

Unofficial translation



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Science and Technology

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Agreement

**On The Quality and Safety/security of Special Equipment Management / The
Management on Quality and Safety of Special Equipment**

- Pursuant to the Standard Law (updated), No. 49/NA, Dated 18 July 2014;
- Pursuant to the Consumer Protection Law, No. 02/NA, Dated 30/06/2010;
- Pursuant to the Prime Minister Decree on the Mandate of the Ministry of Science and Technology, No. 314/PM, Dated 29/09/2017;
- Pursuant to the Request Letter of the Standard and Measurement Department, No. 2098/MoST.DoSM, Dated 05/10/2020.

The Ministry hereby issued the Agreement:

Chapter 1
General Provision

Article 1 Objective

This Agreement determines the principles, rules, and measures relating to the management on Quality and Safety of Special Equipment for individual, legal entities, and organization who asked permission/license for production, import, used and installation, amendment, and maintenance of the special equipment in Lao PDR based on the accuracy of regulation, principle, laws and national standard by consistent to the regional and international rules, aims to the monitor, encourage, and promote the special equipment to have the quality to ensure the safety of the consumer, life protection, property, environment and participate on the national socio-economic development.

Article 2 The Management on Quality and Safety of Special Equipment

The management on the Quality and Safety of Special Equipment is the implementation on monitoring, investigate/audit, production investigates, import, use and standard certification issued, installation license, amendment, and special equipment maintenance to comply on principle, rules, and measures to ensure on the safety of use.

Article 3 Definition

The terms are used in this agreement have the following meanings:

1. Special Equipment refers to vulnerable equipment that may cause insecurity and hazard to life, property, and environment such as boiler, pressure vessel, pressure pipe, escalator, lifting appliance, ropeway, amusement facilities, motor vehicles in the defined field, and hazardous chemical tanks;
2. Standard certification refers to officially certified document (that) certify the quality of special equipment which passed the technical investigation, the national measure that special equipment security organization issued;
3. The license of installation, amend, and special equipment maintenance refers to license which the special equipment security organization issued to a service provider on installation, adjust, and special equipment maintenance;
4. Special equipment user refers to individual, legal entities, and organization who uses special equipment for business operation or not a business;
5. Adjustment refers to structure change, system replacement, and optimize special equipment;
6. Maintenance refers to parts to replacement or maintenances of any defective equipment to normal use;
7. Shipping sling refers to slings made of multi-stranded metal coiled, (tat) used as an assembly line in machinery, mechanism and facilitate to pull, drag to transport passengers, and others transport;
8. The used sign refers to sign which special equipment security organization issued to stick, hanging or assembling on special equipment that passed standard investigation;
9. Committee refers to the National Technical Committee;
10. The audit unit, investigate unit refers to the National Standard Certification and Investigate Centre.

Article 4 Principles of the Management on Quality and Safety of Special Equipment

In conducting the management on quality and security of special equipment the following principles shall be observed:

1. Ensure life security, property, environment, and supply social demand;
2. Ensure openness, fairness, equality, and transparency, able to inspect, avoid discrimination, and create a business barrier;
3. Consistent with the technical regulation, national standard, regional and international rules;
4. Ensure that manufacturers, import, export, distribute, and services comply with the principles and procedures of quality investigation and security of special equipment

Article 5 Scope of Application

This Agreement uses for individual, legal entities, and organizations operating a business and using special equipment in Lao PDR.

Chapter 2

Types, Labels and Marks, and quality and security investigate of special equipment

Article 6 Types of special equipment

There are 9 types of special equipment as following:

1. Lifting Appliance;
2. Lift, Escalators, and moving walks;
3. Motor vehicles in defined fields;
4. Pressure vessel;
5. Pressure pipe
6. Boiler;
7. Ropeway
8. Amusement facilities;
9. Hazardous chemicals tanks.

Each of the special equipment types has written in the appendix.

Article 7 Labels and Marks of special equipment

Labels and Marks advise the uses and precautions that relevant to the special equipment, attach on outside, where is easy to see and clear, also labels and marks must be in Lao. For import products, a detail that is written in Lao has to match with the original language or products.

Article 8 Quality and Security Investigate of special equipment

The quality investigation has 4 steps as:

1. Import and Production
 - Before import products must ask permission/license in order to certify the document consistency that relevant to the quality of special equipment from the Organization of the Quality and Security Equipment Management;
 - Production: the Management Organization of the Quality and Security of special equipment approves the registered production unit and permission from the relevant field for operating the special equipment.
2. Installation, amendment/modify, and maintenance

Before and after installation, amendment, and maintenance have to present and report to the Organization of quality and security of the special equipment.
3. Used and Regular services

The special equipment installed and modified that be used and services have a regular investigate as once a year.
4. Suddenly Investigate

Suddenly investigate is based on the complaint or petition, and have no pre-set time and would operate the investigation without pre-notification to inspected.

Chapter 3

Certify qualities, fees, and services

Article 9 Certified quality and security of special equipment

Individual, legal entities, or organization who would like to produce, import, install, modify, and maintenance the special equipment that is written in Article 6 of this Agreement, have to inspect to certify the quality from the relevant organization to be information and evidence to be a reference of the quality of special equipment.

In each investigation operation, the inspector must have notice or agreement issued by the Organization of the Quality and Security Equipment Management.

Article 10 Document lists for asking the certify the quality and security of special equipment

Individual, legal entities, or organization who would like to ask to certify of quality and security of special equipment must present some documents to the Management Organization of the Quality and Security of special equipment as consist of:

1. The requirement letter;
2. Copy of document of business operation;
3. Copy of document of the import of special equipment;
4. The quality license of special equipment from the origin country (not exceed 06 months, counting from the issue dated)

Article 11 Issuance the Quality License

The Management Organization of the Quality and Security of special equipment must determine the date and appoint a committee for investigation and examine within 03 (three) business days, starting from the receiving date.

The Management Organization of the Quality and Security of special equipment must issue the quality license and mark used of special equipment not later than 05 (five) business days, starting from the receiving date the result of an investigation and examination of quality that is consistent.

Article 12 Document lists for asking the operation license of installation, modification, and maintenance

Individual and legal entities who would like to ask for the operation license of installation, modification, and maintenance must ask permission from the Management Organization of the Quality and Security of special equipment and present document as:

1. The requirement letter for asking permission of operating the installation, modification, and maintenance;
2. Enterprenuer structure;
3. Copy of enterprise registration;
4. Copy of social security card of entrepreneur employees;
5. Certification or professional diploma of a field of installation, modification, and maintenance that relevant to the special equipment;
6. Security Management Rule of operation.

Article 13 Issuance of the Operation License of installation, modification, and maintenance.

The Management Organization of the Quality and Security of special equipment has to determine the date and appoint a committee for inspecting and examine the location and office within 03 (three) business days, counting from the date of receiving correct documents.

The Management Organization of the Quality and Security of special equipment must issue the operation license of installation, modification, and maintenance meant not later than 05 (five) business days, starting from the date of receiving a result of investigation and examination of quality and is consistent.

In case of incomplete conditions/requirements, the authority has to make a memorandum and advise the resolution, and then the responsible authority would inspect and examine when meet the requirement. Later that, they would issue the operation license of installation, modification, and maintenance.

Article 14 Fees and Service Charges

To certify the quality and security of special equipment must pay fees and service charges, based on the Decree of President on Fees and Service Charges in each period.

Chapter 4

Rights and Obligations

Article 15 Rights of the Unit of Investigate and examine the quality and security of equipment

The Unit of Investigate and examine the quality and security of equipment has rights as below:

1. Contact, coordinate, and collaborate with the entrepreneur for the investigation of security of special equipment;
2. Inspect the quality of special equipment to comply with technical regulations and security of special equipment;
3. Collect sample and implement the examination of special equipment to comply with determining rules;
4. After examination, investigation, and tested, if it is found that it does not comply with the rule, a memorandum must be made for consideration and correction;
5. Receive the certificate from the Management Organization of the Quality and Security Equipment;
6. Implement others' rights, based on laws and regulations.

Article 16 Obligations of the Unit of Investigate and examine the quality and security of equipment

The Unit of Investigate and examine the quality and security of equipment has obligations as below:

1. Build capacity of investigating and examine to apply certification of the regional and international measure system in relevant;
2. Determines the implementation of examine, investigating, and tested the security of special equipment (except the sudden investigation);
3. Provide suggestion to the special equipment user about asking for a document to investigate the security of special equipment;
4. Responsible for information and the result of investigating special equipment;
5. Issue the report of the result of quality and security investigating of special equipment by complying with realistic and also attach used marks;
6. Report the result of investigating the quality of special equipment to stakeholders and superior;

7. Create a guideline for investigating the special equipment in each type;
8. Establish an emergency management team;
9. Implement others' rights, based on laws and regulations.

Article 17 Rights of the special equipment user

The special equipment user has rights as below:

1. Choose the service of investigating the quality of special equipment that be certified from the Management Organization of the Quality and Security Equipment;
2. Require to stakeholder /relevant department when found that the quality investigator issued incorrectly and inequally to the result of the investigation and the quality certificate;
3. Present/asked the relevant organization to investigate if it is found that the quality of special equipment is irregular;
4. Operate business, services, and used special equipment;
5. Use license according to the laws;
6. Advertise on quality, security, and service of special equipment that be verified;
7. Acknowledge information of the investigating special equipment;
8. Implement others' rights according to the laws and regulations.

Article 18 Obligations of the special equipment user

The special equipment user has obligations has below:

1. Use special equipment by according to the laws;
2. Use the special equipment which got produce license and passed the quality investigation from the Organization of the Quality and Security Equipment Management;
3. Before import, the special equipment shall ask license to certify the consistent of qualitative document from the Management Organization of the Quality and Security of special equipment;
4. Before 30 (thirty) days of using the special equipment, shall ask the quality investigation and the Management Organization of the Quality and Security Equipment shall be an issuer of the quality certificate;
5. The special equipment which got the quality certificate, when they would like to install and additionally modify, shall ask the quality and security investigation from the Management Organization of the Quality and Security Equipment, then they able to continue their implementation;
6. Quality certificate and used marks that issued from the Management Organization of the Quality and Security of special equipment must attach/glue or present on the top and clear to see;
7. The special equipment which not be investigated or incomplete investigate cannot continue to use;
8. Before one month of the quality certificate terminate, the entrepreneur or owner of special equipment must ask for the renewing of a quality certificate from the Organization of the Quality and Security Equipment Management;
9. For the special equipment user shall have security regulation for implementation to guarantee the quality and security of using the special equipment;
10. For the special equipment user shall have a team for keeping security technical documents, as detailed below:

- The designed document, product quality certificate, a guideline for install, use, and maintenance, investigate monitoring certificate and others relevant documents;
 - The memorandum of regular investigation and self-investigate of special equipment;
 - The maintenance memorandum of special equipment and extra equipment;
 - The memorandum of usage crashes and irregular or special equipment.
11. When the special equipment broke and damage shall notify a service provider for install, modify and maintenance;
 12. In case of accident/crashed shall notify the Organization of the Security and service provider for install, modify and maintenance immediately;
 13. Pay attention and facilitate to authorities or relevant officer for quality investigation;
 14. Implement other obligations according to the the laws and regulation.

Article 19 Rights for the operator of installation, modification, and maintenance of special equipment

the operator of installation, modification, and maintenance of special equipment has rights as below:

1. Provide services of installation, modification, and maintenance for special equipment to accuracy on principle and professional technical;
2. Require to the Management Organization of the Quality and Security of special equipment to investigate the installation, modification, and maintenance of special equipment;
3. Implement other rights according to the laws and regulations.

Article 20 Obligations for the operator of installation, modification, and maintenance of special equipment

The operator of installation, modification, and maintenance of special equipment has obligations as below:

1. Asked approval for installation, modification, and maintenance of special equipment from the Management Organization of the Quality and Security Equipment;
2. Before the installation, modification, and maintenance of special equipment shall present to the Management Organization of the Quality and Security of special equipment to monitor the implementation. After installation, modification, and maintenance, the operator shall ask the Management Organization of the Quality and Security of special equipment to issue a quality certificate of special equipment;
3. Establish an emergency recovery team;
4. Ensure installation, modification, and maintenance of special equipment to have quality and security;
5. When receiving notification or accident happened of special equipment, a team for recovery of business unit shall implement promptly, and also notify to the Management Organization of the Quality and Security of special equipment immediately;
6. Pay attention with authority to quality investigating and revision/correction of an accident;

7. Response on installation, modification, and maintenance that damage to other people, environment, and social.

Article 21 Rights of the special equipment consumers

The special equipment consumer has rights as below:

1. Require to the relevant department when found that there is a risk on usage special equipment, unfairness on services, or exaggerated advertisement;
2. Acknowledge information about quality and services of special equipment;
3. Chose products and services of special equipment which be certified the quality;
4. Implement others' rights according to the the laws and regulations.

Article 22 Obligation of the special equipment consumers

The special equipment consumer has obligations as below:

1. Use the special equipment which got a quality certificate from relevant departments;
2. Use the special equipment and service by according to the a guideline of a service provider;
3. Implement other obligations according to the laws and regulations.

Chapter 5

The management of quality and security of special equipment

Article 23 The Management Organization of the Quality and Security Equipment

The Ministry of Science and Technology is a person who manages the quality and security of special equipment by appointing the Standard and Measure Department to respond and to be the main coordinator with relevant sectors according to the their mandates;

Article 24 Rights of the Management Organization of the Quality and Security Equipment

The Management Organization of the Quality and Security Equipment has rights as below:

1. Manage the investigate quality system to consistent with a standard, technical regulations, and terms of regional and international ;
2. Management individual, legal entities, and organization who relevant to the productions, imports, use, install, modification, and maintenance of special equipment;
3. Monitor the operation of investigation and security examine team for special equipment;
4. Suspend and withdraw the quality certificate and license of installation, modification, and maintenance to the special equipment which not consistent with a standard, technical regulations, and terms of regional and international;
5. Implement other rights according to the the laws and regulations.

Article 25 Responsibilities of the Management Organization of the Quality and Security Equipment

The Management Organization of the Quality and Security Equipment has responsibilities as below:

1. Collaborate with relevant departments in the quality and security investigation works to consistent to regulation, national, regional, and international standard;
2. Keeping and provide information of the quality and security investigation works to relevant departments and superior;
3. Issue the Operation license of installation, modification, maintenance, and Quality certificate of special equipment;
4. Advertise and publish the quality and security of special equipment that passed the investigation to society through social media;
5. Implement other responsibilities according to the the laws and regulations.

Chapter 6

Prohibition

Article 26 Prohibition for authority or quality investigating officers

Prohibit authorities or quality investigating behave as below:

1. Implement investigation without being appointment;
2. Implement exaggerate the regulation and lack of response to works;
3. Implement unfairness, prejudice against an individual, legal entities, and organization;
4. Bribe and abuse responsibility to gain individual benefit;
5. Behaviors that violate rules, laws, security technical terms, or accident risk, but not address;
6. The officer reported or not report suddenly when there is a harsh/terrible accident, also when receiving the direction from the Management Organization of the Quality and Security Equipment but not resolve immediately;
7. Obstruct the recovery and inspection, and investigate special equipment;
8. Late report, skip report, false report, or hide accident report;
9. Disclose the business confidentiality that disclosed during an investigation, examines, tested of special equipment, except the Parties agreed or laws defined;
10. Disclose any technical information before getting approval from the relevant office;
11. Long-lasting and drag document of quality investigation;
12. Implement the quality investigation that not consistent with rules and national, regional, and international standard;
13. Make counterfeit information and report of quality investigate result;
14. Other acts that violate the laws and regulations.

Article 27 Prohibition for user and service providers

Prohibit users and service provides behave as below:

1. Use the special equipment that is prohibited to produce by the government of product country;
2. Use the special equipment that not pass the investigation and quality certified from the Organization of the Quality and Security Equipment;
3. Modify the special equipment after certifying quality investigation;
4. Use the special equipment that government determine termination and quality fail;
5. Obstruct the authority implementation on quality investigation and not pay attention in investigation and accidental inspection;
6. Bribe and conspire with authorities or quality investigation officer, modify documents, and another relevant certificate of special equipment;

7. Create counterfeit document, signature, stamp, and untruth information;
8. Create pollution to environment and society;
9. Other acts that violate the laws and regulations.

Article 28 Prohibitions of an individual, legal entities, and organizations

Prohibit individual, legal entities, and organization to behave as below:

1. Abuse work operation of quality investigation the special equipment to barriers and intervene to the authority implementation;
2. Assist and protect a violator this Agreement;
3. Conceal and hind any behavior that breaks rules and laws;
4. Other acts that violate the laws and regulations.

Chapter 7

Incentive toward Outstanding Performances and Measures against Violator

Article 29 Incentive for those with Outstanding Performance

Individuals, legal entities, or organizations with outstanding performance and contribute actively in the implementation of this law that relevant to quality management of special equipment or this Agreement shall be rewarded and given other incentives according to the regulations.

Article 30 Measures against Violators

Individuals, legal entities, or organizations violating this Law shall be warned, educated, face discrepancy actions, fined, shall pay for civil damage, or face criminal actions depending on the seriousness of cases in accordance with the laws and regulations.

Chapter 8

Final Provision

Article 31 Implementation

The Ministry of Science and Technology gives the Standard and Measures Department collaborate with sector/field and relevant organizations to be an operator of this Agreement in accordance with its mandate.

Article 32 Effectiveness

This Agreement is effective once it is signed and fifteen days after its publication in the government gazette.

Any provisions and regulations that contradict this Agreement are hereby repealed.

Minister

Of the Ministry of Science and Technology