



LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

-----000-----

Prime Minister's Office
National Authority for Science and Technology

No. 1199/PMO-NAST
Vientiane Capital, dated 22 June 2011

**Draft Regulation on the Organization and Operation of the
Technical Barriers to Trade Enquiry Point**

- Pursuant to the Prime Minister Decree on the Notification and Enquiry of Trade Related Information of the Lao PDR, No. 363/PM, dated 19 August 2010.
- Pursuant to the Prime Minister Decree on the Organization of the National Authority for Science and Technology No.444/PM, dated 24 December 2007.
- Pursuant to the Proposed Letter of the Department of Intellectual Property, Standards and Metrology No.150, dated 16 June 2011.

The Minister to Prime Minister's Office

**Head of the National Authority for Science and Technology issues a
regulation:**

Chapter I

General Provisions

Article 1. Objectives

This regulation establishes a Technical Barriers to Trade Enquiry Point and provides procedures and authorities for information sharing among relevant sectors at the central and local levels in order to respond effectively to questions from domestic and foreign individuals and organizations, and to provide information with regard to standards, technical regulations and conformity assessment.

By increasing transparency and access to regulatory and technical information, the effective operation of the TBT Enquiry Point will improve the business environment and competitiveness in the Lao economy and will promote exports and imports. This regulation will also ensure that the Lao PDR complies with international agreements and treaties, specifically the requirements of the World Trade Organization's Agreement on Technical Barriers to Trade.

Article 2. Definitions

A standard is a document approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods. It may include terminology, symbols, packaging, marking or labeling

requirements as they apply to a product, process or production method. Compliance with a standard is not mandatory.

A technical regulation is a document that lays down product characteristics or their related processes and production methods, including applicable administrative provisions. It may include terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method. Compliance with a technical regulation is mandatory.

Conformity assessment includes all activities concerned with determining directly or indirectly that relevant requirements in standards or regulations are fulfilled.

Technical Barrier to Trade (TBT) refers to an unnecessary obstacle to trade. This can be a result when (i) a regulation is more restrictive than necessary to achieve a given policy objective, or (ii) when it does not fulfill a legitimate objective.

TBT Enquiry Point is a unit established by the National Authority for Science and Technology to respond to enquiries and provide information on standards, technical regulations and conformity assessment procedures to domestic and foreign individuals and organizations.

Transparency requires that laws, regulations and administrative practices, and the process by which they are established and amended, are open and predictable to the domestic and foreign public.

Chapter II

Location and Personnel Structure of the TBT Enquiry Point

Article 3. Location of the TBT Enquiry Point

The TBT Enquiry Point is located within the Department of Intellectual Property, Standardization and Metrology (DISM) in the National Authority for Science and Technology (NAST).

Article 4. Personnel Structure

The TBT Enquiry Point shall consist of personnel with competence in English and essential technical knowledge to implement the rights and duties of the Enquiry Point. There should be a manager and sufficient support staff.

Chapter III

Rights and Duties of the TBT Enquiry Point

Article 5. Rights of the TBT Enquiry Point

The TBT Enquiry Point shall have the following rights:

- 1) To coordinate with central and local government agencies and other relevant organizations to provide information and documents ,and receive and answer questions from domestic and international parties regarding all national and local standards, technical regulations and conformity assessment procedures;

- 2) To participate in meetings, seminars, trainings and dissemination activities that are related to TBT enquiry and notification activities;
- 3) To report on problems involving the Enquiry Point to its higher level; and,
- 4) To coordinate with the SPS-TBT Notification Unit to seek funding and technical assistance from WTO members in order to improve its operations and coordination.

Article 6. Duties of the TBT Enquiry Point

The TBT Enquiry Point has the following duties:

- 1) Receive and respond within a reasonable time to all enquiries from domestic and foreign individuals and organizations regarding the following:
 - a) Any technical regulation, standard or conformity assessment procedure proposed or enacted in the Lao PDR;
 - b) The membership and participation of the Lao PDR in international, regional and bilateral standardizing bodies, conformity assessment systems, mutual recognition agreements, and reasonable information on the provisions of such international and regional systems and arrangements for which Laos is a member; and,
 - c) The location and availability of notices published pursuant to this regulation, or the provision of information as to where such information can be obtained.
- 2) Coordinate effectively with the SPS-TBT Notification Unit, the TBT Contact Points, the SPS Enquiry Point and other relevant organizations to carry out the duties of the TBT Enquiry Point and to support the SPS-TBT Notification Unit to respond to WTO notifications.
- 3) Develop and maintain a database for all relevant legislation and materials on the areas listed in section (1) of this Article, serving as a research library for TBT-related materials by providing up-to-date, comprehensive information in one central location and making documents available to the public for consultation or reproduction, both in terms of hard and soft copies and on a website. A reasonable service charge can be applied to cover actual costs for the material being supplied.

The database shall include the following:

- a. List of all WTO Member Enquiry Points;
- b. All proposed and enacted standards, technical regulations and conformity assessment procedures issued by central and local sectors; all relevant laws and related regulations, in Lao and where possible in summary and/or full form in English;
- c. Handbooks concerning standards and conformity assessment;
- d. Periodicals and journals on standardization and related matters;
- e. Certification procedures and accreditation of laboratories;
- f. TBT Committee documents;
- g. Information requests;

- h. TBT contact point correspondence;
 - i. In-Country Contacts; and,
 - j. In-Country Distribution lists.
- 4) Develop and maintain a TBT Enquiry Point website.
 - 5) Develop an operating manual for performing all duties of the TBT Enquiry Point and Contact Points, which should include the following areas:
 - a) A description of the organization, activities and operations of the TBT Enquiry Point and Contact Points;
 - b) Guidelines for handling and transmitting information by the TBT Enquiry Point and Contact Points;
 - c) Recruitment and training of staff;
 - d) Acquisition of documents and other reference materials;
 - e) Process for responding to questions;
 - f) Maintaining and updating the website;
 - g) Cooperation with other organizations;
 - h) Preparing publicity for transparency activities;
 - i) A log and analysis of the number and types of requests for information and the time required for carrying out the services offered; and,
 - j) A process for monitoring and evaluating the operation of the TBT Enquiry Point and recommending ways for improvement.
 - 6) Publicize and build public awareness through web-sites and local and international media of the resources available from the TBT Enquiry Point, how to obtain information from the Point, contact information, and the purpose and who would benefit from the Enquiry Point.
 - 7) Prepare an annual report on the activities of the TBT Enquiry Point, including the activities of the TBT Contact Points, and make recommendations for improving the carrying out of TBT enquiry responsibilities;
 - 8) Organize a meeting once a year among the TBT Enquiry Point, national TBT Contact Points, and SPS-TBT Notification Unit to review activities and make recommendations for improving the effectiveness of the TBT network.
 - 9) Implement the activities of the TBT Enquiry Point in line with national law and regulations and international agreements and treaties to which the Lao PDR is a party, particularly the World Trade Organization's Agreement on Technical Barriers to Trade.

Chapter IV

Establishment of TBT Contact Points

Article 7. TBT Contact Points at the Central and Local Levels

Relevant central and local government agencies are responsible to establish a contact point and assign staff to coordinate with the TBT Enquiry Point and SPS-TBT Notification Unit regarding the preparation, adoption and implementation of standards, technical regulations, and conformity assessment procedures on a timely basis as defined in Article 3 of the Decree on the Notification and Enquiry of Trade Related Information of the Lao PDR, No. 363/PM, dated 19 August 2010.

Relevant central and local government sectors are as follows:

- 1) Industry and Commerce sector;
- 2) Water Resource and Environment sector;
- 3) Agriculture and Forestry sector;
- 4) Energy and Mining sector;
- 5) Public Works and Transportation sector;
- 6) Post and Telecommunication sector;
- 7) Public Health sector; and,
- 8) As appropriate, upon request, other relevant sectors are responsible for cooperating with the TBT Enquiry Point to answer questions and provide relevant materials and information.

Article 8. Rights and Duties of Contact Points at Central and Local Levels

Rights of the contact points are to:

- 1) Participate in meetings and seminars, dissemination activities, and training that are related to TBT enquiry and notification activities; and,
- 2) Seek technical assistance from the national TBT Enquiry Point and the SPS-TBT Notification Unit to improve operations and coordination;

Duties of contact points are:

1. Monitor and report on a timely basis the preparation, adoption and implementation of standards, technical regulations, and conformity assessment procedures in their sector to the TBT Enquiry Point and the SPS-TBT Notification Unit;
2. Upon request by the TBT Enquiry Point and/or the SPS-TBT Notification Unit, the contact point shall provide answers to questions and related information and materials on a timely basis; and,

3. If a TBT question is submitted directly to the contact point, the contact point will forward the question to the Enquiry Point for appropriate action.

Chapter V

Budget and Stamp Seal for the Enquiry Point

Article 9. Budget

Budget of the TBT Enquiry Point is financed by the budget of the Department of Intellectual Property, Standards and Metrology of the National Authority for Science and Technology.

Article 10. Stamp

The TBT Enquiry Point shall use the stamp of the Department of Intellectual Property, Standards and Metrology of the National Authority for Science and Technology.

Chapter VI

Final Provisions

Article 11. Implementation

The Department of Intellectual Property, Standardization and Metrology of the National Authority for Science and Technology shall collaborate with concerned sectors to implement this Regulation effectively.

Article 12. Effectiveness

This regulation shall become effective after thirty days from the date of its signing and after publication in a government journal. Any regulations and provisions promulgated earlier that are not in conformity or are contradicted by this regulation shall be annulled.

Minister to the Prime Minister's Office
Head of National Authority for Science and Technology

(Signature and seal)

Pro. Dr. Bounthiem Phitsamay