



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity
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Ministry of Science and Technology

No.: **0307 /MST**
Vientiane Capital, dated: **01 March 2018**

AGREEMENT
of the Minister of Science and Technology
on the Management, Inspection and Quality certification of Construction
Material Production in Lao PDR

- Pursuant to the Standards Law (Revised Version) No.: 49/NA, dated 18 July 2014;
- Pursuant to the Law on Construction No.: 05/NA, dated 26 November 2009;
- Pursuant to the Prime Minister's Decree on the Organization and Activity of the Ministry of Science and Technology No.: 314/PM, dated 29 September 2017;
- Pursuant to the proposal of the Department of Standardization and Metrology No.: 0950/MST.DSM, dated 19 December 2017.

The Minister of Science and Technology issues an agreement as follows:

Chapter 1

General Provisions

Article 1. Objectives

This agreement defines principles, regulations and measures on management, inspection and quality certification of construction material productions which are produced, processed, imported, exported and distributed in Lao PDR in accordance with national regulations, principles, laws and measures which are consistent to regional and international regulations; aiming to supply qualified construction material productions to the construction activities and contributing into national socio-economic development.

Article 2. Construction Material Productions

A construction material production is produced, processed finished materials to be utilized in building, constructing, installing, and renovating activities in consistence with national, regional and international standards.

Article 3. Interpretation of Terms

The terms used in this agreement have the following meaning:

1. **Business Operator Related to Construction Material Production** refers to individual, legal entity and organization both internal and external country operating business under

- correct business registration in accordance with Law on Enterprise related to service business of construction material productions;
2. **Users** refer to individual, legal entity and organization utilizing Construction Material Productions supplied from Business Operator Related to Construction Material Productions;
 3. **Authorities** refers to appointed persons from managing agencies or sectors of the related state to inspect the quality of construction material productions;
 4. **Standards of the Lao PDR (SL)** refers to the standards approved by National Standards Council and promulgated by the Ministry of Science and Technology;
 5. **Seal to Certify Standards** refers to certifying marks on productions, administrative systems or certifiable systems defined by the Ministry of Science and Technology or other assigned organizations;
 6. **Quality** refers to demanding physical, chemical and mechanical characteristics in compliance with national, regional and international standards;
 7. **Seal to Certify Quality** refers to symbol certifying Construction Material Production's quality inspected by related administrative organization;
 8. **Certification of Construction Material Production's Quality** refers to official implementation, acceptance and issuance of certificate of quality from managing, inspecting, examining, and Construction Material Production's quality certifying organization;
 9. **Certificate of Quality** refers to document issued by administrative authorities of the state to certify inspected Construction Material Production in compliance with technical regulations, national, regional and international standards.

Article 4. Scope of Applicability

This agreement applies to individuals, legal entities and organizations both internal and external of country operating production, procession, import, export and distribution in Lao PDR the Construction Material Productions defined in Article 5 of this agreement.

Chapter 2 Categories of Construction Material Productions

Article 5. Categories of Construction Material Productions

Construction Material Productions necessary to constructing activities shall be managed, inspected and quality certified; And sorted into 10 categories as follows:

1. Construction Material Productions made from soil;
2. Construction Material Productions made from stones;
3. Construction Material Productions made from woods;
4. Construction Material Productions made from cement;
5. Construction Material Productions made from glasses;
6. Construction Material Productions made from metals;
7. Construction Material Productions made from minerals;
8. Construction Material Productions made from rubbers or plastics;
9. Construction Material Productions which are sheets, flats; and

10. Construction Material Productions which are paints or colors;

Article 6. Inspection and Certification of Construction Material Production's Quality

All Construction Material Productions defined in Article 5 above shall be inspected and certified quality from relevant Administrative Organization. The list of the managed Construction Material Productions is in annex.

Chapter 3 Inspection, Quality Certification, Fees and Fines

Article 7. Fundamental Principles for Inspection and Certification of Construction Material Production's Quality

Fundamental Principles for Inspection of Construction Material Production's Quality aims to elevate socio-economic quality and efficiency related to the managements, services and protection of Construction Material Production users under following Fundamental Principles:

1. Ensure the safety of lives, assets, environment and to meet the demand of society;
2. Ensure the openness, fairness, equality and transparency, verifiable, to avoid discrimination and barriers of business related to Construction Material Productions;
3. Ensure the compliance with the national, regional and international standards; ensure the consistence with existing situations and activity implementation capabilities of the inspection of Construction Material Production's Quality;
4. Ensure the business operators to produce, process, import, export and distribute products in compliance with principles and procedures of Construction Material Production's Quality inspection;
5. The inspection implementation of related committee, the such committee must accompany Notification Letter or Decision issued by the appointed Department of Standardization and Metrology, Provincial or City Division of Science and Technology.

Article 8. Forms of Construction Material Production's Quality Inspection

The inspection of Construction Material Production's Quality consists of three forms as follows:

1. Quality inspection before import, export and distribution of Construction Material Productions;
2. Normal Inspection of Construction Material Production distributing in the market, once per six months;
3. Urgent Construction Material Production's Quality Inspection is the urgent inspection of producing, processing, importing, exporting and distributing Construction Material Production without pre-notification.

Article 9. Application for Certification of Construction Material Production's Quality

An individual, legal entity and organization intends to apply for Certification of Construction Material Production's Quality shall apply to relevant Administrative

Organization. The application for Certificate of Construction Material Production's Quality shall include following documents:

1. Application document from business operators;
2. True copy of all documents licensing business operation related to Construction Material Productions;
3. True copy of documents related to production, procession, import, export and distribution of Construction Material Productions; and
4. Certificate of Construction Material Production's Quality from origin, for imported Construction Material Production (No later than 6 months from the date of issuing certificate).

Article 10. Procedures of Approval Consideration

1. Acceptance of applications with acceptance verifying document if complete documents are submitted as defined in the Article 9 of this agreement;
2. The documents of application for Certificate of Construction Material Production's Quality shall be considered within three (3) workdays; and
3. After acceptance of complete documents and inspection of Construction Material Production's Quality in compliance with national, regional and international standards, the Certificate of Construction Material Production's Quality shall be issued no later than five (5) workdays after the date of receiving inspection results.

Article 11. Certificate of Quality Issuance

Importing, exporting and distributing Construction Material Production of individual, legal entity and organization must be inspected and certified in quality in compliance with national, regional and international standards from the appointed Department of Standardization and Metrology, Provincial or City Division of Science and Technology.

A Certificate of Construction Material Production's Quality is important legal document and available for only once.

Article 12. Fees and Fines Rates

The inspection and certification of Construction Material Production's Quality include fees and fines measures as follows:

1. Fees rate on inspection, examination is implemented in accordance with the Executive Decree of the President on Fees and Service Charges related to the metrology in each period;
2. Fines rate is implemented in accordance with the Decree of the Prime Minister on the Fines and Measures for Violators of Standards and Metrology Law; and
3. The Department of Standardization and Metrology, Provincial or City Division of Science and Technology are central to implement in compliance with the Decree of the Prime Minister on the Fines and Measures for Violators of Standards and Metrology Law.

Article 13. Labels and Marks

The packing or packaging of each type of Construction Material Production shall attach labels and marks on the surfaces where easily and clearly see. The contents of the labels shall be in Lao language, and for foreign language the labels shall include consistent contents with following defined Lao language:

1. Name of production;
2. Types or sorts;
3. Production lots;
4. Marks of producing factory;
5. Trademark;
6. Factory name and country name of producers and processors;
7. Net volumes;
8. Expire date for some products (dd/mm/yy);
9. Barcodes;
10. Comments or symbols of “caution or warning”;
11. Seal to Certify Standards (if approved); and
12. Date, month and year of quality inspection.

Article 14. Documents Storage and Copying

The documents of Construction Material Production’s Quality inspection and certification consist of 3 sets as follows:

1. Construction Material Production’s quality administrating, inspecting and certifying organization stores the first set;
2. Business operators whose Construction Material Productions are inspected and certified in quality store the second set; and
3. Local Construction Material Production’s quality administrating, inspecting and certifying organization stores the copy for monitoring, third set.

Chapter 4 Rights, Duties of Construction Material Production’s Quality Inspecting and Managing Organization

Article 15. Construction Material Production’s Quality Inspecting, Managing and Certifying Organization

A Construction Material Production’s Quality Inspecting, managing and Certifying Organization is the Ministry of Science and Technology by appointing each Department of Standardization and Metrology, Provincial or City Division of Science and Technology to administrate.

Article 16. Rights of Construction Material Production’s Quality Inspecting and Managing Organizations

A Construction Material Production's Quality Inspecting and Managing Organization has following rights:

1. To administrate the Construction Material Production's Quality Inspecting system in order to comply with defined national standards and technical regulations, regional and international regulations;
2. To collect Construction Material Production samples for quality examination to comply with national, regional and international standards before import, export and distribution;
3. To issue Quality Certificate of Construction Material Production's Quality after examination and compliance with national, regional and international standards;
4. After Construction Material Production's Quality Inspection, the organization, if the inspection shows the results that do not comply with national, regional and international standards, shall coordinate with relevant sectors for drafting records, warnings, suspending the producing, processing, importing, exporting and distributing Construction Material Productions; to report to the state for consideration; and
5. To exercise other rights as provided in the relevant laws and regulations.

Article 17. Duties of Construction Material Production's Quality Inspecting and managing Organizations

A Construction Material Production's Quality Inspecting and Managing Organization has following duties:

1. To coordinate with relevant agencies to inspect the Construction Material Production's Quality in order to comply with national, regional and international standards;
2. To be fair, transparent, equal and honest in responsible duties;
3. To clearly set implementation period of Construction Material Production's Quality Inspection for business operator related to production, procession, import, export and distribution (Exception of urgent inspection);
4. To guide business operator related to Construction Material production, procession, import, export and distribution on application procedures of Construction Material Production's Quality Inspection;
5. To store and provide information on Construction Material Production's Quality Inspection to relevant agencies;
6. To report the situations and progress of implementation of Construction Material Production's Quality Inspection to relevant agencies and state;
7. To issue Quality Certificate of Construction Material Productions that are correctly inspected;
8. To advertise, disseminate Construction Material Productions that are inspected and certified in quality to public by any advertising mean; and
9. To exercise other duties as provided in the relevant laws and regulations.

Chapter 5

Rights and obligations of business operators and users of Construction Material Productions

Article 18. Rights of Business Operators related to Construction Material Productions

A business operator related to Construction Material Productions has following rights:

1. To service, advertise, disseminate Construction Material Productions that are inspected and certified in quality;
2. To improve efficiency of productions, services and to apply for fairness to relevant administrative organizations if the inspection or examination of Construction Material Productions is implemented unfairly;
3. To apply to relevant administrative organizations to re-inspect the abnormal Construction Material Production's Quality; and
4. To exercise other rights as provided in the relevant laws and regulations.

Article 19. Rights of Construction Material Productions users

A user has following rights:

1. To select Construction Material Productions and services for utilization as demanded;
2. To complain to relevant agencies if productions and services utilization is unfairly provided;
3. To apply to relevant agencies if business operation related to Construction Material Productions impacts environment and society;
4. To acknowledge the information related to quality and services of Construction Material Productions;
5. To inform relevant agencies on violation of standards and technical regulations of Construction Material Productions; and
6. To exercise other rights as provided in the relevant laws and regulations.

Article 20. Obligations of Business Operators related to Construction Material Productions

A business operator has following obligations:

1. Before exporting and distributing Construction Material Productions that are produced and processed in the country, the such products shall be inspected and certified in quality by relevant agencies;
2. To be responsible for all impacts and costs incurred from lacking of quality and non-certified, by relevant agencies, construction material products defined in the list of the managed Construction Material Productions as provided in the relevant laws and regulations;
3. To cooperate and to facilitate the concerned state officer for each inspection of Construction Material Production's Quality; and
4. To exercise other rights as provided in the relevant laws and regulations.

Article 21. Obligations of Construction Material Productions users

A Construction Material Productions user has following obligations:

1. To use the Construction Material Productions certified in quality by relevant agencies;

2. To utilize products and services as guideline from services providers; and
3. To exercise other rights as provided in the relevant laws and regulations.

Chapter 6 Prohibitions

Article 22. Prohibitions for Business Operators

The following activities are prohibited for business operators:

1. To produce, process, import, export and distribute construction material productions defined in the list of the managed Construction Material Productions which are not inspected and certified by the appointed or management level assigned Provincial or City Department of Standardization and Metrology, in Lao PDR;
2. To advertise, disseminate Construction Material Productions biasing from the true information;
3. To hamper the inspection implementation of concerned state officers, to bribe and collude with Construction Material Production's Quality inspectors; and
4. To falsify documents and certificate related to Construction Material Productions.

Article 23. Prohibitions for Construction Material Production's Quality Inspection Authorities

The following activities are prohibited for Construction Material Production's Quality Inspection Authorities:

1. To implement Construction Material Production's Quality Inspection without assignments;
2. To implement duties without responsibilities;
3. To implement duties unfairly, partially to individuals, legal entities and organizations;
4. To obtain bribes and to abuse duties and position for their own benefit;
5. To falsify, prolong and delay quality certifying document; and
6. Other illegal activities

Article 24. Prohibitions for other Individuals, Legal Entities and Organizations

The following activities are prohibited for Individuals, Legal Entities and Organizations:

1. To abusively use the implementation of Construction Material Production's Quality Inspection as a mean to hamper and interfere the Construction Material Production's quality inspection and examination operation of appointed authorities;
2. To advertise and promote Construction Material Productions which are lack of qualities;
3. To pollute to environment and society;
4. To support and protect the violators of this agreement;
5. To dissemble and hide illegal activities; and
6. Other illegal activities

Chapter 7

Awards for Persons with Outstanding Performances and Sanctions against Violators

Article 25. Awards for Persons with Outstanding Performances

An individual, legal entity and organization with outstanding performance on cooperation and contribution in the implementation of this agreement or relevant laws and regulations on the management of Construction Material Production's Quality shall be awarded or received other policies in accordance with laws and regulations.

Article 26. Sanctions against Violated Authorities

An official or authority violating this agreement shall be subjected to measures such as re-education, responsible duties resettlement, demotion or dismissal from civil servants. In addition, the violators shall be subjected to other measures provided in the Chapter 8 of the Criminal Law according to each case and other relevant laws and regulations.

Article 27. Sanctions against other Violators

An individual, legal entity and organization violating this agreement shall be subjected to measures such as warning, re-education, fines, disciplinary measure, compensation under Civil Law or penal prosecution in compliance with relevant laws and regulations depending on the seriousness of the violation.

Chapter 8

Final Provisions

Article 28. Implementation

The Ministry of Science and Technology appoints the Department of Standardization and Metrology by coordination with relevant sectors and organizations to implement this agreement in accordance with their roles.

Article 29. Effectiveness

This agreement shall enter into force from the date of signature and after releasing on the Official Gazette fifteen days. All regulations in conflict with this agreement are cancelled.

The Minister of Science and Technology

ANNEX to the agreement on the Management, Inspection and Quality certification of Construction Material Production.

The list of the Construction Material Productions

Construction Material Productions that are important to constructing activities shall be managed, inspected and certified in quality, and are divided into following 10 categories:

Category I. Construction Material Productions made from soils

1. Bricks;
2. Roofing Tile Bricks;
3. Tiles for house's walls, house's floors and building's floors; and
4. Sanitary ware that totally or partially consisted, processed, made from soils.

Category II. Construction Material Productions made from stones

1. Stone sheets that used for walls, house's floors and building's floor;
2. Stone used for yard flooring;
3. Granite stone; and
4. Productions made from marbles.

Category III. Construction Material Productions made from woods

1. Finished wood products used for construction frame;
2. Jambs;
3. Plywood;
4. Decorative woods;
5. Flooring woods;
6. All types of finished wood products; and
7. Woods for rail sleepers.

Category IV. Construction Material Productions made from cement

1. Cements;
2. Electricity poles;
3. Piles;
4. Concrete pipes;
5. Blocks,
6. Tile adhesives;
7. Cement glues; and
8. Coating cement powders.

Category V. Construction Material Productions made from glasses

1. Glass sheets wall structuring;
2. Lights supplying glasses;
3. Glass sheet for roofing; and
4. Mirrors.

Category VI. Construction Material Productions made from metals

1. Round bar steels;
2. Spiral shape or herringbone shape bar steels;
3. Nails;
4. All of types of finished steels, metal or compound metal which used in construction or repairs;
5. Steel wire, steel wire net, Steel wire ropes;
6. Electric wires;
7. Rail tracks;
8. All of types of finished steels, metal or compound metal which used for construction assistant parts or repairs;
9. Zinc sheets;
10. Aluzinc steel sheets;
11. Composite sheets; and
12. Aluminum sheets;

Category VII. Construction Material Productions made from minerals

1. Clinker;
2. Concrete supplement liquid;
3. Waterproof sealant;
4. Sealant; and
5. Glue.

Category VIII. Construction Material Productions made from rubbers or plastics

1. Asphalts;
2. Waterproof rubbers;
3. Flooring rubbers or plastics;
4. Walling rubbers or plastics;
5. Roofing rubbers or plastics;
6. All of types of rubber or plastic productions which used for construction parts or repairs;
7. PVC pipe including installation materials;
8. UPVC pipe including installation materials; and
9. Sanitary ware that made from rubbers or plastics.

Category IX. Construction Material Productions which are sheets, flats

1. Heat shield sheets;
2. Sound proofing sheets;
3. Synthetic sheets;
4. Synthetic shells;
5. Reinforcing Synthetic shell sheets; and
6. Waterproof rubber sheets.

Category X. Construction Material Productions which are paints or colors

1. Anti-Rust paints;
2. Water based paints;
3. Oil based paints; and
4. Thermoplastic paints.