



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Government

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Decree
on Pesticide Management

- Pursuant to the Law on Government No. 04/NA, dated 08 November 2016;
- Pursuant to the Law on Plant Protection and Quarantine (Amended Version) No. 13/NA, dated 15 November 2016;
- Pursuant to the Law on Chemical Management No. 07/NA, dated 10 November 2016;
- Based on the letter of proposal of the Minister of Agriculture and Forestry No. 482/MAF, dated 12 May 2017;

The Government issues following Decree:

Section 1
General Provisions

Article 1. Objectives

This Decree defines the principles, regulations and measures regarding the use of pesticides, management and monitoring of pesticide activities to ensure the quality, efficiency and safety for humans, animals, plants and environment with the aim of allowing the agricultural and forest production to be carried out in line with clean, green and sustainable agriculture, capable to ensure regional and international integration, and contribute to the national socio-economic development.

Article 2. Pesticide Management

Pesticide management means the implementation of measures on use and business operations related to pesticides in accordance with technical guidelines ensuring safety to the health, life, property, environment and society .

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Article 3. Definitions

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

1. **Pesticide** means any substance or mixture of substances of chemicals including biological ingredient intended for repelling, destroying, controlling any pest, disease vector, or regulating plant growth;
2. **Pest** means any plant, insects, animals and pathogenic agent injurious to plants, plant products and environment;
3. **Pesticide registration** means the process of pesticide approval through the evaluation of scientific data aimed at demonstrating that a pesticide is effective for its intended purposes and does not pose an unacceptable risk to human or animal health or environment under the conditions of use;
4. **Pathogenic agent** means virus, fungus, bacteria, parasites and other diseases;
5. **Disease vector** means any organism which transmits infectious disease to human, animal, plant and environment such as: animals, cockroaches, mosquitoes;
6. **Banned pesticide** means the pesticide which is prohibited to be produced, imported, sold or used and for pesticide activities in order to protect the health of humans, animals and the environment, including the pesticides which are withdrawn from the list of permitted pesticides in Lao PDR;
7. **Counterfeit pesticide** means a product which is produced and packed in a similar manner as a product already registered, but with a different composition, active ingredient, trademark and validity date on the label;
8. **Unstandardized pesticide** means a pesticide product that contains a lower or higher concentration of active ingredient, contaminants or other characters that are not in conformity with the pesticide standard being registered;
9. **Deteriorated pesticide** means a pesticide product that has expired as indicated on the label and where its properties have changed from the original due to coagulation, changing of color and change in other properties;
10. **Pesticide waste** means the waste from the pesticide, such as: empty containers, packages, pesticide residue and application equipment;
11. **Treatment of pesticide** means the process of mitigating the pollution and/or averse health impact occurring from pesticide-related activities through the use of techniques, machines or materials and equipment;
12. **Disposal of pesticide** means the burning, burying or the use of other methods for the purpose of destroying or isolating the pesticide waste;
13. **Pesticide formulation** means the combination of various ingredients or many kinds of raw materials designed to render the product effective for the purpose claimed and envisage mode of application;
14. **Active ingredient** means the part of the pesticide product that provides the pesticide to become active for repelling, destroying, controlling the pests and disease vectors or to regulate plant growth;

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15. **Residue** means any specified substance of the pesticide which remains in the plants, soil, water, food, agricultural products, animal feed at a rate exceeding the determined standard value of the international organization or of the relevant regulation.
16. **Container** means bottle, tank, box, bag, package or sachet and other objects used to hold pesticide product;
17. **Biological pesticide** means a micro-organism, bio-chemical substance or plant extract which is used for reducing the pest population.
18. **Integrated Pest Management** means the control of pests through combining various suitable methods for preventing the development of pest populations in order to minimize the use of pesticide or to mitigate the risks to the health of humans, animals and the environment by focusing on the use of resistance variety and healthy crop, and methods that have no impact on eco-system and on natural pest control mechanism.

Article 4. State Policy on Pesticide Activities

The State pays attention to the pesticide activities through the training of staff, research, experiments, development and transfer of technical know-how relating to pesticides, including the construction of infrastructure and development of techniques in order to ensure an effective management of these activities.

The State encourages and promotes individuals, legal entities and organizations to invest in business operations in the least hazardous pesticides, biological pesticides and to use environmental-friendly management approaches, such as integrated pest management and good agricultural practices, through the provision of information, techniques, tax and duty incentives according to the law.

Article 5. Principles for Pesticide Activities

Principles that are to guide pesticide activities are as follows:

1. Complying with the policy guideline, strategy, national socio-economic development plan and laws;
2. Ensuring a centralized and harmonized management throughout the country;
3. Paying attention to the importance of plant protection by using chemical pesticide in line with integrated pest management best practices;
4. Ensuring safety with regards to the health of humans, animals and the environment;
5. Conforming with the technical standards;
6. Complying with international agreements and conventions of which Lao PDR is a contracting party.

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Article 6. Scope of Application

This Decree shall apply to any person, legal person and organizations within and outside the country engaged in pesticide activities including import, manufacturing, sale, transport, export, use, advertising, treatment, disposal, research and pesticide business operations in the Lao People's Democratic Republic.

Article 7. International Cooperation

The State promotes foreign, regional and international cooperation related to pesticide activities through the exchange of experience and information, scientific and technological research, human resource development and implementation of international agreements and conventions of which Lao PDR is a contracting party.

Section 2 Type and List of Pesticides

Article 8. Type of Pesticides

The pesticides are classified based on the level of hazard into the following types:

1. Extremely hazardous pesticide;
2. Highly hazardous pesticide;
3. Moderately hazardous pesticide;
4. Slightly hazardous pesticide;
5. Pesticide unlikely to present acute hazard.

A list of pesticides for each type is determined in a specific regulation.

Article 9. Extremely Hazardous Pesticide

An extremely hazardous pesticide is a pesticide that is acutely toxic to humans and that also adversely impacts the environment with a long persistence period. This is a pesticide which, on the basis of test results, kill 50 percent of the number of tested animals after receiving the toxic substance of the pesticide through oral exposure in a quantity of less than 5 mg per kg body weight, or through dermal exposure in a quantity of less than 50 mg per kg body weight of the tested animals.

It is prohibited to manufacture, import, sell, use and possess extremely hazardous pesticides.

Article 10. Highly Hazardous Pesticide

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A highly hazardous pesticide is a pesticide that is acutely toxic to the health and life of humans and also adversely impacts the environment with a long persistence period. This is a pesticide which, on the basis of test results, kill 50 percent of the number of tested animals after receiving the toxic substance of the pesticide through oral exposure in a quantity of 5-50 mg per kg body weight or through dermal exposure in a quantity of 50-200 mg per kg body weight of the tested animal.

It is prohibited to manufacture, import, distribute, use and possess highly hazardous pesticides, except for the purpose of research and development of technology of the Government, and for the prevention and control of quarantine pests or disease vectors. In these cases, highly hazardous pesticides are required to be authorized and registered by the Ministry of Agriculture and Forestry.

Article 11. Moderately Hazardous Pesticide

A moderately hazardous pesticide is a pesticide that is toxic to the health and life of humans. This is a pesticide which, on the basis of test results, kill 50 percent of the number of tested animals after receiving the toxic substance of the pesticide through oral exposure in a quantity of 5-2,000 mg per kg body weight or through dermal exposure in a quantity of 200-2,000 mg per kg body weight of the tested animal.

Moderately hazardous pesticides can be manufactured, imported, distributed, used and possessed following registration and authorization from the agriculture and forestry sector and shall remain under supervision in strict compliance with relevant regulations.

Article 12. Slightly Hazardous Pesticide

A slightly hazardous pesticide is a pesticide that is toxic to the health and life of humans. This is a pesticide which, on the basis of test results, kill 50 percent of the numbers of tested animals after receiving the toxic substance of the pesticide through oral or dermal exposure in a quantity of more than 2,000 mg per kg body weight of the tested animal.

Slightly hazardous pesticides can be manufactured, imported, distributed, used and possessed following authorization and registration from the agriculture and forestry sector and shall be in compliance with relevant regulations.

Article 13. Pesticide unlikely to present acute hazard

Pesticide unlikely to present acute hazard is a pesticide that is toxic to the health and life of humans, but has no acute toxicity. This is a pesticide which, on the basis of test results, kill 50 percent of tested animals after receiving the toxic substance of the pesticide through oral or dermal exposure of the quantity of 5000 mg or more per 1 kg body weight of the tested animal.

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Pesticide unlikely to present acute hazard can be manufactured, imported, distributed, used and possessed following registration and authorization from the agriculture and forestry sectors and shall be in compliance with relevant regulations, except for biological pesticides which are safe for the health of humans, animals and the environment which are not required to be registered but shall be subject to authorization by the Ministry of Agriculture and Forestry.

Article 14. List of Pesticides

List of pesticides is a compilation of pesticides which are permitted and banned for use in Lao PDR.

The Ministry of Agriculture and Forestry shall determine and review the list of pesticides permitted for use based on the registration of the pesticides and the list of banned pesticides in each year and shall, thereafter, notify these lists or the change in these lists to relevant sectors and international organizations including trading partners upon request.

The list of pesticides which are permitted for use in Lao PDR must have the information on the trade name, common name or chemical name, toxic substances and application rate, type of pesticide, target pests and plants, pre-harvest interval and pesticide residue.

Section 3 Registration of Pesticide

Article 15. Registration of Pesticide

Persons intending to produce or import the pesticide for sale and use in Lao PDR must submit the application together with relevant documents for the registration of the pesticide to the Department of Agriculture, Ministry of Agriculture and Forestry.

The evaluation and consideration of pesticide registration shall be performed by a Pesticide Registration Board which is appointed by the Minister of Agriculture and Forestry. The composition, structure, rights and duties of this Board are determined in a specific regulation.

Article 16. Exemption of Registration of Pesticide

Pesticides which are exempted from registration are as follows:

1. Pesticides which are temporarily imported and re-exported or are imported for manufacturing and then exported according to the investment agreement between domestic investors and foreign investors;
2. Biological pesticides which are safe for the health of humans, animals and the environment and are not for the purpose of sale.

Article 17. Requirements for Pesticide Registration

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Persons desiring to register pesticides are required to meet the following conditions:

1. Holding business operation licence for production or import of pesticides in Lao PDR;
2. The pesticides must be registered in the exporting country;
3. Having authorization from the manufacturer of the pesticides in the exporting country;
4. Having the report on assessment of the efficacy, properties and safety of the pesticide;
5. Having a testing plan on the quality and efficacy of the pesticide in the laboratory and in the target field;
6. Having the technical grade standards and samples of the pesticide product.

Requirement for registration of particular types of pesticide as prescribed in article 10 of this decree shall be defined in a specific regulation of the Ministry of Agriculture.

Article 18. Documentation

The documents required for the application of pesticide registration are as follows:

1. Application form;
2. Enterprise Registration Certificate, Pesticide Business Operation Licence;
3. Pesticide Registration Certificate from the country of origin;
4. Certificate of analysis of the chemical composition of pesticide from the country of origin;
5. Evaluation Report on the efficacy, properties and safety of the pesticide;
6. Testing plan on the quality and efficacy of the pesticide in the field;
7. Letter of Authorisation from the pesticide manufacturer of the exporting country;
8. Letter of Authorisation and identification card of the applicant;
9. Other documents as prescribed by the Ministry of Agriculture and Forestry.

Article 19. Examination and Consideration of Registration of Pesticide

After receiving the application together with relevant documents for registration of a pesticide, the Department of Agriculture shall examine and issue the Provisional Pesticide Registration Certificate within 15 working days from the date of receipt of the corrected and completed application for the pesticide which is manufactured or imported for the first time or is in the process of efficacy testing. In case of rejection of the issuance of a provisional registration certificate, this should be notified in writing to the applicant.

The Provisional Pesticide Registration Certificate is valid for one year and can be extended upon request.

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Article 20. Test of the Pesticide

The test of a pesticide includes field trial and laboratory analysis which is conducted by a centre, station or business operation on pesticide analysis and testing approved by the Ministry of Agriculture and Forestry.

The eligible centre, station or business operation on analysis and testing of the pesticide shall issue the certificate following the test of a pesticide. This certificate shall be valid for three years.

The expenses related to the test of a pesticide should be charged to the applicant for pesticide registration.

Article 21. Issuance of Full Pesticide Registration Certificate

Where the test of the pesticide is complete and complies with specific requirements, the holder of the Provisional Pesticide Registration Certificate shall submit the application to the Department of Agriculture for considering the issuance of a full pesticide registration certificate.

After receiving the application, the Department of Agriculture shall within 30 working days examine and propose to the Pesticide Registration Board for their consideration and approval whether a full pesticide registration certificate should be issued or not. In case of rejection of the issuance of the full pesticide registration certificate, this should be notified in writing to the applicant.

The full pesticide registration certificate is valid for three years and can be extended upon request.

Article 22. Issuance of Supplementary Pesticide Registration Certificate

The issuance of supplementary pesticide registration certificate means the issuance of registration certificate to the pesticide manufacturer, importer who applies for the registration of the pesticide which has already been registered.

Persons desiring to apply for a supplementary pesticide registration certificate shall have authorization from the original registrant and have entered into a written agreement.

Article 23. Re-Issuance of Pesticide Registration Certificate

The re-issuance of pesticide registration shall be required in the following cases:

1. The registration certificate is lost, damaged or has contained wrong data;
2. There is a change in the trade name of the pesticide, the data on individual, legal entity and organization as requested by the holder of the pesticide registration certificate.

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Any person desiring to request for re-issuance of pesticide registration certificate shall submit the application together with relevant information to the Department of Agriculture.

The Department of Agriculture shall consider the re-issuance of pesticide registration certificate within ten working days from the date of receipt of the application and relevant information. In case of rejection of re-issuance of registration certificate, the applicant should be notified in writing.

Section 4 Safety for Pesticide Activities

Article 24. Safety for Pesticide Activities

Safety for Pesticide Activities refers to the measures applied for the safety management for the pesticide activities, such as: container and package, label and labeling, advertisement, use, import, export, transit, treatment and disposal of the pesticide and development of the pesticide activities.

Article 25. Container and Package

The container and package of the pesticide shall meet the following criterias:

1. Being strong, resistant and leakage-proof;
2. Not being decayed and not affecting the quality of the pesticide under normal condition of storage and use within the prescribed period;
3. Not being similar to the container and package of food and drinks;
4. Being closed firmly with cover that cannot be opened by a child;
5. Being suitable for the specific pesticide;
6. Being safe during storage and use.

Article 26. Labels and Labeling

All pesticides which are produced, imported and distributed in Lao PDR must have the label that consist of picture, text in Lao and foreign languages in order to show, indicate the danger, provide instructions and guidance on safety measures relevant for the pesticide. The picture and content of the label shall be determined by the Ministry of Agriculture and Forestry.

Labeling is made either by directly affixing or printing on the pesticide container, and the labeling must be made strongly so that it may be endured and secured.

Article 27. Advertisement

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The advertisement for a pesticide shall be carried out in compliance with the approved content, form and place. The advertising content must be clear, accurate about the type, kind, properties, quality of the pesticide, trademark, and level of hazard and safety protection measures.

Any individual, legal entity and organization desiring to make the advertisement on the pesticide shall apply for authorization from the agriculture and forestry sector and the information, culture and tourism sector in compliance with the relevant laws and regulations.

Article 28. Manufacturing

The manufacturing of pesticide shall be undertaken in compliance with the technical requirements and standards as follows:

1. Manufacturing premises of highly and moderately pesticides shall be far from community, school, hospital, market, water resources and comply with technical standards;
2. Having the required safety protection system;
3. Having the machines, equipment, process of production techniques which are appropriate for each type of pesticide;
4. Having a treatment system for waste water and factory waste that meet the standards and cause no adverse impact to the environment;
5. Providing access to first medical aid and having facilities for treatment in case of accident from pesticide exposure.

Article 29. Import

The import of a pesticide shall be carried out as follows:

1. Ensure safe packaging, labeling and transporting of the pesticide as specified in Articles 25, 26 and Article 32 of this Decree;
2. Ensure the quality of the imported pesticide;
3. Import at the border checkpoint as specified in the import permit and receive inspection from the competent government officer for the validity and integrity of the pesticide;
4. Store and possess the pesticide as specified in article 33 of this decree;
5. Comply with the procedures, requirements and standards set out by the Ministry of Agriculture and Forestry in each period.

Article 30. Export

Pesticides which are intended to be exported shall obtain the authorization from the agriculture and forestry sector and shall be carried out in compliance with

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relevant laws and regulations of the Lao PDR as well as with the regulations and requirements of the importing and transit countries.

Article 31. Transit

The transport of pesticide through Lao PDR is required to be notified to the pesticide management authority at least thirty days in advance and to fulfill the following requirements:

1. Ensuring the safety in the transportation, preventing the leakage of the container or the spilling of the pesticide;
2. Complying with relevant laws and regulations of Lao PDR, and with bilateral or multilateral agreements that Lao PDR is a party to.

Article 32. Transport

The transport of the pesticide and the waste of pesticide used in households shall be carried out in compliance with the following requirements:

1. Avoiding the use of public transport vehicle and ensuring the safety in case of river transportation;
2. Secured arrangement and tightly enclosed package and container of pesticide and separating it from consumer goods, living beings and other things.

The transport of pesticide and waste of pesticide which are imported, exported, transited, manufactured, distributed and used shall be carried out in compliance with the following requirements:

1. The driver shall have the experience and basic knowledge on protection and maintenance of safety relating to the pesticide;
2. A safety manual and safety protecting equipment shall be available;
3. The transportation should use the specifically permitted road;
4. The copy of import permit and other relevant documents of the import and sale business operator shall accompany the transport of the pesticide;
5. The pesticide carrier should be tightly closed and have appropriate danger warning signs;
6. Complying with other requirements as provided in the laws and regulations.

In case of the occurrence of accident or leakage during the transport of pesticide, the transport service provider and the owner of the pesticide must immediately inform the nearest pesticide management authority in order to seek emergency resolving measures for pesticide accident as prescribed in the chemical management Law and shall be responsible for the expenses for the treatment and disposal of the pesticide waste.

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Article 33. Storage and Possession

Any individual, legal entity and organization which store and possess pesticides shall separate them from other objects and shall comply with the storage instructions written on the label of the pesticide.

In addition, for manufacturers, importers and distributors of the pesticides, they are also required to meet the following conditions:

1. Having a specific store room which is located far from children, crowds, schools, hospitals, markets, water sources and complies with the technical standards, and has a safe storage system including measures of maintenance, protection, rehabilitation, elimination of toxicity and fire prevention;
2. Recording the information on the storage of the pesticides and reporting to the pesticide management authority on a regular basis;
3. Comply with other requirements as set out by the Ministry of Agriculture and Forestry.

In case of the occurrence of accident or leakage during the storage or possession of a pesticide, the keeper or the owner of the pesticide must immediately report to the nearest pesticide management authority in order to coordinate with public health sector and other relevant authorities to seek resolving measures for pesticide accident as prescribed in the chemical management Law and shall be responsible for the expenses for the treatment and disposal of the pesticide waste

Article 34. Use

Individuals, legal entities and organizations using pesticides shall comply with the following requirement:

1. The pesticide must be registered with the Department of Agriculture, Ministry of Agriculture and Forestry;
2. Only using the pesticide when necessary in order to reduce the risks of pesticide and comply with the principles of integrated pest management;
3. Selecting the pesticide which is suitable for a specific pest and target plants as prescribed on the label;
4. Follow the instructions for use and the pre-harvest interval as prescribed on the label;
5. Using appropriate and correct application techniques to ensure safety for the health of humans, animals and the environment;
6. Having prescribed protective equipment and clothes during application of the pesticide to ensure safety of human, animal and surrounding environment and set up warning sign prior and after using;
7. Keeping the pesticide in a safe storage and dispose waste after use in accordance with the instruction as prescribed on the label;

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8. Having a medical health check annually for pesticide applicator.

Article 35. Monitoring and Reporting on Pesticides

The agriculture and forestry sector shall coordinate with other sectors and relevant local authorities to develop a plan for implementation of pesticides risk survey in order to monitor and collect information relating to the manufacture, import, sale, use, efficacy, impacts and residue of the pesticides, including distribution and use of banned pesticides.

Individuals, legal entities and organizations shall responsibly report to the nearest pesticide management authority when they find banned pesticides, occurrence of adverse impacts caused by pesticides as well as use and activities related to the pesticides which are not consistent with the regulations.

Article 36. Treatment and Disposal of Pesticides

Pesticides which are counterfeit, deteriorated, unstandardized, obsolete and pesticide waste shall be treated or disposed according to prescribed methods. In case the treatment or disposal cannot be carried out, it is required to keep them at a safe place and inform the agriculture and forestry sector and other relevant sectors.

The treatment and disposal of the pesticides shall be carried out in accordance with the procedure and with the use of technology determined by the natural resources and environment sector. The expenses incurred for the treatment or disposal of the pesticides shall be charged to the owner of the pesticides.

Article 37. Development of Pesticides Activities

The Ministry of Agriculture and Forestry shall coordinate with the Ministry of Education and Sports and other concerned parties to establish the curriculum on pesticide risk and best practices for reduction thereof, innovations in development of biological pesticides and suitable application techniques for gradually substituting the chemical pesticides with eco-friendly alternatives.

Section 5 Pesticides Businesses

Article 38. Operations of Pesticide Business

Any individual, legal entity and organization intending to undertake pesticide business must apply for an enterprise registration with the industry and commerce sector in accordance with the Law on Enterprise and, after receiving the enterprise

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registration certificate, must apply for pesticide business operation licence from the agriculture and forestry sector.

Article 39. Types of Businesses Relating to Pesticides

The types of businesses relating to the pesticides are as follows:

1. Pesticide consultancy;
2. Manufacturing of pesticides;
3. Import and sale of pesticides;
4. Pesticide application services;
5. Treatment and disposal of pesticides;
6. Analysis and test of pesticides;
7. Other businesses related to pesticides as determined by the Ministry of Agriculture and Forestry.

Article 40. Pesticide Consultancy Business

Pesticide consultancy business is the service, which provides advice on the production, sale, use, disposal, treatment, analysis, test and other activities relating to pesticides.

A person who intends to undertake a pesticide consultancy business shall have graduated in specific technical field including Chemistry, Agronomy or Plant Protection and shall have been trained, and obtained practical work experiences concerning pesticides for at least five years.

Article 41. Pesticide Manufacturing Business

Pesticide manufacturing business is the mixing of various ingredients or raw materials in order to produce pesticide products, including the processing of pesticides.

A person who intend to undertake a pesticide manufacturing business must have the location, laboratory, staff, appropriate equipment, storeroom, transport vehicle, quality control system, safety protecting system, pesticide waste treatment system, large site which shall be far from community areas, animals and water sources in conformance with the technical standards set out by relevant authority and shall have been subject to environment impact assessment

Article 42. Pesticide Import and Sale Business

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A person who intends to undertake a pesticide import and sale business must have technical staff with competency or certificate on sale pesticide accredited by Ministry of Agriculture and Forestry, storeroom, specific sale place, transport vehicle, special cabinet of specific pesticide, facility and safety protecting system in conformance with the technical standards set out by the relevant authority.

Article 43. Pesticide Application Services Business

The pesticide application service business is involved in operations for fumigation, spraying or other treatment methods using pesticide for controlling of the pests in the agricultural production sites or in other places.

A person who intends to operate a pesticide application service business shall have technical staff who have been trained and certified by Ministry of Agriculture and Forestry and who has practical experiences of at least three years, have sufficient materials and equipment, have the protection and welfare system for persons working with pesticide, have the system of recording the pesticides being used and must comply with the regulations set out by the Ministry of Agriculture and Forestry.

Article 44. Pesticide Treatment and Disposal Business

A person who intends to undertake a pesticide treatment and disposal business shall have designed location, staff, equipment, materials, safety protecting system in consistence with the technical standards set out by the relevant sector. The business shall have been subject to environmental impact assessment.

Article 45. Pesticide Analysis and Test Business

A person who intends to undertake a pesticide treatment and disposal business shall have designed location, staff, equipment, materials, safety protecting system in consistence with the technical standards set out by the relevant sector. The business shall have been subject to environmental impact assessment.

Article 46. Rights and Obligations of the Pesticide Business Operators

Pesticide business operators shall have the following rights and obligations:

1. To undertake their business in strict compliance with the authorization, technical standards, laws and regulations;
2. To visually show the list of banned pesticides and business pesticide certificate as prescribed in article 14 and 38 of this Decree, at the premises of pesticide importation, sale and service, in particular in the store, warehouse and place giving service where people can easily see;
3. To receive information on pesticide activities;

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4. To responsibly ensure safety measures, use all methods to prevent and remediate any leakage, spreading or impacts of pesticides to humans, animals and environment as well as to be accountable for the damages arising from their business operations;
5. To make the appeal to the relevant authority in case of violation of laws and regulations by the official and officer in charge of pesticide inspection;
6. To make contribution, in cash or labour, for the development of pesticide-related activities;
7. To pay the fees, service charges and other obligations as stipulated in the law and regulations;
8. To cooperate and provide information and facilities to the operation of officer and pesticide inspector;
9. To notify and report the incidences of distribution and use of banned pesticides, adverse impact from pesticide, illegal use and any activities relating to pesticides.

Article 47. Suspension and Withdrawal of Pesticide Business Operation Licence

The agriculture and forestry sector is entitled to suspend any pesticide business operation when it is found that the business operator violates the law and regulations relating to pesticide or has performed other acts that cause adverse impacts to humans, animals and environment.

In case of severe violation or failure to comply with its guidelines, the agriculture and forestry sector is entitled to withdraw the pesticide business operation licence and propose to the relevant sector to consider the termination of such business operation.

Section 6 Prohibitions

Article 48. General Prohibitions

It is prohibited for individuals, legal entities and organizations to perform the following acts:

1. Import, manufacture, possess or use the pesticides which are not registered in Lao PDR;
2. Throw away, wash or pour pesticide waste in water sources in or nearby community areas;
3. Employ persons for pesticide application service without required licence;
4. Carry out the treatment, disposal of pesticide and pesticide waste in inconsistency with Article 36 of this Decree;
5. Reuse pesticide containers or package for containing food, drinks or for other purposes;

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6. Perform other acts which violate the laws and regulations.

Article 49. Prohibitions for Pesticide Business Operators

It is prohibited for pesticide business operators to perform the following acts:

1. Undertake pesticide business operations without obtaining a licence;
2. Manufacture, import, export, use or sell unregistered pesticides, counterfeit pesticides, deteriorated pesticides and unstandardized pesticides, including pesticide wastes.
3. Change the container or divide the pesticide from the original container for selling and using without receiving the approval from the pesticide management authority;
4. Modify the package, content or component of the label of the pesticide without receiving the approval from the pesticide management authority;
5. Give rewards or gifts for the purpose of promoting the purchase or use of their pesticides, except for the provision of personal protective equipment relating to the use of the pesticide;
6. Advertise against or defame other business operators;
7. Sell the pesticides to retail sellers or other sellers who do not have any pesticide business operation licence;
8. Give bribe to officials and pesticide inspector, falsify the documents related to pesticide activities;
9. Perform other acts which violate the laws and regulations.

Article 50. Prohibitions for Users

It is prohibited for users of the pesticides to perform the following acts:

1. Use unregistered pesticides;
2. Use pesticides in inconsistency with the technical rules as prescribed in Article 34 of this Decree;
3. Allow children below fifteen years old and pregnant women to use pesticides;
4. Perform other acts which violate the laws and regulations.

Article 51. Prohibitions for Officials and Pesticide Inspectors

It is prohibited for officials and pesticide inspectors to perform the following acts:

1. Abuse the rights, functions and position; force or threaten for personal benefit or for the benefit of friends;
2. Disclose state secrets or confidential information of the business operator without receiving the authorization;
3. Receive bribes or cause delay in the processing of documents;
4. Falsify documents or issue documents in an improper manner;
5. Increase or decrease the fee, service charge or use the revenue from pesticide activities in inconsistency with the regulations;

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6. Lack responsibility or perform duties carelessly that casues damages;
7. Perform other acts which violate the laws and regulations.

Section 7 **Management of Pesticide Activities**

Article 52. Pesticide Management Authorities

The Government manages pesticide activities in a centralized and uniform manner throughout the country by assigning the Ministry of Agriculture and Forestry to be directly responsible and coordinate with other relevant Ministries, agencies and local administrative organizations.

The organizations in charge of the management of pesticide activities consist of the following:

1. Ministry of Agriculture and Forestry;
2. Agriculture and Forestry offices of the Province, Capital City;
3. Agriculture and Forestry office of the District, Municipality and City;
4. Village Economic & Financial Unit.

Article 53. Rights and Duties of the Ministry of Agriculture and Forestry

In the management of pesticide activities, the Ministry of Agriculture and Forestry shall have the following rights and duties:

1. To research and formulate policies, strategic plans, laws and regulations relating to pesticide activities and submit these for the consideration of the Government;
2. To elaborate policies, strategic plans, laws and regulations relating to pesticide activities into plans, programs, projects and regulations and take charge of their implementation;
3. To advertise and disseminate policies, strategic plans, laws, regulations, plans, programs and projects related to pesticide activities;
4. To carry out the registration of pesticides, prepare and review the lists of pesticides which are permitted and banned for use and prepare plans to survey the pesticide risks;
5. To evaluate, issue, suspend or withdraw pesticide business operation licences regarding the consultancy, manufacture, treatment and disposal, analysis and testing of pesticides;
6. To evaluate and issue import permit of pesticides which is imported for the purpose of study, research, testing, exhibition, development of technology, assistance or import in emergency case for serving a specific project of the Government;

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7. To develop and upgrade the knowledge and capacity of the staff in pesticide and risk reduction activities;
8. To appoint the pesticide registration board;
9. To conduct monitoring and evaluation of the implementation of the pesticide activities countrywide;
10. To accept and process appeal or complaints concerning pesticide activities;
11. To collaborate with foreign countries and international organizations regarding pesticide and risk reduction activities;
12. To coordinate with relevant Ministries, agencies and local authorities to implement pesticide activities;
13. To summarize and report the implementation of pesticide activities to the Government on a regular basis;
14. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 54. Rights and Duties of the Agriculture and Forestry Offices of the Province and Capital City

In the management of pesticide activities, the Agriculture and Forestry Offices of the Province, Capital City shall have the rights and duties related to the area of their responsibilities as follows:

1. To implement and elaborate policies, strategic plans, laws and regulations relating to the pesticide activities;
2. To advertise and disseminate policies, strategic plans, laws and regulations, data and information relating to pesticide activities to the people and all parties in order to enable them to understand and participate in the implementation in a strict manner;
3. To research and submit the proposals to the Provincial Governor, Capital City Mayor for considering the issuance of Instructions, Guidances and Notifications concerning pesticide activities;
4. To evaluate and consider the issuance, suspension or withdrawal of pesticide business operation licences regarding the pesticide import, sale and application services;
5. To provide training and upgrade the capacity for district staff on management, inspection and use of pesticides;
6. To appoint or transfer the pesticide inspector of provincial and district levels;
7. To accept and process appeals or complaints regarding pesticide activities;
8. To monitor and evaluate the implementation of pesticide activities of the Office of Agriculture and Forestry of the District, Municipality, City;
9. To coordinate with other provincial offices, Local district administration and other relevant parties for the implementation of pesticide related activities;

Unofficial Translation

10. To summarize and report the implementation of pesticide activities to the Ministry of Agriculture and Forestry and to the Administrative Authority of the Province, Capital City on a regular basis;
11. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 55. Rights and Duties of Agriculture and Forestry Offices of the District, Municipality, City

In the management of pesticide activities, the Agriculture and Forestry Offices of the District, Municipality, City shall have the rights and duties related to the area of their responsibilities as follows:

1. To implement policies, strategic plans, laws and regulations relating to pesticide activities;
2. To advertise and disseminate policies, strategic plans, laws and regulations, data and information relating to pesticide activities to the people and all parties in order to enable them to understand and participate in the implementation in a strict manner;
3. To research and propose the District Chief, Municipality Mayor, City Mayor for considering the issuance of Instructions, Guidances and Notifications concerning the pesticide activities in line with the assignment of the Ministry of Agriculture and Forestry and elaborate the ordinance of the Minister;
4. To provide training for farmers on the management, use and storage of pesticides;
5. To propose to the Agriculture and Forestry office of Province , Capital City, to consider and appoint or transfer the pesticide inspector of the district level;
6. To provide training for pesticide business operators to be competent on pesticide activities;
7. To accept and process appeal or complaints relating to the pesticide activities;
8. To coordinate with other parties for the implementation of pesticide activities;
9. To summarize and report the implementation of pesticide activities to the Agriculture and Forestry offices of the Province, Capital City and to the District Chief, Municipality Mayor, City Mayor on a regular basis;
10. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 56. Rights and Duties of the Village Economic & Financial Unit

In the management of pesticide activities, the Village Economic & Financial Unit shall have the rights and duties as follows:

Unofficial Translation

1. To give advices on the infomation and techniques concerning the use of pesticides to allow the peoples to understand and implement them in a strict manner;
2. To participate in the monitoring and inspection of the use of pesticide, pesticide waste and impacts that occur;
3. To combat and prevent, report information on accidents, smuggling, sale, transport and use of pesticides that are not in consistence with the laws and regulations;
4. To participate in the resolution of conflict on pesticide related issues in the village;
5. To attend seminar, training in order to upgrade the knowledge on pesticides;
6. To report the implementation of the pesticide activities to the Office of Agriculture and Forestry of the District and to the village Administrative authority;
7. To exercise other rights and perform other duties as provided in the laws and regulations.

Article 57. Rights and Duties of Other Sectors

In the management of pesticide activities, other sectors, in particular the Ministry of Natural Resources and Environment, Ministry of Public Health, Ministry of Industry and Commerce, Ministry of Public Security, Ministry of National Defence, Ministry of Science and Technology, other Ministries, Ministry-equivalent agencies and local administrative authorities shall have the rights and duties to supervise, monitor, inspect pesticide activities and to collaborate with the pesticide management authorities according to their respective roles.

Section 8

Inspection of Pesticides Activitiess

Article 58. Pesticide Inspection Authorities

The organizations in charge of inspection of pesticide activities are comprised of:

1. Internal Inspection Organizations which are the same as the organizations in charge of the management of pesticide activities as specified in Article 52 of this Decree;
2. External Inspection Organizations include the National Assembly, Provincial People's Assembly, State Audit Authority, State Inspection Authority, Lao Front for National Construction, Mass Organizations, mass media and the peoples.

Article 59. Context of Inspection

The inspection of pesticide activities shall cover the following matters:

1. The implementation of laws and regulations relating to pesticides;

Unofficial Translation

2. The activities of the pesticide inspectors and officers;
3. The use of pesticide and operation of pesticide businesses;
4. The development and implementation of pesticide activities plan.

Article 60. Forms of Inspection

The inspection consists of three forms as follows:

1. Regular inspection;
2. Inspection with prior notice;
3. Sudden inspection.

Regular inspection shall be carried out in accordance with an inspection plan, and on a regular basis and on a specified date.

Inspection with prior notice, shall not be scheduled in a plan and shall be carried out subject to providing prior notification.

Sudden inspection, shall be carried out rapidly without any advance notice.

The processes and methods of the inspection are determined in a specific regulation.

Article 61. Pesticide inspector

The pesticide inspector is the agriculture technical staff who is officially appointed by the Agriculture and Forestry office of the Province, Capital City to carry out the inspection of pesticides at provincial level or district level.

The criteria and requirements for the pesticide inspector are determined in a specific regulation.

Article 62. Rights and Duties of the Pesticide Inspector

The pesticide inspector shall have the following rights and duties:

1. To disseminate, give advices on laws and regulations relating to the pesticide activities;
2. To conduct inspections of the manufacturing place, pesticide retailer, warehouse, advertisement of pesticides, import, transportation, export and place where uses pesticide;
3. To seize banned pesticides and its application equipment including other evidence document on violation against the Law and regulations on pesticide and report to pesticide management authority to find the measure for disposal or re-export such banned pesticide depending on the case;
4. To issue fine for any person who violates the Law and regulation on pesticide and warning to violator;
5. To coordinate with relevant officers in order to use various necessary measures, such as: ordering the vehicle to stop for inspection or access to

Unofficial Translation

- any suspected or target place to investigate violation against the Law and regulation on pesticide and also seize any suspected article and banned pesticide;
6. To receive, record the report, ask for and inspect the documents, interrogate persons who are found to be in violation of regulations on pesticide activities;
 7. To collect samples of pesticides for analyzing the quality or for using as evidence;
 8. To educate the offenders of laws and regulations relating to the pesticide activities;
 9. To summarize the result of inspection and prepare the documents for sending to the pesticide management authority at first level or submit to the officer in charge of investigation-interrogation for resolving or prosecution according to Laws;
 10. To exercise other rights and perform other duties as per assignment.

Section 9 Budget, Uniform, Insignia and Card of the Pesticide inspector

Article 63. Budget

The implementation of pesticide activities shall use the budget of the State that the pesticide management authority has to specifically prepare its budget plan for submitting to the line authority for approval in accordance with the Law on State Budget.

Article 64. Uniform, Insignia and Indentify Card of the Pesticide inspector

Pesticide inspector shall have a specific uniform, insignias and indentification card, which are determined by the Ministry of Agriculture and Forestry, for conducting official functions.

The pesticide inspectors shall always wear their uniform with insignias and carry identification card during their duty execution.

Section 10 Rewards and Penalties

Unofficial Translation

Article 65. Rewards for persons with outstanding achievement

Individuals, legal entities or organisations that perform outstandingly in implementing this decree shall receive an award or other form of recognition in accordance with the Law and regulations.

Article 66. Penalty measures for violator

Individuals, legal entities or organizations that violate this Decree will be warned, subject to disciplinary measures, be fined, subject to civil responsibilities or criminal sanction depending on the severity of the offence.

Article 67. Warning Measure

Individuals, legal entities or organizations that commit minor violations of this Decree that do not constitute a criminal offense or do not cause serious damage to society, the economy and the environment, shall be warned and educated in writing, provided that the offender submits an honest report recognizing their wrong-doing.

Article 68. Disciplinary Measure

A pesticide inspector who violates this Decree in a manner that is not considered a criminal offense shall be subject to disciplinary measure according to regulations, such as: warning of the offence, suspension of promotion or removing from civil service without receiving any honorarium.

Article 69. Fine Measure

Individuals, legal entities or organizations who violate this Decree shall be subject to pay a fine as follows:

1. Manufacture, import, export, transit and transport of a pesticide without receiving authorization shall be subject to a seizure of the pesticides and a fine equal to fifty percent of the pesticide value;
2. Import of a pesticide which has expired or is deteriorated shall be subject to a fine equal to fifty percent of the pesticide value and shall send the pesticide back to the country of origin;
3. Sale, use or possession of a pesticide which is not registered or falls in the list of banned pesticides in Lao PDR shall be subject to a a fine equal to one hundred percent of the pesticide value and seizure of the pesticide;
4. Mixing, transfer or division of a pesticide from the original container, change of the package or the content of the label of the pesticide without obtaining the authorization from the pesticide management authority, shall be subject to a fine equal to one hundred percent of the pesticide value and seizure of the pesticide;

Unofficial Translation

5. Sell pesticide to retailer or other seller without pesticide business operation licence, shall be subject to a fine equal to one hundred percent of the pesticide amount and seizure of the pesticide;
6. Providing pesticide services without licence:
 - First-time violation shall be subject to education and record in the follow-up book;
 - Second-time violation shall be subject to confiscation of equipment, pesticide and to a fine equal to one hundred percent of the service amount;
7. Employing a person without training on pesticides for performing pesticide application shall be subject to a fine equal to one hundred percent of the pesticide amount and shall be liable for damages that occur;
8. Carrying out treatment and disposal of pesticide and pesticide waste in inconsistency with regulations shall be subject to a fine equal to one hundred percent of the damage amount;
9. Transport of pesticides in inconsistency with the provisions of Paragraphs 1 and 2 of Article 32 of this Decree shall be subject to a fine equal to fifty percent of the pesticide amount, and to education and be recorded in the follow-up book.

Article 70. Criminal sanctions

Any individual who commits a violation of this Decree that constitutes a criminal offence shall be subject to the punishment as provided in the Criminal Law, depending on the seriousness of the case.

Article 71. Additional Penalties Measures

In addition to the measures against the violators stipulated in Article 70 of this Decree, the violators will also be subject to additional punishment, such as: suspension or withdrawal of pesticide business operation licence and enterprise registration certificate, as the case may be.

Section 11 Final Provisions

Article 72. Implementation

The Ministry of Agriculture and Forestry shall be responsible for coordinating with concerned parties to implement this Decree in an effectively manner.

All Ministries, Ministry-Equivalent Agencies, Local Authorities and relevant parties shall acknowledge and strictly implement this Decree.

Unofficial Translation

Article 73. Effectiveness

This Decree is effective from the date of signature and fifteen days after it is published in the Official Gazette.

Any provision that contradict this Decree shall be repealed.

**Government of Lao PDR
Prime Minister**

Signature and seal

Thongloun SISOULITH