



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Agriculture and Forestry

No. 3919/MAF
Vientiane capital, 12 December 2012

Decision

of the Minister concerning the management and use of plant species

- Pursuant to the Law on Agriculture No. 01-98/NA, dated 10/10/1998;
- Pursuant to the Law on Plant Protection No. 06/NA, dated 9/10/2008;
- Pursuant to the amended Law on Intellectual Property No. 01/NA, dated 20 December 2011.

The Minister of Agriculture and Forestry Decides that:

Part I

General provisions

Article 1. Objective

To determine principles, rules, and measures regarding the conservation, research and experiment, expansion, adoption, registration, production, and business operations of plant species, aiming to manage, expand the production of plant species with high productivity to strongly guarantee the food supply, commercial production and international cooperation.

Article 2. Plant species

Plant species is a group of plants that have some common genera and botanical similarities, distinct characteristics for each group, differences with other groups of the same species, uniformity and physical stability which derived from native species, local species, hybrids, species obtained from breeding and multiplication.

Article 3. Glossary of terms

The terms used in this Decision shall have the meanings as follows:

1. **Native plant species:** Plant species that are determined or existed within the country and are widely used.
2. **Local plant species:** Plant species that have distinct characteristics and beneficial for use in a particular area.

3. **Forest plant species:** Plant species that exist or used to exist in the nature and still not used as they are widely planted.
4. **Hybrids:** Plant species derived from breeding, selection, creation and experiment.
5. **Breeding part:** Trunk, stump, shoot, stem, branch, bud, top, root, bulb, leave and plant cell.
6. **New plant species:** Plant species derived from the improvement and development of new species by selecting, breeding and using advanced technology which have been acknowledged and certified, with exception of GMO (Genetically Modified Organism).
7. **Testing of new plant species:** The verification of difference, uniformity and stability, as well as giving a name.
8. **Adoption of plant species:** The certification of plant species that have been verified in terms of difference, uniformity and stability, as well as being able to adapt to the local conditions, resistant to insect pests and diseases and acknowledged by the civil society.
9. **Registration of plant species:** To list up the plant species that have been considered and certified in terms of technical aspect relating to the plant species, and declare its main features.
10. **Preservation of source of plant species:** The storing of each plant genetic resource in the gene bank and keeping in the original locality.
11. **Plant species production:** The process of developing plant species in accordance with the procedures, steps and methodology in a systematic way.
12. **Gene bank:** The place to keep the plant genetic resources.
13. **Fake plant species:** Plant species that do not meet the defined technical standards.
14. **Genetic:** The transfer of common characteristics from parents to offspring with the function of genes as the controller of living organisms of each different species.
15. **Botanic:** The plant structure, growth and productivity.

Article 4. Limits of use

This Decision is used for individuals, legal entities and organizations who are concerned with the conservation, research and experiment, breeding, adoption, registration, multiplication and business operations of plant species.

Article 5. Policies towards the management of plant species

The State encourages the individuals, legal entities and organizations to invest in the development and management of plant species in a scientific way by focusing on the building of infrastructure relating to materials and techniques, human resource, research and development of species, multiplication of plant species, conservation of parent species, survey, grouping up as well as conserving plant species which are rare and near extinct or other relevant activities.

Article 6. Procedures for management and use of plant species

The procedures for management and use of plant species include:

1. Ensure the management and use of plant species in a centralized manner and uniform throughout the country, using plant species in accordance with the laws and regulations,

- efficient and sustainable use, and not to cause negative impacts on the environment and society;
2. Conserve, protect, develop, manage and inspect plant species to ensure they are consistent with the international conventions which Lao PDR is a signatory;
 3. Guarantee the benefits of the State, organizations, households, domestic and foreign operators.

Article 7. International cooperation

The State promotes international and regional cooperation, and with foreign organizations in the management of plant species by exchanging lessons, data and information, science, technology, technical upgrade, participation and compliance with the international conventions which Lao PDR is a signatory.

Part II Development of plant species

Article 8. Goal

The goal is to promote the management of plant species multiplication to meet the requirements in terms of quantity and quality in order to thoroughly supply the need of the general public.

Article 9. Steps for the management of plant species development

- Research and production of new plant species;
- Adoption of new plant species;
- Registration of new plant species;
- Quality inspection of plant species.

Chapter 1 Research and production of new plant species

Article 10. Research and experiment of new plant species

Individuals, legal entities or organizations both domestic and foreign parties shall have the right to conduct research and experiment, selection, test, study, creation and multiplication of plant species in Lao PDR.

Article 11. Testing new plant species

1. Plant species which have gone through the selection, improvement or import and not yet named and recorded in the list of plant species approved for multiplication and business operations shall have to undergo the testing and to be adopted before recording in the list of new plant species;
2. **Contents of the test**
 - Testing the distinctiveness, uniformity and stability (DUS);

- Testing the value of cultivation and use (VCU).
- 3. **Approval for testing new plant species**
 - It is approved for the testing of new plant species which are in the list of selected plant species, created in Lao PDR, and the testing of imported species which are not in the list of plant species approved for multiplication and business operations;
 - Individuals, legal entities or organizations that wish to test the new plant species shall have to prepare the technical documents for applying for testing and submit to Department of Agriculture, Ministry of Agriculture and Forestry;
 - In case of testing by breeder, he/she must follow the testing procedures imposed by the Ministry of Agriculture and Forestry or sign contract with the recognized testing unit as provided in Article 16 of this Decision.

Article 12. Production of new plant species

The multiplication of new plant species shall be under the management of the technical body responsible for plant species multiplication in order to maintain the genetic characteristic of the plant species and plant species that can be bred by seed and part of the stem can be done as follows:

1. **Plant seed multiplication is generally recognized by four classes of seed**

The multiplication of each generation of plant seed shall start from Breeder Seed, Foundation Seed (1st generation), Registration Seed (2nd generation) and Certified Seed (3rd generation) which set out by the Ministry of Agriculture and Forestry;
2. **Multiplication of fruit tree, ornamental tree and other plants**

Individuals, legal entities or organizations that conduct the multiplication of fruit tree, ornamental tree and other plants using parts for breeding shall have to follow the technical procedures set out by the Ministry of Agriculture and Forestry.

Chapter 2 **Adoption of new plant species**

Article 13. Adoption of new plant species

New plant species which have been researched and experimented in Lao PDR shall have to be adopted by Department of Agriculture, Ministry of Agriculture and Forestry.

Article 14. Conditions for adopting new plant species

Individuals, legal entities or domestic and foreign organizations that wish to adopt new plant species shall have to meet the following conditions:

1. Results of the test from the new plant species testing unit;
2. Results of the test on a large area, recognized and certified by the Provincial and Vientiane capital Agriculture and Forestry Office;
3. Results of the research and consideration for adoption of new plant species from the meeting of technical and scientific council of the Ministry of Agriculture and Forestry.

Article 15. Consideration and adoption of new plant species

Department of Agriculture, Ministry of Agriculture and Forestry shall have to consider and adopt the new plant species or reject within 15 working days from the date of receipt of the application.

Article 16. Management unit for testing new plant species

The management unit is a unit attached to Department of Agriculture, Ministry of Agriculture and Forestry, that has the following rights and duties:

1. Review the application and consider for adoption of new plant species;
2. Manage and inspect the testing of distinctiveness, uniformity and stability of plant species;
3. Exercise other rights and perform other duties as assigned.

Article 17. Naming new plant species

New plant species must be appropriately and clearly named, not duplicate other same plant species or similar/close to the species in Lao PDR and overseas.

Chapter 3
Registration of plant species

Article 18. Registration of plant species

Individuals, legal entities or organizations that wish to conduct plant species multiplication and business in Lao PDR shall have to register with Department of Agriculture, Ministry of Agriculture and Forestry.

Article 19. Conditions of registration

1. Individuals, legal entities or organizations that apply for registration must possess an agricultural and forestry business license;
2. Department of Agriculture, Ministry of Agriculture and Forestry shall have to consider or reject the proposed registration within 15 working days from the date of receipt of the application;
3. In case the plant species is imported for research and experiment, as grant assistance, present or for exchange, the relevant plant species must be registered in the home country and inform the Department of Agriculture for inspection according to the regulations for importing plant species;
4. The registration license of plant species issued by Department of Agriculture, Ministry of Agriculture and Forestry shall be valid for two (2) years;
5. The registration license shall be revoked prior to its expiry date by Department of Agriculture, Ministry of Agriculture and Forestry if it violates this Decision, including the plant species which do not conform to the standards according to the regulations for management and use of plant species for cultivation in Lao PDR.

Article 20. Right and duties of the management unit of plant species

The management unit of plant species is a unit under the management of Department of Agriculture, Ministry of Agriculture and Forestry that has rights and duties as follows:

- Study and consider the documents applied for registration for submission to the Department of registration of plant species;
- Inspect, monitor and evaluate the registration of plant species on a regular basis;
- Propose the adoption of plant species label;
- Exercise other rights and perform other duties as provided in the laws and regulations.

Chapter 4

Quality inspection of plant species

Article 21. Quality of plant species

Individuals, legal entities or organizations that conduct the multiplication of plant species and business operations shall have to guarantee the quality according to the standards as provided for in Article 22 of this Decision.

Article 22. Quality standards of plant species

Quality standards of each plant species include:

- Standards of Ministry of Agriculture and Forestry of Lao PDR;
- Regional and international standards.

Part III

Management – conservation of genetic plant species resources

Article 23. Management of genetic plant species resources

1. Individuals, legal entities or organizations shall have the duty to manage the genetic plant species resources;
2. Genetic plant species resources which are under the management of Ministry of Agriculture and Forestry, the harvest and use shall have to be approved by the National Agriculture and Forestry Research Institute, Ministry of Agriculture and Forestry, and other sectors concerned.

Article 24. Conservation of genetic plant species resources

1. Ministry of Agriculture and Forestry supports the conservation of plant species, with a view to develop and use in a sustainable manner;
2. Individuals, legal entities or organizations shall have the duty to conserve the genetic plant species resources according to the relevant law;
3. National Agriculture and Forestry Research Institute, Ministry of Agriculture and Forestry, shall be responsible for listing up the plant species to be conserved;

Article 25. Exchange of species and genetic plant resources

1. Individuals, legal entities or organizations shall have the rights to exchange plant species within the country for using in the research, experiment, multiplication of plant species and business operations, but have to get an approval from the Ministry of Agriculture and Forestry;
2. The exchange of genetic plant species with foreign entities shall have to be adopted by the inspection unit of genetic plant species which is approved by the Ministry of Agriculture and Forestry;
3. In case of non-listed plant species that wished to conduct for research, experiment and test shall have the following documents:
 - Phytosanitary Certificate;
 - Standard Material Transfer Agreement (SMTA) of the country of signatories and non-signatories (Material Transfer Agreement, MTA);
 - Plant species import permit.
4. The plant species inspection unit is a unit under the National Agriculture and Forestry Research Institute.

Part IV **Plant species business**

Article 26. Conditions of plant species business

Individuals, legal entities or domestic and foreign organizations that wish to conduct plant species business shall have to prepare the following documents:

1. A technical-economic feasibility study or plant species business plan;
2. Location of business and infrastructure, i.e. materials and techniques, relating to the plant species business;
3. Technical officers who have a sure knowledge and skills of multiplication of plant species;
4. Enterprise license;
5. Agriculture and forestry business license;
6. Plant species license.

Article 27. Management of import and export of plant species

Individuals, legal entities or organizations that import and export plant species shall have to comply with the followings:

Import of plant species:

1. Plant species that are listed up as plant species approved for multiplication;
2. Plant species license issued by Department of Agriculture, Ministry of Agriculture and Forestry of Lao PDR;
3. Phytosanitary certificate from the shipping country.

Export of plant species:

1. Individuals, legal entities or organizations shall have the rights to export plant species that are not included in the list of prohibited plant species;
2. Import permit from the destination country;
3. Phytosanitary certificate from the shipping country.

Article 28. Formality and technical service fees

Formality and technical service fees for the licenses and other permits relating to plant species shall be collected pursuant to the President's Decree regarding formality and service fees promulgated in each period.

Part V
Management and inspection of plant species

Article 29. Management and inspection of plant species

The plant species management and inspection agency shall be the agricultural and forestry sector which consists of:

- Department of Agriculture, Ministry of Agriculture and Forestry;
- National Agriculture and Forestry Research Institute;
- Provincial and Vientiane capital Agriculture and Forestry Office;
- District and Municipality Agriculture and Forestry Office.

The plant species management and inspection sector can appoint an inspection unit which consists of technical officers who have been trained by Department of Agriculture.

Article 30. Inspection of plant species

The inspection of plant species is the monitoring of activities relating to the multiplication, testing, adoption, registration, conservation of genetic plant species resources, business operations and quality inspection of plant species.

Article 31. Method of inspection of plant species

The method of inspection of plant species consists of:

1. **Regular inspection** is the inspection carried out based on the demarcated roles and responsibilities, rights and duties on a regular basis with fixed timeframe;
2. **Inspection with notice in advance** is the inspection carried out when it deemed necessary by giving a notice in advance to the target person;
3. **Immediate inspection** is the inspection for a particular purpose when it deemed necessary, and the inspection is carried out urgently without advance notice to the target person.

Article 32. Rights and duties of Department of Agriculture

The Department of Agriculture when administrating the management of plant species shall have the following rights and duties:

1. Disseminate and propagate the approach, strategic plan, policies and other relevant legislative acts of Lao PDR, contracts and international conventions which Lao PDR is signatories, and elaborate into detailed program and project for plant species multiplication, business operations, adoption, registration and quality control throughout the country;
2. Determine principles, regulations, orders and instructions, aiming to efficiently implement the Decision regarding the management and use of plant species;
3. Propagate, guide, monitor, inspect the implementation of the Decision regarding the management of plant species and provisions of the international conventions relating to Lao PDR as signatories;
4. Adopt, register and inspect the quality of plant species and relevant documents according to the assignment by its superiors;
5. Coordinate with the parties concerned at central and local levels in implementing the management, monitoring and inspection of plant species, particularly the adoption, registration, quality control, multiplication and business operations throughout the country;
6. Liaise and cooperate with international organizations with respect to plant species management activities;
7. Summarize and report to the higher authorities the results of nationwide implementation of activities that are related to the management of plant species;
8. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 33. Rights and duties of National Agriculture and Forestry Research Institute

The National Agriculture and Forestry Research Institute when administrating the management of plant species shall have the following rights and duties:

1. Disseminate and propagate the approach, strategic plan, policies and other relevant legislative acts of Lao PDR, contracts and international conventions which Lao PDR is signatories, and elaborate into detailed program and project for the conservation of genetic plant species resources, research and experiment of new plant species across the country; coordinate with the relevant parties and local authorities for the implementation of activities relating to the management of plant species such as the conservation of genetic plant species resources, the research and experiment of plant species;
2. Conduct technical and scientific research and carry out the activities relating to the conservation of genetic plant species resources, the research and experiment of plant species, and upgrade the technical capacity of research and experiment of plant species;
3. Liaise and cooperate with international organizations with respect to the conservation, research and experiment of plant species;
4. Summarize and report on a regular basis to the Ministry of Agriculture and Forestry results of the research and experiment of new plant species conducted nationwide;
5. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 34. Rights and duties of the Provincial and Vientiane capital Agriculture and Forestry Office

The Provincial and Vientiane capital Agriculture and Forestry Office when administrating the management of plant species shall have the following rights and duties:

1. Elaborate the Decision regarding the management and use of plant species into program and project for implementation under its responsible area;
2. Disseminate the laws and regulations which are relevant to the management of plant species;
3. Instruct, support, monitor and evaluate the implementation of activities relating to the management of plant species carried out by the District and Municipality Agriculture and Forestry Office;
4. Issue the import and export permit as well as the license for selling the plant species which are officially registered with Department of Agriculture;
5. Coordinate with other relevant organizations in carrying out the activities relating to the management of plant species;
6. Summarize and report on a regular basis to the Ministry of Agriculture and Forestry and the provincial authorities results of the management of plant species conducted in the province and Vientiane capital;
7. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 35. Rights and duties of the District and Municipality Agriculture and Forestry Office

The District and Municipality Agriculture and Forestry Office when administrating the management of plant species shall have the following rights and duties:

1. Implement the programs, projects, notifications and instructions with respect to the management of plant species;
2. Support, monitor and report on a regular basis to the Provincial, Vientiane capital Agriculture and Forestry Office and district/municipal authorities results of the implementation of plant species management under its responsible area;
3. Coordinate with the local authorities and relevant parties within the district, municipality in carrying out the activities relating to the management of plant species;
4. Perform other duties as provided in the laws and regulations.

Article 36. Rights and duties of the inspection committee

The inspection committee has the following rights and duties:

1. Inform the producer/breeder and business operator the contents of this Decision;
2. The inspection officer when carrying out the inspection of plant species shall have to present the producer or breeder or business operator with document of the appointment, and perform his/her duty in a strict and appropriate manner according to the laws and regulations;
3. Inspect on a periodical basis as deemed appropriate all parties that are relevant to the multiplication of plant species and business operations to conform to the laws and regulations of Lao PDR;
4. Inspect the license relating to the multiplication, business operations, certificate of new plant species, certificate of quality or other documents or permits or orders under this Decision;

5. Monitor, inspect the breeding of plant species in the multiplication area from the starting point of cultivation until the harvest and storage;
6. Take specimens of plant species or relevant materials for quality testing;
7. Inspect the plant species in the container, its label or other documents relating to plant species;
8. Confiscate plant species, materials and equipment, documents, records or other documents which are incorrect and violate the regulations as stipulated in this Decision;
9. Act and perform duties and responsibilities in an appropriate manner;
10. Exercise other rights and perform other duties as provided in the laws and regulations.

Article 37. Rights and duties of other sectors

Other sectors and parties when administrating the management of plant species shall have rights and duties according to their roles and responsibilities.

Part VI Prohibitions

Article 38. Prohibitions

Prohibit individuals, legal entities or organizations and domestic and foreign operators to:

1. Conduct business relating to fake plant species and sub-standard species;
2. Carry out the multiplication and business operations of the non-listed plant species or the species which are not approved for cultivation;
3. Destroy, illegally export plant species and genetic plant species without an approval from the Ministry of Agriculture and Forestry;
4. Conduct experiment with respect to diseases and insect pests in the multiplication area;
5. Obstruct the research, experiment, multiplication of plant species and business operations which are approved by the Ministry of Agriculture and Forestry;
6. Import, multiply and operate plant species business that cause detrimental effect on cultivation and people's health, environment and ecosystem;
7. Determine quality standards, advertise the quality of plant species which are not true or beyond the truth for deceiving the general public.

Article 39. Prohibitions for management officer, inspection officer

Apart from the prohibitions as provided for in Article 38 of this Decision, prohibit plant species inspection officer to:

1. Abuse his/her position, use force, compel, threaten, set back, take bribery for personal benefit that may cause loss and damage to the State, organizations and individuals;
2. Reveal State or official secrets, falsify documents, lack accountability for the management of plant species;
3. Neglect the rules and regulations for the management of plant species or find solutions that are not according to the procedures, rules and regulations;
4. Increase or reduce formality and service fees and use proceeds from the management of plant species freely.

Part VII
Policies towards persons who are productive and
measures against violators

Article 40. Policies towards persons who are productive

Individuals, legal entities or organizations with excellent results in carrying out the activities relating to the management and use of plant species in accordance with this Decision, will be rewarded and will receive various policies as determined by the Ministry of Agriculture and Forestry.

Article 41. Measures against violators

Individuals, legal entities or organizations who violate this Decision shall be warned, re-educated, disciplined, fined, or subject to criminal or civil prosecution according to the seriousness of the violation.

Part VIII
Final provisions

Article 42. Implementation

The Department of Agriculture, Ministry of Agriculture and Forestry, is assigned to take the leading role in elaborating the Decision and coordinating the relevant parties for efficiently implementing this Decision.

Article 43. Effectiveness

This Decision shall enter into force from the date of its signature, any regulations, provisions and rules that are inconsistent with this Decision shall be null and void.

Minister of Agriculture and Forestry

[Seal and signature]

Dr. Phet PHOMPHIPHACK

