

Unofficial translation



**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

Ministry of Agriculture and Forestry

No 1753 /MAF
Vientiane, date 25 August 2020

Instruction on

On registration of production facilities for export plants and plant products

- Pursuant to amended Plant Protection and Quarantine Law No. 13/NA dated 15 November 2016;
- Pursuant to Prime Minister Decree No 99/PM dated 09 March 2017 on the Role and Functions of the Ministry of Agriculture and Forestry;
- Pursuant to the proposal letter of Department of Agriculture No 1586/DOA, dated 07 August 2020.
- Pursuant to the study and proposal of the Department of Policy and Legislation No. 597/DPL, dated 11 August 2020.

In the past, the government has had a policy to promote commercial production, increase the exchange of agricultural products with the region and internationally, increase income for the people and contribute to the socio-economic development of the nation; However, in exchange, such trade is not systematically regulated, from plantations to exports. In addition, some localities have registered and certified plantations that do not comply with regulations of Lao PDR and phytosanitary Protocol signed by the Government of Lao PDR with importing countries.

To ensure the implementation of the management of production facilities for the export of crops and plant products is uniform throughout the country and in accordance with the laws on plant protection and quarantine, as well as the relevant regulations of Lao PDR and the sanitary requirements of the importing trade partner.

The Minister of Agriculture and Forestry issued instruction:

I. Objectives and projections

To guide the implementation of the chapter 3 of the Agreement on Plant Sanitary Measures for the Export and re-export of plants, plant products and controlled materials, No. 2986/MAF, dated 28 June 2019;

- To determine the coordination mechanism and the divided of responsibilities between the central and local levels in the registration of production facilities for the export of crops and plant products;
- To ensure uniformity in the implementation of steps and procedures for the registration of production facilities for the export of crops and plant products.

II. The meaning and importance of registration of production facilities

Production facilities means plantations or farms, packing houses, silo tanks or other plants with the aims of planting, harvesting, sorting, managing, packing, storing or storing crops, plant products and controlled materials that are targeted for export.

Registration of production facilities is the process of inspecting and evaluating production facilities such as plantations or farms, packaging houses, warehouses, silo tanks or other plants intended for export in the implementation of phytosanitary measures based on the requirements of importing country to certify and adopt the plant of production of plants and plant products for export.

III. Principles, steps and procedures for registration of production facilities

1. Principles

Legal entities or organizations for the purpose of exporting plants, plant products and controlled materials which the importing country requires to be registered with the plant of production must be registered with the Department of Agriculture as specified in this instruction.

2. Steps and procedures for registration of production facilities

2.1. Application for registration of production facilities

Individuals, legal entities or organizations that intends to register a plant of production must submit an application in the form ກກພ 17 as attached Annex 1 of this Instruction or can be downloaded on the Department of Agriculture's website www.doa.maf.gov.la with complete the set of documents as specified in Article 2.2 of this instruction to the relevant provincial agricultural sector for consideration.

2.2. Assembling a set of documents

The application documents for registration of production facilities are as follows:

1. Application form in the form ກກພ 17 as Annex 1 of this instruction;
2. A copy of the agricultural and forestry business license;
3. A copy of the final annual tax return certificate;
4. Operations manual on plant production and entrepreneurship pest management schemes in Form ກກພ 18 as Annex 2 of this instruction;
5. Letter of Attorney and a copy of the identity card of the applicant in case of representative submits the application on their behalf;

2.3. Consideration of production facilities certification

After receiving the application for registration of production facilities, the provincial of agriculture department must inspect the application, if it is found to be incomplete as specified in section 2.2 of this instruction, the applicant must re-submit the application. In the case of such documents has completed that research and inspection shall be carried out and a certificate of inspection of the plant of production shall be issued in the printed form as Annex 3 of this instruction within 07 days.

Inspection of production facilities must be carried out in accordance with the conditions of registration as specified in Article 9 of the Decision on Phytosanitary

measure for export and transit plants, plant products, and control materials, No. 2986/MAF, dated 28 June 2019, with the participation of the relevant district agricultural units.

2. 4. Registration of production facilities

The Provincial Department of Agriculture must submit a set of documents and a certificate of inspection of the plant of production to the Department of Agriculture within 03 working days from the date of issuance of the certificate of inspection of the plant of production to consider the registration of the plant of production.

After receiving the set of documents and the inspection certificate of the of inspection of the plant of production, the Department of Agriculture shall consider issuing the registration of the of inspection of the plant of production within 05 working days according to the printed form as Annex 4 of this instruction. In case of doubt, the Department of Agriculture must inspect and evaluate the production place before registering the plant of production place.

The registration code for the place of production consists of the number, the farm code, the provincial code, the crop code and the tax registration number.

2.5. Use of place of production facility registration

The registration certificate of a place of production for export applies to any specific plant and plant product with a validity period of 03 years and is renewable. Procedures and methods for re-registration of place of production establishment is set out in the guidelines of the Department of Agriculture.

In case of increasing or decreasing the place of production, including the change of plant species, the registration of the place of production must be amended through the provincial level of agriculture for consideration in accordance with Article 2 of this instruction.

In case the place of registration of the place of production is damaged or destroyed, the owner of the registration certificate shall notify the relevant provincial agricultural department and attached the invoice within 14 days from the date the certificate is damaged or destroyed. After receiving such documents, the Department of Agriculture must issue a certificate of re-plant of production facilities within 03 working days from the date of receipt of the complete and correct documents.

2.6. Suspension or revocation of registration of production plant

The Department of Agriculture suspends the registration of production plant in accordance with Article 13 of the Decision on Phytosanitary measure for export and transit plants, plant products, and control materials, No. 2986/MAF, dated 28 June 2019 in any cases of the following:

1. There is a requested from the importing country;
2. There is a requested from the person who has received the registration certificate of the production plant;
3. There are serious violations of the laws and this decision;

After receiving a suspension notice from the Department of Agriculture, the owner of the production plant must review the cause and find a solution or improve it to normal condition in accordance to the technical principles at a certain time.

In case of the owner of the production plant fails to amend or improve within the required time, the Department of Agriculture shall revoke the registration of the establishment production plant in accordance with the laws.

2.7. Rights and obligations of the licensee of the production plant

Licensee of production plant have the rights and obligations as following:

1. Receive information on the management of production plant;
2. Study the regulations related to the place of production;
3. Facilitate plant quarantine authorities to inspect plant production establishments and support relevant documents and information;
4. Comply with phytosanitary safety measures as specified in the plant production manual and its pest management plan;
5. Store information on production plant facilities;
6. Propose to the relevant organizations for violations of laws and regulations of employees and authorities;
7. Pay fees, charges and other obligations in accordance with the laws and regulations.

IV. Implementation

1. The Department of Agriculture, Department of Agriculture and Forestry at the provincial level is responsible for coordinating with the relevant departments, disseminating, monitoring and inspecting the effective implementation of this instruction;
2. Provide the Department of Agriculture to develop manuals and training on agricultural practices at the provincial level on the principles, procedures and methods of inspection and registration of production plants;
3. In the Provincial Department of Agriculture and Forestry, guide and support the provincial agricultural sector in inspecting and approving the inspection of production plants;
4. In practice, if there are difficulties that must report to the Ministry of Agriculture and Forestry follow the steps to consider solutions in a timely manner.

This instruction shall enter into force from the date of signature and published in official gazette fifteen days.

On behalf of Minister
(Seal and signature)

Bounkhuang Khambounheung