

Unofficial translation

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Ministry of Agriculture and Forest

No.1288/MOAF

Vientiane Capital

Date 30 September 2021

Guideline

**On technical negotiation to open the market for exporting plants and plant products to
China**

- Pursuant to the Law on Plant Protection and Quarantine No.13/ NA, dated 15 November 2021;
- Pursuant to the Prime Minister's Decree on the Organization and Operation of the Ministry of Agriculture and Forestry No.99/PM, dated 09 March 2017;
- Pursuant to the Department of Agriculture's request, No.1102/DA, dated 23 June 2021;
- According to the Department of Policy and Legislation's request, No.0499/DPL, dated 21 September 2021.

In strengthening the cooperation between Lao PDR and China, especially the cooperation in the area of crop production for export which is finished for technical negotiation to open the market of 08 plants. However, through practical implementation, the process of the technical negotiation for opening the market has been delayed and entrepreneurs have not been able to participate from the beginning. Because the regulations on the implementation are not clear and do not follow the procedures of the People's Republic of China.

Ensuring the implementation of technical negotiations to open the market for exporting plants and plant products from Lao PDR to China to be uniform and consistent with the regulation of Chinese plant quarantine.

Minister of the Agriculture and Forestry issues:

I. Objectives and expectations

1. In order to guide the implementation of Part 2 of Ministerial Decision on plant sanitary and phytosanitary measures for exporting and transiting plants, plant products, and controlled substances, No. 2896/MOAF, dated 28 June 2019;
2. In order to define the coordination mechanisms and responsibilities between central and local authorities on the procedures of technical negotiation for opening the market to export plants and plant products from Lao PDR to China.

II. The implications and importance of technical negotiation for opening the market

Negotiation of market opening techniques is a process of opening up the market for exporting crops, plant products, and controlled substances which are imposed by the importing country.

Technical negotiation of opening the market is important for the government and entrepreneurs to build competitiveness and market coordination through data collection processes, pest risk assessments, and to discuss appropriate sanitary and phytosanitary measures for the export of plant, plant products, and controlled substances to China.

III. Procedures and methods for technical negotiation to open the market

Technical negotiations on opening the market for the export of plants and plant products to China shall be carried out by the Chinese Plant Quarantine Regulations, which have the following seven steps and procedures:

1. List of plants to be exported by Lao PDR

Any person, legal entity, or organization who intends to export plants and plant products from Lao PDR to China shall submit an application to the Department of Agriculture through the Provincial Division of Agriculture and Forestry in the form as prescribed by the Department of Agriculture or download from. www.doa.maf.gov.la

After receiving a letter from the Provincial Division of Agriculture and Forestry, the Department of Agriculture shall assign a special committee consisting of individuals with the standards and conditions as specified in Article 6 of the Agreement on sanitary and phytosanitary measures for the export and import of crops, No. 2988/DA, date 28 June 2019. The committee will consider and cooperate with the relevant provincial division of agriculture and forestry in collecting information on plants and plant products to be exported to the People's Republic of China. Furthermore, the consideration will conduct pest risk assessments and provide preliminary information as required by the Chinese National Customs Department including 2 main steps as detailed below:

A. Information on plants or plant products to be exported:

- Common names, scientific names, hybrid or hybrid cannabis;
- An overview of the production and trade of plants and plant products;
- Maps of plantations or areas for the production of crops and plant products;
- Period of planting, flowering, ripening, and harvesting;

- Management of production facilities;
- Packaging process, name, place of production, equipment.

B. Pest information and pest risk management

- Common names and scientific names of pests;
- Outbreaking;
- Biological characteristics;
- The nature of the destruction;
- Destruction period;
- Economic impact;
- Monitoring and evaluation system;
- Control methods and effectiveness (names and methods of using pesticides), including important pest risk management measures.

When the preliminary data required by the Chinese National Customs Department is completed, the Department of Agriculture shall draft a letter of intent on behalf of the Ministry of Agriculture and Forestry, with a pest risk assessment, to the National Customs Department of the People's Republic of China to request technical negotiations to open markets for crops and plant products.

2. The Chinese National Customs Department's consideration

The Chinese National Customs Department will consider requesting technical negotiations to open the market for exporting crops and plant products, as well as send technical inquiries to the Lao PDR to provide information, at which point the Department of Agriculture will be responsible for monitoring progress.

3. Response to the Chinese National Customs Department's technical questions

When receiving technical inquiries from the People's Republic of China, the Department of Agriculture shall liaise with the relevant provincial agriculture and forestry divisions and exporters in response to more details to the inquiries of the Chinese National Customs Department for their further consideration.

4. Inspection of production facilities by Chinese experts

After completing the inspection of technical documents from the Chinese Customs Department, the Chinese side will send a team of experts to Lao PDR to inspect and evaluate the actual production site. Lao PDR will invite and respond to all Chinese experts' cost of inspection of the plantation area. Furthermore, regarding the cost of inspection and evaluation of the techniques, the owner of the production facility is responsible for all costs incurred by the arrival of the Chinese expert group.

5. Drafting of Protocol on Import Conditions by China

After Chinese experts inspected the production facilities, China will draft the protocol on sanitary and phytosanitary conditions for exporting and sending the draft to Lao PDR for comments.

6. Negotiation and signing of agreements by both parties

When receiving the draft sanitary and phytosanitary conditions to be exported from the People's Republic of China, the Department of Agriculture will be responsible for coordinating with the committee and relevant parties in charge of negotiating the market opening techniques. The committee and parties will consider and comment on the draft protocol to ensure that the contents of the protocol are clear, concise, easy to understand, and can be implemented before consulting and signing a joint protocol.

After two parties have agreed on the content of the draft protocol, the Department of Agriculture must report to the Ministry of Agriculture and Forestry to determine the format, time, and place for signing the draft protocol, regarding the Law of Treaties, No.18/NA, date 08 May 2017.

7. Registration of production facilities for the export of plants and plant products

After completing the signing of the Sanitary and Phytosanitary Protocol, the Department of Agriculture must immediately cooperate with the agricultural sector in informing the terms and conditions of the joint contract for all relevant sectors. Furthermore, the production facilities registration will open, regarding the Instruction on Production Facilities for Export of Plants and Plant Products No. 1753/MOAF, dated 25 August 2020.

After completing the registration of production facilities for the export of plants and plant products, the Department of Agriculture must compile the relevant documents and continue to submit them to the Chinese National Customs Department by the Chinese plant quarantine regulations, which have the following three steps:

- 1) Drafting a letter on behalf of the Ministry of Agriculture and Forestry to the Chinese National Customs Department to consider the list of companies that will export to China;
- 2) The Chinese National Customs Department will consider and approve only companies that can meet the conditions set out in the jointly signed protocol;
- 3) The Chinese National Customs Department will announce the results of the certification and the list of companies registered on their website.

When there is an announcement of a company list and the code number on the website of the People's Republic of China that means these companies have applied for the export of plants and plant products and have completed the registration as an exporter. The exporter can export plants, plant products, and materials subject to Chinese regulations and international regulations.

IV. The implementations

- 1.** The Department of Agriculture and the Provincial Division of Agriculture and Forestry shall coordinate with the relevant departments at both the central and local levels to disseminate, monitor, inspect and evaluate the effective implementation of this guideline;
- 2.** The Provincial Division of Agriculture and Forestry shall be in charge of directing and encouraging the agricultural sector at the provincial level, the District Office of Agriculture and Forestry, and the exporters of plants, plant products, and materials must strictly control and implement this instruction;
- 3.** In the actual implementation, some advantages and difficulties must be reported to the Ministry of Agriculture and Forestry immediately to find solutions.

This instruction is effective from the date of signing and fifteen days after the submission of the official statement.

Minister
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