to identify natural characteristics and purity, and percentage of seed mixture;

9. **Seed quality testing** means a process of diagnosing elements including germination, purity, moisture content and pests, of seed quality in a laboratory.

Article 4 Government policies on plant varieties

The State promotes and develops plant varieties in direction with industrialization, modernization and commercialization, and on the basis of a strategy and a master plan on plant varieties, and through an establishment of basic infrastructures, technology, modern seed processing factories, human resource development, plant genetic resources conservation, research and testing, registration, production control, and technical transfer.

The State encourages any natural or legal person, or organization to invest in development of plant varieties and seed businesses such as the scientific inventories, establishment of basic infrastructures and modern seed processing factories, invention of technology, establishment of seed production's groups, development of human resources, research and testing, production, utilization and distribution, through provision of

information, technical support, land incentives, intellectual protection, labours, taxes, fees, and the enabling environment for funding according to laws.

Article 5 Principles on a plant variety

Principles on a plant variety are prescribed as follows:

1. Complying with policies, laws, national socio-economic development, international conventions and treaties which the Lao PDR is a contracting party;
2. Ensuring a centralized and harmonized management throughout the country;
3. Effectively using a plant variety and ensuring conservation of plant genetic resources without extinction;
4. Ensuring sufficient provision of quality seeds to markets while protecting human and animal health and the environment, and conserving bio-ecosystems;
5. Ensuring fair benefits for the State, collective, families and entrepreneurs within and outside the country;
6. Ensuring transparency, fairness and accountability.

Article 6 Scope

The Decree is applied to any natural or legal person, or organization within and outside country engaged in plant varieties in the Lao PDR.

Article 7 Interantional cooperation

The State promotes both regional and international cooperation on plant varieties through exchange of lessons learned, information, technology, scientific research and human resource development on plant varieties to ensure effectiveness and effeciency of plant variety activities.

Section 2

Type and List of Plant Varieties

Article 8 Type of plant varieties

A plant variety is classified into three types as follows:

1. A general plant variety;
2. A new plant variety;
3. A promotion plant variety.

Article 9 A general plant variety

A general plant variety is the plant variety including native plant varieties, local plant varieties, improved plant varieties or new plant varieties that are produced by farmers and not yet registered as promotion plant varieties by the Ministry of Agriculture and Forestry.

Article 10 A new plant variety

A new plant variety is the plant variety that is novel by the plant breeding and selection, and that has distinguishing characteristics for distinctness, uniformity and stability prescribed by the Law on Intellectual Property.

Article 11 A promotion plant variety

A promotion plant variety is the plant variety that has distinguishing characteristics for cultivation, stability, uniformity, high yield, pest resistance, popularity by consumers, and that is registered as a promotion plant variety for crop production by the Ministry of Agriculture and Forestry including an improved plant variety, a native plant variety and a local plant variety.

Article 12 List of a plant variety

A list of a plant variety is a compilation of plant varieties registered for production, import, export, re-export, transit, distribution.

The Ministry of Agriculture and Forestry shall periodically review and improve a plant variety.

Section 3

Plant Genetic Resources Conservation

Article 13 Plant genetic resources conservation

Plant genetic resources conservation is the storing of plant genetic resources for each of a plant species in a given genebank and in a given natural area.

Plant genetic resources conservation shall be implemented as follows:

1. Survey and collection of plant genetic resources;
2. Exchange of plant genetic resources;
3. Plant genetic resources evaluation;
4. Database on plant genetic resources.

Article 14 Survey and collection of plant genetic resources

Survey and collection of plant genetic resources is a periodical collection of samples of a plant variety and information on its gene, species, type and origin of plant genetic resources, and plant genetic resources shall be effectively and sustainably stored, conserved, maintained, developed and utilized.

The Ministry of Agriculture and Forestry in coordination with relevant sectors and local authorities conducts a survey and collection of plant genetic resources for each of a plant species that is endangered for extinction, and establish a list of prohibited plant genetic resources.

Article 15 Exchange of plant genetic resources

Any natural or legal person, or organization wishing to exchange of plant genetic resources for research, selection and improvement of new plant varieties, shall apply to the Ministry of Agriculture and Forestry. Where plant genetic resources are

exchanged internationally, there shall be a phytosanitary certificate issued by the country of origin and a transport permit based on the standards for transportation of plant varieties recognized by the International Treaty on Plant Genetic Resources for Food and Agriculture, and the standards recognized by the Ministry of Agriculture and Forestry.

Article 16 Plant genetic resources evaluation

A plant genetic resource evaluation is an evaluation of surveyed and collected plant genetic resources for characterization and documentation at the Ministry of Agriculture and Forestry.

Article 17 Plant genetic resources database

The Ministry of Agriculture and Forestry in coordination with relevant sectors collects and develops information on plant genetic resources especially for endangered plants, and for conservation by listing in a database to manage, monitor, inspect and use for improvement and development of a new plant variety within the country, and to ensure regional and international integration.

Section 4

Research and Testing of New Plant Varieties

Article 18 Research on a plant variety

Research on a plant variety is a process of development of a plant variety by initiating from breeding or selection of existing native plant varieties to create an improved plant variety and a new plant variety, used for food production and commodity production.

The Ministry of Agriculture and Forestry shall establish a specific regulation for research, selection and breeding for a new plant variety with pest resistance and local suitability, so as to enhance productivity and quality.

Article 19 Plant variety testing

Plant variety testing is a process of monitoring and evaluating of a new plant variety for distinctness, uniformity, stability, yield and pest resistance implemented by the Plant Varieties Testing Unit formally designated by the Ministry of Agriculture and Forestry. The roles, duties and organization of the Unit shall be defined specifically.

Any natural or legal person, or organization wishing to test their plant varieties shall apply to the Unit. Where a plant breeder tests a plant variety by himself, the breeder shall apply the test guideline of the Ministry of Agriculture and Forestry.

A plant variety for planting that will be registered as a new plant variety shall be tested for distinctness, uniformity and stability, and for protection of the breeders' rights to the plant variety.

A plant variety for planting that will be registered as a promotion plant variety shall be tested for production validation and utilization, and for protection of the consumers' rights.

Section 5 Registration of Promotion Plant Varieties

Article 20 Registration of a promotion plant variety

Registration of a promotion plant variety is a process of certification and approval of a promotion plant variety to protect the consumers' rights.

A plant variety obtained from research, production and import for distribution, used for planting shall be registered as a promotion plant variety as prescribed in this Decree.

Any natural or legal person, or organization wishing to register a promotion plant variety shall apply to the Department of Agriculture according to the specific regulation.

Article 21 Plant varieties with registration exemption

A plant variety that will be exempted from registration is as follows:

1. A plant variety that will be re-exported, transited or imported for production for export under the contact between domestic and foreign entrepreneurs;
2. A plant variety that will be imported for research, experiment, demonstration, exhibition, donation, present, exchange and government's programmes.

A plant variety with the registration exemption shall be applied to the Ministry of Agriculture and Forestry for an import permit before imported.

Article 22 Requirements for registration of promotion plant varieties

Any natural or legal person, or organization wishing to register a promotion plant variety shall fulfill all requirements as follows:

1. Tested for quality and natural characteristics by the Plant Varieties Testing Unit;
2. Tested in a large production area and certified by the Provincial Plant Variety Management Organization;
3. Having distinguishing characteristics including cultivation, stability, high yield, pest resistance, good quality and popularity;
4. Imported plant varieties shall be registered in the exporting country;
5. A person operating business on seed production or import shall have a seed business permit.

Article 23 Documents used for registration

Documents used for registration of a promotion plant variety are as follows:

1. Application form provided by the Plant Variety Management Organization;

2. Information on a source of origin and natural characteristics of a promotion plant variety;
3. Samples of label and seed;
4. A letter of authorization and an identification card of the applicant in case of representation;
5. Copies of a business registration certificate and a seed business permit for those who operate seed businesses;
6. A detail plan for testing, demonstration or distribution;
7. A field assessment report on a plant variety;
8. Any documents deemed by the Department of Agriculture.

In addition to the above-mentioned documents, a plant variety that will be imported from any foreign country shall have additional documents as follows:

1. A copy of a plant variety registration certificate or a plant variety permit issued by the country of origin;
2. A label and testing result of a plant variety issued by the country of origin;
3. A letter of authorization from the seed producer issued by the exporting countries.

Article 24 Examination and consideration of registration of a promotion plant variety

After receiving the application form for registration of a promotion plant variety, the Department of Agriculture shall examine and issue the Temporary Certificate of Promotion Plant Variety Registration within the period of fifteen days since the date of the received application. In case of rejection of issuance of a Temporary Certificate of Promotion Plant Variety Registration, this shall be notified in writing to the applicant by the Department of Agriculture.

A Temporary Certificate of Promotion Plant Variety Registration is valid for one year and can be extended upon request. A Temporary Certificate of Promotion Plant Variety Registration shall be scoped for its use.

Article 25 Issuance of Permanent Certificate of Promotion Plant Variety Registration

After receiving a Temporary Certificate of Promotion Plant Variety Registration, the applicant shall cooperate with the Plant Variety Testing Unit to test the temporally-certified plant variety in a large production area by following the requirements in No. 2 and 3 of Article 22 of this Decree. After completion of the testing, the results shall be reported to the Department of Agriculture for examination and consideration of issuance of a Permanent Certificate of Promotion Plant Variety Registration. A Permanent Certificate of Promotion Plant Variety Registration is valid for three years and can be extended upon request.

Permanently-registered promotion plant variety will be documented in the list of promotion plant varieties of the Ministry of Agriculture and Forestry, and disseminated publicly.

Article 26 Withdrawal of certificates of promotion plant variety registration

The Department of Agriculture is entitled to withdraw certificates of promotion plant variety registration as follows:

1. A registered promotion plant variety has been found incorrectly with the earlier registered information;
2. A registered promotion plant variety has been used for production for two years; but it is not advantageous for farmers due to low yield, high risk for pests, and less popular among farmers.

A person with withdrawal of the certificates can submit a letter of proposal in writing to the Ministry of Agriculture and Forestry within the period of thirty days since the date of withdrawal, for consideration and issuance of a notice of cancellation of the withdrawal where the applicant is proved to reasonably follow all requirements or relevant regulations.

Section 6

Seed Quality Control

Article 27 Seed quality control

A seed quality control is a measure used for certification of seed quality to obtain good seeds quantitatively and qualitatively, comprising as follows:

1. Seed quality standards;
2. Seed quality certification;
3. Field inspection of a seed production area;
4. Seed quality testing in a laboratory;
5. Issuance of a seed quality certification;
6. Labels and labelling;
7. Storage and transport;
8. Advertisement;
9. Seed import;
10. Seed export and re-export;
11. Seed transit;
12. Distribution.

Article 28 Seed quality standards

Seed quality standards define the percentage of purity, moisture content, germination and pest infestation according to the standard system of the Ministry of Agriculture and Forestry, the regional and international standards.

Article 29 Seed quality certification

A seed quality certification is a process of certification of a seed production area and seed quality tested in a laboratory in accordance with the seed quality standards described in this Decree, and issuance of a seed quality certificate.

Any natural or legal person, or organization wishing to certify their seed quality shall apply to the Department of Agriculture or Provincial, Vientiane Capital Agriculture and Forestry Offices by following the specific regulation.

Article 30 Inspection of seed production area

After receiving the application, the Department of Agriculture or Provincial Agriculture and Forestry Offices shall conduct an inspection of the seed production area to evaluate plant growth, pest infestation and percentage of seed mixture.

Inspection of seed production area shall be implemented as follows:

1. Basic inspection of seed production area is an evaluation and the giving of advice to the seed producer to maintain genetic purity of a plant variety;
2. Certification of seed production area is an inspection and evaluation of the seed production area to certify applied methodologies and standards for seed quality as prescribed in this Decree.

Article 31 Seed quality testing in a laboratory

After a seed production area certified based on the standards for seed production area, the Department of Agriculture or Provincial Agriculture and Forestry Offices shall randomly select and test a seed sample in a laboratory to identify percentage of moisture content, germination, purity, mixture and pest infestation according to the seed quality testing standards as prescribed in this Decree.

The laboratory standards and the guideline for seed quality testing shall be established by the Ministry of Agriculture and Forestry.

Article 32 Issuance of a seed quality certificate

After completion of the seed quality testing in a laboratory, the Department of Agriculture or Provincial Agriculture and Forestry Offices shall issue a seed quality certificate within the thirteen-day period of working days since the date of receiving the result of seed quality testing from the laboratory. In case of rejection of issuance of a seed quality certificate, this shall be notified in writing to the applicant.

A seed quality certificate is valid for each type of plant seeds as prescribed by the Department of Agriculture.

Article 33 Labels and labelling

Seeds that are produced, imported, exported, re-exported, transitted and distributed in the Lao PDR shall be labelled in picture, and text in both Lao and foreign languages, showing and indicating type, name, germination, moisture content, purity, weight, expire date and instruction for cultivating.

Labelling shall be made either by directly affixing, tagging or printing on the seed container. Labelling shall be strongly made, endured and secured as prescribed in the specific regulation.

Article 34 Storage and transport

Seed storage and transport shall be implemented as follows:

1. Seeds shall be stored in a clean, suitable and safe place;
2. Seeds shall be stored and transported seperately from fertilizers, pesticides and chemicals.

Article 35 Advertisement

An advertisement of a plant variety shall be correct to the permitted text, form and location. An advertisement shall be clear and correct to the type, trademark, characteristics and quality of a plant variety.

Any natural or legal person, or organization wishing to advertise a plant variety and seed shall request a permit from the Ministry of Agriculture and Forestry, the Ministry of Information, Culture and Tourism, and other relevant ministries.

Article 36 Seed import

Any natural or legal person, or organization wishing to import seeds shall request a permit from the Ministry of Agriculture and Forestry. Seed import shall fulfill the following requirements:

1. Shall be a plant variety registered in the Lao PDR and not in the list of prohibited plant genetic resources of the country of origin;
2. A phytosanitary certificate issued by the country of origin;
3. A seed quality certificate issued by the country of origin.

A procedure of seed import will be prescribed in the specific regulation.

Article 37 Seed export and re-export

Any natural or legal person, or organization wishing to export and re-export seeds shall request a import permit from the Department of Agriculture or Provincial Agriculture and Forestry Offices.

Seed export and re-export shall fulfill the following requirements:

1. Shall be seed registered in the Lao PDR and not in the list of prohibited plant genetic resources of the Lao PDR;
2. Have a phyto-sanitary certificate;
3. Other requirements deemed by the country of destination.

Aprocedure of seed export and re-export will be prescribed in the specific regulation.

Article 38 Seed transit

Any natural or legal person, or organization wishing to transit seed shall request a transit permit from the Ministry of Agriculture and Forestry. The seed transit shall fulfill the following requirements:

1. A plant variety that is not in the list of prohibited plant genetic resources of the country of origin;
2. A phytosanitary certificate issued by the country of origin;
3. A seed quality certificate issued by the country of origin.

A procedure for seed transit will be prescribed in the specific regulation.

Article 39 Distribution

A seed distribution shall be implemented as follows:

1. Applying for a seed distribution permit as prescribed in this Decree;
2. Ensuring safe seed packaging and labelling;
3. Storing and transporting seed based on the technical requirements;
4. Distributing registered seed;
5. Cooperate with a seed inspector for inspecting seed quality.

Section 7 Seed Businesses

Article 40 Seed businesses

Any natural or legal person, or organization wishing to operate seed businesses shall submit an application form with a set of required documents to the Ministry of Industry and Commerce by following a process prescribed by the Law on Enterprise, and apply to the Ministry of Agriculture and Forestry for a seed business permit.

Types of seed businesses:

1. Seed production;
2. Seed import, export, re-export and transit;
3. Seed distribution;
4. Other business relevant to seeds as prescribed by the Ministry of Agriculture and Forestry.

Article 41 Requirements for seed businesses

Any person wishing to operate a seed business shall fulfill the following requirements:

1. Having the location, fund, office, seed processing factory, storage, equipment, tool and vehicle;
2. Having the management system, required human resources in plant variety, plant protection and seed business;
3. Other requirements deemed by the Plant Variety Management Organization.

Article 42 Required documents for permission

Documents required for a seed business permit are as follows:

1. An application form prescribed by the Department of Agriculture;
2. Copies of an identification card or a family book, or a letter of authorization in case of representation;
3. Copies of a business registration certificate or an investment permit;
4. A feasibility study report, a project proposal or a plan;
5. Other documents deemed by the Ministry of Agriculture and Forestry.

Article 43 Consideration of seed business permission

After receiving the application form with required documents and completing an inspection of a seed production area, the Ministry of Agriculture and Forestry shall consider to issue a seed business permit within the period of fifteen days.

In case of rejection for issuance of the permit within the prescribed period, this shall be notified in writing to the applicant.

Article 44 Validation of a seed business permit

A seed business permit is valid for two years and can be extended upon request.

Thirty days before an expiration of a seed business permit, the seed business operator shall apply for extension to the Ministry of Agriculture and Forestry. The Ministry shall

consider to extend or not extend the permit within the period of fifteen days since the date of receiving the application.

Where a seed business permit is lost or destroyed, this shall be notified in writing to the Ministry of Agriculture and Forestry and this shall be applied to the Ministry of Agriculture and Forestry for a new seed business permit within the fifteen-day period since the date of losing or destroying the permit. In case of over the prescribed period of time, the permit owner is ineligible to apply.

Article 45 Rights and obligations of seed business owners

A seed business owner has the following rights and obligations:

1. To strictly operate their business in accordance with any requirements, terms and conditions as may be included in a technical approval, permit, laws or regulations;
2. To receive information on a plant variety;
3. To complain to the relevant organization regarding offenses under laws and regulations committed by seed inspectors;
4. To contribute money and human resources for development of a plant variety;
5. To cooperate with, provide relevant information to and facilitate seed inspectors;
6. To pay the fees, service charge, and other obligations prescribed in laws and regulations.

Article 46 Suspension or withdrawal of a seed business permit

A seed business will be suspended in the following cases:

1. Where a proposal has been made by the seed business owner due to problems in the business;
2. Where the seed business owner has committed an offence against the permitted operation;
3. Where the seed business owner has failed in following the warnings given by the Plant Variety Management

Organization, or operated in a manner that results in damage to the society and the economy and the environment.

Suspension of a seed business shall be notified in writing to the seed business owner, and such suspension shall allow the seed business owner to improve or resolve problems within the exact period of duration.

Where the seed business owner cannot resolve problems and meet the notified requirements, the Plant Variety Management Organization is entitled to withdraw the seed business permit according to this Decree.

Section 8 Prohibitions

Article 47 General prohibitions

Any natural or legal person, or organization is strictly prohibited from the following:

1. Exploit, use and exchange plant genetic resources without permission;
2. Exploit, use, exchange and export prohibited plant genetic resources;
3. Distribute unregistered and unpermitted seeds;
4. Produce, import or distribute unregistered, uncertified, or counterfeit seed;
5. Operate a seed business without permission;
6. Import, produce and operate a business on Genetically Modified Organism (GMO) seed;
7. Falsely or misleadingly advertising on seed;
8. Perform any activities in violation of laws and regulations.

Article 48 Prohibitions for seed business owners

In addition to the general prohibitions prescribed in Article 47 of this Decree, the seed business owner is strictly prohibited from the following:

1. Operate a seed business without permission;

2. Advertise against or defame other business owners;
3. Produce and distribute plant genetic resources with permission;
4. Distribute unregistered, uncertified or counterfeit seeds;
5. Give his or her own seed business permit, seed registration certificate or seed quality certificate to other business owners;
6. Bribe seed officers and forging any official documents on plant varieties;
7. Perform other activities in violation of laws.

Article 49 Prohibitions for seed inspectors

In addition to the prohibitions prescribed in Article 47 of this Decree, seed inspectors are strictly prohibited from the following:

1. Abuse his or her powers by forcing, threatening, coercing, pressurizing, requesting or accepting bribes, that damage the interest of the State, collective or individual;
2. Disclose confidential information of the State, forge any official documents, carry out his or her responsibilities recklessly;
3. Ignore rules and regulations, or resolve problems in a manner that is inconsistent with technical guidelines;
4. Raise or reduce charges and technical service fees alone or use collected fees from plant variety work for personal benefits;
5. Perform any activities in violation of laws.

Section 9

Management and Inspection of Plant Varieties

Article 50 The Plant Variety Management and Inspection Organizations

The Ministry of Agriculture and Forestry is an organization responsible for managing and inspecting plant

varieties by cooperating with relevant ministries, ministry-equivalent organizations and local authorities.

The Plant Variety Management and Inspection Organization shall comprise the following:

1. Ministry of Agriculture and Forestry;
2. Provincial Agriculture and Forestry Offices;
3. District Agriculture and Forestry Offices;
4. Village Agriculture and Forestry Unit of the Village Economic and Financial Group.

Article 51 Rights and Duties of the Ministry of Agriculture and Forestry

The Ministry of Agriculture and Forestry has the following rights and duties within its areas of responsibility:

1. To develop policy guidelines, strategies, laws and regulations on a plant variety proposed to the government for consideration. Also, to develop those into detail plans, programmes and projects for implementation;
2. To issue orders, agreements, guidelines and notices on a plant variety;
3. To disseminate policies, strategies, laws, regulations, plans, programmes and projects on a plant variety throughout the country;
4. To manage, issue, suspend and withdraw the promotion plant variety certificate, seed business permit and seed quality certificate;
5. To issue the seed export and import permits for research, experiment, exhibition, donation or import of seeds in emergency for the government's projects and import of a seed for commercial purposes in the land areas of two or more provinces;
6. To establish and improve lists of prohibited plant genetic resources, promotion plant varieties, and regulated plant varieties;

7. To Build, manage, and use basic infrastructures, seed processing plants, and to establish and develop standards for a seed laboratory and seed quality;
8. To build, train, manage and use human resources on a plant variety;
9. To monitor, inspect and evaluate the implementation of plant variety activities throughout the country;
10. To accept and process appeals on a plant variety;
11. To cooperate with foreign and international organizations on a plant variety;
12. To regularly report the performance of plant variety functions to the higher-level authorities;
13. To implement other rights and duties as prescribed by laws.

Article 52 Rights and duties of Provincial Agriculture and Forestry Offices

The Provincial Agriculture and Forestry Offices have the following rights and duties within their areas of responsibility:

1. To implement policies, strategic plans, laws and regulations on plant varieties;
2. To publicize and disseminate laws, regulations and information on a plant variety to enable the local people and all sectors to understand and participate in strictly implementing such laws and regulations;
3. To develop and propose to the Provincial Governors any agreements, orders, guidances and notices on a plant variety;
4. To issue, suspend and withdraw a seed business permit, a seed quality certificate, and other permits on seed production, import and distribution where designated to do so by the Ministry of Agriculture and Forestry;
5. To build, train, manage and use human resources on a plant variety;
6. To accept and process appeals on a plant variety;

7. To support, monitor, inspect and evaluate the performance of plant variety activities implemented by the District Agriculture and Forestry Offices;

8. To regularly report the implementation of plant variety activities to the Ministry of Agriculture and Forestry, Provincial Administration Offices;

9. To implement other rights and duties as prescribed by laws and regulations.

Article 53 Rights and duties of the District Agriculture and Forestry Offices

The District Agriculture and Forestry Offices have the following rights and duties within their areas of responsibility:

1. To implement policies, strategic plans, laws and regulations on a plant variety;

2. To disseminate laws, regulations and information on a plant variety to enable public awareness to participate in strict implementation;

3. To develop and propose the District Governors to issue agreements, orders, guidances and notices on a plant variety;

4. To provide technical trainings on plant genetic resources conservation, production, inspection, storage and use of a plant variety and seed to technical personnel, business owners and farmers;

5. To issue, suspend or withdraw a seed business permit and a seed distribution permit;

6. To accept and process appeals on a plant variety;

7. To regularly report the implementation of plant variety activities to the Provincial Agriculture and Forestry Offices;

8. To implement other rights and duties as prescribed by laws and regulations.

Article 54 Rights and duties of the Village Agriculture and Forestry Unit of the Village Economic and Financial Group

The Village Agriculture and Forestry Units of the Village Economic and Financial Group have the following rights and duties within their areas of responsibility:

1. To disseminate information and techniques regarding the use of a promotion plant variety to the local people for strict implementation;
2. To prevent and take action against the smuggling of illegal seed import, distribution and use;
3. To monitor and inspect seed production, storage, distribution and use to ensure the legal requirements;
4. To participate in meetings, workshops and technical trainings on a plant variety;
5. To report the implementation of plant variety activities to the District Agriculture and Forestry Offices, and village authorities;
6. To implement other rights and duties as prescribed by laws and regulations.

Article 55 Rights and duties of other sectors

In the management of a plant variety, other sectors such as the Ministry of Science and Technology, the Ministry of Public Health, the Ministry of Natural Resources and the Environment, the Ministry of Industry and Commerce and other relevant agencies as well as the local authorities have the rights and duties to manage, monitor and inspect plant variety activities and cooperate with the Plant Variety Management Organizations within their areas of responsibility.

Article 56 Seed inspectors

A seed inspector is an agriculture officer who is officially appointed by the Ministry of Agriculture and Forestry or Provincial, Vientiane Capital Agriculture and Forestry Offices to implement seed inspection activities.

The criteria and requirements for a seed inspector shall be determined in the specific regulation.

Article 57 Rights and duties of seed inspectors

A seed inspector has the following rights and duties:

1. To disseminate and raise awareness on laws and regulations on a plant variety especially the list of a promotion plant variety as prescribed in Article 11 of this Decree;
2. To inspect a seed production area, retailer, storage, advertisement, import, transport, export and areas where a seed is grown;
3. To collect samples of a plant variety and seed for quality analysis or used for evidence;
4. To seize counterfeit, understandardized seeds, and relevant documents in violation of laws and regulations on a plant variety, and report to the Plant Variety Management Organizations to take action;
5. To cooperate with relevant officers to use various necessary measures such as ordering the vehicle to stop for inspection, and access to suspected or target areas to investigate violation of the Decree and regulations on a plant variety;
6. To accept and record the report, ask for and examine the documents, interrogate persons suspected for violation of the Decree and regulations on a plant variety;
7. To educate and issue fine for any person violating the Decree and regulations on a plant variety;
8. To report the result of investigation and submit the documents to the first-level Plant Variety Management Organization or the investigation office for resolving or prosecution according to laws;
9. To implement other rights and duties as prescribed by laws and regulations.

Article 58 Context of inspection

Seed inspection shall cover the following matters:

1. Implementation of laws and regulations on a plant variety;
2. Activities of an officer and a seed inspector;

3. Activities and operation of seed businesses such as seed production, distribution, import, export, re-export and transit;
4. Development and implementation of plans on a plant variety.

Article 59 Forms of inspection

Inspection consists of three forms:

1. Regular inspection;
2. Inspection with prior notice;
3. Sudden inspection.

Regular inspection shall be implemented in accordance with an inspection plan, and on a regular basis and on a specified date.

Inspection with prior notice, shall not be scheduled in a plan and shall be implemented subject to providing prior notification.

Sudden inspection shall be implemented rapidly without any advance notice.

Inspection shall be strictly implemented according to laws.

Section 10 Rewards and Penalties

Article 60 Rewards for persons withoutstanding achievement

Any natural or legal person, or organization that performs outstandingly in implementing this Decree shall receive an award or other form of recognition in accordance with the regulations.

Article 61 Penalty measures for violators

Any natural or legal person, or organization that has violated this Decree shall be warned, disciplined, fined, face

civil sanction or face criminal charges depending on the severity of the offence.

Article 62 Warnings

Any natural or legal person, or organization that commits minor violation of this Decree especially the prohibitions will be warned and educated.

Article 63 Disciplinary measures

Plant variety and seed inspectors and staffs that violate this Decree especially the prohibitions in a manner that does not constitute a criminal offense or cause damage, but dishonest to report their wrong-doing, shall be disciplined in accordance with the Law on Personnel.

Article 64 Fine measures

Any natural or legal person, or organization that violate this Decree and the prohibitions prescribed in this Decree, and cause damage, shall be fined for one hundred percent of the seed value, and the seed shall be seized.

The second-time or mannered violation shall be subject to pay a fine equal to triple amount of the value prescribed in Paragraph 1 of this Article, and the seed must be seized.

Article 65 Criminal sanctions

Any person violating this Decree in such a manner as to constitute a criminal offense shall, depending on the severity of each case, be prosecuted according to the Penal Law or other laws.

Section 11 Final Provisions

Article 66 Implementation

The Ministry of Agriculture and Forestry shall be responsible for implementation of this Decree.

Ministries, organizations, local authorities and other relevant agencies shall acknowledge and strictly implement this Decree.

Article 67 Effectiveness

This Decree is effective from the date of signature and fifteen days after it is published in the Official Gazette.

**The Government of the Lao PDR
The Prime Minister**

Thongloun SISOULITH