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**Working Party on the  
Accession of the Lao PDR**

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## ACCESSION OF THE LAO PDR

### Checklist of Illustrative Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Issues for Consideration in Accessions

The following submission, dated 13 July 2006, is being circulated at the request of the Government of the Lao People's Democratic Republic (Lao PDR).

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**Checklist of Illustrative SPS Issues for Consideration in Accessions**

Commitments	WTO Reference	Domestic Provisions
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principle in WTO accession negotiations.	1. All new related regulations will be in accordance with SPS Agreement.
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	2. An enquiry point is being set up under the Science Technology and Environment Agency (STEA) of the Prime Minister's Office.
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	(a) Ministry of Commerce has been mandated to be responsible for notifications.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5 (a).	(b) A requirement for publication of proposed measures is in the process of being established.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	(c) See above.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5 (d).	(d) Such a procedure will be arranged after accession.
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	4. This measure has not yet been incorporated into domestic regulation.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	5. This measure has not yet been incorporated into domestic regulation.
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Articles 3.1, 3.3 and 3.4.	6. In practice Lao PDR, follows to the extent possible international standards, guidelines, and recommendations in preparing SPS measures.

Commitments	WTO Reference	Domestic Provisions
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	7. This measure has not yet been incorporated into domestic regulation.
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	8. This measure has not yet been incorporated into domestic regulation.
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	9. In practice, Lao PDR takes into account the regional characteristics of the products originate from and destined to other countries.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3, and Annex C.1 (a) and (d).	10. This measure has not yet been incorporated into domestic regulation.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11. Article 8 and Annex C.	11. This measure has not yet been incorporated into domestic regulation.

**Checklist of Illustrative TBT Issues for Consideration in Accessions**

Commitments	WTO Reference	Domestic Provisions
1. Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement.	1. Generally agreed principle in WTO accession negotiations.	1. All related regulations will be in accordance with TBT Agreement after accession.
2. Submission of Statement on Implementation.	2. Article 15.2 and TBT Committee Decision (G/TBT/1).	2. Notification procedures of TBT Agreement will be implemented after Lao PDR's WTO accession.
3. Establishment and operation of a single Contact Point for Information ("enquiry point").	3. Article 10.	3. An enquiry point is being set up under the Science Technology and Environment Agency (STEA) of the Prime Minister's Office.
4. Identification of authority responsible for notifications, publications and other internal procedures to ensure transparency obligations are met on an ongoing basis:	4. Articles 2, 3, 5, 7, 10, 15.2, Annex 3 and G/TBT/1.	4. Ministry of Commerce has been mandated to be responsible for notifications; for publications and other internal procedures are under responsibility of STEA as the National Standard Body.
(a) identification of publication where notices of proposed technical regulations and conformity assessment procedures will appear;	(a) Articles 2.9.1, 3.1, 5.6.1, 7.1, 10.1.5.	(a) The publication of TBTs is currently being considered. The Standards Law currently in the process of being drafted and approved contains provisions promoting the dissemination of standards.
(b) identification of authority responsible for making notifications to the WTO;	(b) Article 2.9.2, 2.10.1, 3.2, 3.3, 5.6.2, 5.7.1, 7.2, 7.3, 10.7, 10.10.	(b) Authority responsible for making notifications to WTO is Ministry of Commerce.
(c) guidance/law to ensure regulatory authorities afford non-discriminatory consideration of comments in the preparation of a final regulation;	(c) Articles 2.9.4, 2.10.3, 3.15 3.3, 5.6.4, 5.7.3, 7.1, 7.3.	(c) It will be incorporated into domestic regulations.
(d) guidance/law to ensure regulatory authorities allow a reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force so that suppliers can adapt;	(d) Articles 2.11, 2.12, 3.1, 5.8, 5.9, 7.1.	(d) It will be incorporated into domestic regulations.

Commitments	WTO Reference	Domestic Provisions
(e) publication and notification of work programme for standards and non-governmental conformity assessment procedures, including publication of notices of draft standards and an opportunity for public comment.	(e) Article 4, Annex 3 (J, K, L, N, 0); Article 8.1.	(e) It will be incorporated into domestic regulations.
5. Development and Application of Technical Regulations and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	5. Articles 2, 3, 5, 6, 7.	5. The existing Decree of the Prime Minister on Management of Standards and Quality of Products and Goods No. 85/PM dated 2 November 1995 is being upgraded to Standards Law to ensure the compliance with provisions of the agreement concerning.
(a) non-discrimination with respect to the treatment of products;	(a) Articles 2.1, 3.1, 5.1, 5.2, 7.1.	(a) This measure has not yet been incorporated into domestic regulation.
(b) the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;	(b) Articles 2.2, 3.1, 5.1, 5.2, 7.1.	(b) This measure has not yet been incorporated into domestic regulation.
(c) the ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;	(c) Article 2.3, 3.1, 7.1.	(c) Technical regulations are already subject to ongoing review.
(d) the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;	(d) Article 2.4, 3.1, 5.4, 7.1.	(d) In practice yes, referring to ISO/IEC guidance.
(e) the consideration of equivalent technical regulations of other Members;	(e) Article 2.7, 3.1, 7.1.	(e) Lao PDR has adopted 50 IEC Standards as the National Standards of Electronically and Electronic Products.
(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	(f) Article 6, 7.1.	(f) Lao PDR does recognize the results of conformity assessment procedures conducted by relevant bodies in exporting countries.

Commitments	WTO Reference	Domestic Provisions
(g) non-discriminatory and cost-based fee structure.	(g) Article 5.2, 7.1, 10.4.	(g) This measure has not yet been incorporated into domestic regulation.
6. Development and Application of Standards and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	6. Article 4 and Annex 3, Article 8.	6. The existing Decree of the Prime Minister on Management of Standards and Quality of Products and Goods No. 85/PM dated 2 November 1995 is being upgraded to Standards Law to ensure the compliance with provisions of the agreement concerning.
(a) non-discrimination with respect to the treatment of products;	(a) Annex 3 (D), Article 8.1.	(a) This measure has not yet been incorporated into domestic regulation.
(b) the prohibition of unnecessary obstacles to international trade;	(b) Annex 3 (E), Article 8.1.	(b) In practice yes, although this is not yet stipulated in domestic regulation.
(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	(c) Annex 3 (F), Article 8.1.	(c) In practice yes, referring to ISO/IEC guidance.
(d) non-discriminatory and cost-based fee structure.	(d) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4.	(d) This measure has not yet been incorporated into domestic regulation.

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Note: The Lao PDR notes that several laws and regulations relevant to these checklists are currently in the process of being drafted, approved or promulgated. These include, for example a Law on Standards, a Food Law, a Plant Protection and Quarantine Regime, and a Veterinary Law, as well as related Decrees for each of these laws. Also Lao PDR is involved in technical assistance programs designed to improve its capacity in the areas of SPS and TBT.

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