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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

Revision

The following submission, dated 16 March 2011, is being circulated at the request of the Government of the Lao People's Democratic Republic (Lao PDR).

Checklist of Illustrative SPS Issues for Consideration in Accession

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 negotiations in WTO accession.	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. Address of SPS Enquiry Point: Department of Planning, Ministry of Agriculture and Forestry P.O. Box 811 Vientiane Capital, Lao PDR Tel: 85621-415363 Fax: 85621-412343 Article 5, paragraph 1, Prime Minister Decree on Notification and Enquiry of Trade Related Information No. 363/PM, dated 19 August 2010 (thereafter referred to as "Decree 363").
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) Address of SPS and TBT Notification Unit: Foreign Trade Policy Department, Ministry of Industry and Commerce P.O. Box 4107, Phonexay Road, Vientiane Capital, Lao PDR Tel: 85621-450065 Fax: 85621-450066 Website: www.m-lao.com/ftpd
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5 (a).	(b) Article 3 of Decree 363: At least 60 days provided for public and comments of the WTO Members.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	(c) See (b) above. Decision on SPS and TBT Notification Unit, No. 0471/MOIC, dated 9 March 2011. Draft Regulation on SPS Enquiry Point, under preparation by MAF. See revised SPS Action Plan.
(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) See (b) and (c) above. Decision on SPS and TBT Notification Unit, No. 0471/MOIC, dated 9 March 2011.

Commitments	WTO Reference	Domestic Provisions
<p>4. Necessity: Measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>4. Article 2.2.</p>	<p>4. Lao PDR will develop SPS regulations that are applied only to the extent necessary to protect human, animal or plant health.</p> <p>Article 5 of Ministerial Regulation on the Basic Principles in the Application of Sanitary and Technical Measures for Food Safety Management No. 518/MoH, dated 18 March 2009 (thereafter referred to as "Regulation 518").</p> <p>Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration. See revised SPS Action Plan.</p>
<p>5. Regulations Based on Science: Regulations governing animal and plant health and food safety shall be based on scientific evidence.</p>	<p>5. Articles 2.2, 3.3 and 5.2.</p>	<p>5. Lao PDR will develop SPS Regulations based on scientific evidence.</p> <p>Part I (1) of National Food Safety Policy of Lao PDR No. 028/PM, dated 3 February 2009 and Article 5 of Regulation 518.</p> <p>Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration. See SPS Action Plan.</p> <p>Lao PDR faces difficulties in the implementation stage due to limitations on technical facilities, human resources and information with respect to scientific evidence provided by international organizations or other countries. Therefore, technical assistance is required for training and education of staff, investment in equipment and working facilities, as well as cooperation with international organizations and WTO Members in order to fully implement this obligation.</p>

Commitments	WTO Reference	Domestic Provisions
<p>6. Harmonization: To the extent possible, Members shall follow international standards, guidelines, and recommendations in establishing SPS Measures.</p>	<p>6. Articles 3.1, 3.3 and 3.4.</p>	<p>6. Lao PDR is a member of Codex, OIE and IPPC (G/SPS/49/Rev.9) and is using international standards, guidelines and recommendations as the basis for establishing SPS Measures.</p> <p>Article 13 of the Food Law No. 04/NA, 15 May 2004, and Article 6 of Regulation 518.</p> <p>Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration See revised SPS Action Plan.</p> <p>Technical assistance is required to adopt standards, guidance and recommendations of international organizations.</p>
<p>7. Equivalence: Members shall recognize different measures that achieve the same level of protection.</p>	<p>7. Article 4.</p>	<p>7. Lao PDR will ensure compliance with equivalence requirement upon the accession.</p> <p>Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration See revised SPS Action Plan.</p> <p>Training staff and enhancing information exchange are required to enable Lao PDR joining MRAs with other WTO Members.</p>
<p>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.</p>	<p>8. Article 5.1, 5.2 and 5.3.</p>	<p>8. Chapter III (3) of National Food Safety Policy of Lao PDR No. 028/PM, dated 3 February 2009 and Article 11 of Regulation 518.</p> <p>Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration. See revised SPS Action Plan.</p> <p>Technical assistance is required on training staff and necessary equipment.</p>
<p>9. Regional conditions: Measures take into account the regional characteristics both of the areas from which products originate and the areas to which products are destined.</p>	<p>9. Article 6 and Annexes A.6 and A.7.</p>	<p>9. As Lao PDR is a member of OIE and IPPC, Lao PDR does take into account regional conditions for the purpose of applying SPS Measures.</p> <p>Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration which also requires Lao PDR's SPS Measure take into account this principle. See revised SPS Action Plan</p>

Commitments	WTO Reference	Domestic Provisions
<p>10. Non-discrimination: Measures do not arbitrarily or unjustifiably discriminate between different Members or between domestic and foreign suppliers.</p>	<p>10. Article 2.3, and Annex C.1 (a) and (d).</p>	<p>10. Lao PDR has introduced several regulations to follow this provision, such as: Decree 363, Regulation 518, and Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration. See revised SPS Action Plan.</p>
<p>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.</p>	<p>11. Article 8 and Annex C.</p>	<p>11. Regulation 518 and Draft Instruction on Principles in the Application of SPS Measures in Plant and Animal Administration See revised SPS Action Plan.</p>

Checklist of Illustrative TBT Issues for Consideration in Accession

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. Technical regulations and conformity assessment procedures will be based on international standards, thus compatible with the TBT Agreement. Article 7 of Standardization Law (which was upgraded from Decree on Management of Standards and Quality of Products and Goods No. 85/PM dated 2 November 1995). Prime Minister Decree to implement Standardization Law is being developed to clarify and strengthen compliance with the TBT Agreement. See revised TBT Action Plan. (WT/ACC/LAO/14/Rev.4).
2. Submission of Statement on Implementation.	2. Article 15.2 and TBT Committee Decision (G/TBT/1).	2. Submission of Statement on Implementation will be made by the SPS and TBT Notification Unit within 60 days of WTO accession.
3. Establishment and operation of a single Contact Point for Information ("enquiry point").	3. Article 10.	3. Address of TBT Enquiry Point: Department of Intellectual Property Standardization and Metrology, National Authority for Science and Technology (NAST) PO Box 2279, Vientiane Capital, Lao PDR. Tel/Fax: 856 21-243405. Article 5, paragraph 2, Prime Minister's Decree on Notification and Enquiry of Trade Related Information No. 363/PM, dated 19 August 2010 (thereafter referred to as "Decree 363")
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. See 3. above Decision on SPS and TBT Notification Unit, No 0471/MOIC, dated 9 March 2011, available at SPS and TBT Notification www.m-lao.com/ftpd
(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) Decree implementing Standardization Law and draft Regulation on TBT Enquiry Point regarding technical regulations and conformity assessment procedures. See revised TBT Action Plan.
(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) Address of SPS and TBT Notification Unit: Foreign Trade Policy Department, Ministry of Industry and Commerce Tel: 85621-450065 Fax: 85621-450065 Website: www.m-lao.com/ftpd

Commitments	WTO Reference	Domestic Provisions
(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) Articles 27, 28 and 29 of Standardization Law No. 13/NA dated 26 December 2007. Article 3 of Decree 363.
(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) Article 3 of Decree 363.
(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, O); Article 8.1.	(e) Article 3 of Decree 363. Decision on SPS and TBT Notification Unit, No.0471/MOIC dated 9 March 2011
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. Standardization Law addresses these requirements.
(a) non-discrimination with respect to the treatment of products;	(a) Articles 2.1, 3.1, 5.1, 5.2, 7.1.	(a) Article 6.3 of Standardization Law. Article 3 of Decree 363.
(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) Article 6.3 of Standardization Law. Article 3 of Decree 363.
(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 regular review.

Commitments	WTO Reference	Domestic Provisions
(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) Lao PDR is a member of ISO and IEC, and Article 7.2 of Standardization Law.
(e) the consideration of equivalent technical regulations of other Members;	(e) Article 2.7, 3.1, 7.1.	(e) Lao PDR has joined MRA under ASEAN for Electrical and Electronic Equipment which recognizes test reports and equipment certification from ASEAN. (See also revised TBT Action Plan). http://www.aseansec.org/6677.htm Technical assistance to be requested for raising awareness and enhancing information exchange with WTO Members.
(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	(f) Article 6, 7.1.	(f) Article 9 of Ministerial Regulation on Quality Inspection of Goods, No. 1226/PMO-NAST, dated 17 July 2009. National Authority for Science and Technology plans to establish Lao National Accreditation Bureau (LNAB), in accordance with international standard ISO/IEC 17011, which will be laid out in draft implementing Decree of Standardization Law. Lao PDR's long-term goal is to participate in MRA of International Laboratory Accreditation Cooperation (ILAC) and International Accreditation Forum (IAF), at which time Lao PDR will accept conformity assessment procedures of exporting Member countries that also participate in the MRA.
(g) non-discriminatory and cost-based fee structure.	(g) Article 5.2, 7.1, 10.4.	(g) Article 14 of Ministerial Regulation on Quality Inspection of Goods, No. 1226/PMO-NAST, dated 17 July 2009. Article 3 of Decree 363.
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. Standardization Law Standardization No. 13/NA, dated 26 December 2007.
(a) non-discrimination with respect to the treatment of products;	(a) Annex 3 (D), Article 8.1.	(a) Article 6.3 of Standardization Law. Article 3 of Decree No. 363.

Commitments	WTO Reference	Domestic Provisions
(b) the prohibition of unnecessary obstacles to international trade;	(b) Annex 3 (E), Article 8.1.	(b) Article 6.3 of Standardization Law.
(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	(c) Annex 3 (F), Article 8.1.	(c) Article 7.2 of Standardization Law. National Authority for Science and Technology will adopt WTO/TBT Code of Good Practice for the Preparation, Adoption and Application of Standards. This will be included in draft Decree to implement Standardization Law.
(d) non-discriminatory and cost-based fee structure.	(d) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4.	(d) Article 6.3 of Standardization Law No. 13/NA dated 26 December 2007; and Article 14 of Ministerial Regulation on Quality Inspection of Goods, No. 1226/PMO-NAST, dated 17 July 2009. Article 3 of Decree 363.
