



Kingdom of Cambodia
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Annex 4

Royal Government of Cambodia

No.: 15 អនក្រឹត្យ ចក្រ

**Sub-Decree
on
PHYTOSANITARY INSPECTION**

Royal Government

- Having seen Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. ៩៩៧/រក្ស 1198/72 dated 30 November 1998 on the Formation of the Royal Government of the Kingdom of Cambodia
- Having seen the Royal Kram No. 02/ ៩៩៧ /94 dated on 20 July 1994 on the Promulgation the law for Organization and Function of the Council Ministries
- Having seen Royal Kram No. ៩៩៧/ រក្ស 0196/13 dated 24 January 1996 on the Promulgation the law for establishment of the Ministry of Agriculture, Forestry and Fisheries
- Having seen Royal Kram No. ៩៩៧/ រក្ស 0600/001 dated 21 June 2000 on the Promulgation the law on the Management of Quality and Safety of Products and Services.
- Having seen Sub-Decree No 17 អនក្រឹត្យ dated 07 April 2000 on the Organization and Function of Ministry of Agriculture, Forestry and Fisheries
- Pursuant to the meeting of the Council of Ministers dated 14 February 2003.

Decided

Chapter I

GENERAL PROVISIONS

Article 1. -

This Sub-Decree aims to prevent the introduction of quarantine and dangerous pests into the territory, the spread from one to another within territory or to other countries through any means of transportation in order to protect the agriculture production and bio-diversity.

Article 2. -

All plant quarantine materials bringing or transporting into, exit from or transit in the territory of the Kingdom of Cambodia shall be inspected and followed the Phytosanitary Treatment.

Article 3. -

Ministry of Agriculture, Forestry and Fisheries is responsible for implementation of plant quarantine which has Plant Quarantine Authority of Department of Agronomy and Agricultural Land Improvement is implementing agency.

Article 4. -

Under this Sub-Decree, the definition and interpretation of important glossaries are:

- a. **Pest** includes any member of the animal kingdom (other than *Homo sapiens*) or plant kingdom or pathogenic agent, whether dead or alive, which could in any stage of development injure, damage, destroy or be parasitic upon any plant or plant products. Such an expression also includes for the limited purposes of this Sub-decree, but is not restricted to, insects, arachnids, rats, moles, snails, birds, organisms causing plant diseases and weeds.
- b. **Plant Quarantine Pest (PQP)** means any pest of plants dangerous (potential economic importance) to plant but not yet in existence in the Kingdom of Cambodia, and even those in existence but not widely spread yet that need to be controlled.
- c. **Phytosanitary Inspection** includes researching, investigating, observing, checking and sampling, analyzing and identifying plant quarantine materials to determine its infection status.
- d. **Dangerous Pest (DP)** is pest causing or being able to cause large economical damage or seriously destroy plant resource and environment.
- e. **Infested** means bearing or containing any pest.
- f. **Transit transport** means transit of goods and means of transport across the territory of the Kingdom of Cambodia when the passage is only a portion of a complete journey beginning and terminating beyond the frontier of the Kingdom of Cambodia across whose territory the traffic passes; transit transport may or may not include transshipment, warehousing, breaking bulk or change in the mode of transport.
- g. **Soil** means any earth, ground or naturally occurring mixture of mineral and organic material in which plants may be grown.
- h. **Epidemic Area** is zone of existing one or several species of published plant quarantine (PQP) or dangerous pests (DP).
- i. **Goods** include plants or part of plant, plant products, seed or seed materials, which is being moved for commercial or other purposes.

- j. **Epidemic Nest** is place, where one or several species of published plant quarantine or dangerous pest are existed.
- k. **Plant products** mean unprocessed, semi-processed or processed material of plant origin that, by their nature or that of their processing, may create a risk for the introduction and spread of pests.
- l. **Manufactured materials of plant origin** means unprocessed, semi-processed or processed material of plant origin that, by their nature or that of their processing, may create a risk for the introduction and spread of pests. These products are not include the material, packaged in can or bottle and may be not created a risk for spreading the pests.
- m. **Phytosanitary** of or for plant or plant-product health esp. the prevention, treatment or removal of pests.
- n. **Phytosanitary Officer (PSO)** refers to any person appointed for phytosanitary inspection.
- o. **Plant** means all members of the plant kingdom, whether living or dead, at any stage of growth or development, any part or parts of such, but not preserved fruits or vegetables imported in hermetically sealed cans, tins, bottles or other containers. Such an expression also included, but is not restricted to, seed, grain, tuber, corm, bulb, root, stem, branch, stock, bud wood, cutting, layer, slip, sucker, rhizome, leaf, flower and fruits of plants.
- p. **Phytosanitary Requirement** means the requirement of plant quarantine authority of any country to prevent against the spread of pest into the country by means of importing activities. This requirement is in accordance with the International Plant Protection Convention – 1951.
- q. **Phytosanitary Certificate (PC)** refers to an internationally accepted certificate issued by the Plant Quarantine Authority after due phytosanitary inspection of goods prior to export from country origin in accordance with the model prescribed in the 1951 International Plant Protection Convention. A PC is required for importation, exportation and transit of all goods objected to plant quarantine.
- r. **Phytosanitary Certificate for Re-export (PCR)** refers to an internationally accepted certificate issued by the Plant Quarantine Authority after due phytosanitary inspection of goods not originally in that country prior to export to the third country. A PCR is in accordance with the model prescribed in the 1951 International Plant Protection Convention. A PCR is required for non-direct importation or exportation of or transit of all goods objected to plant quarantine which is not original, is being transshipped or warehoused or broken bulk or changed in the mode of transport or taken phytosanitary treatment in the second country.
- s. **Phytosanitary Treatment** includes selecting, eliminating, re-processing, and cleaning, decontaminating, retaining, returning back to the place of origin or destroying plant quarantine materials.

- t. **Beneficial organism** means an organism which benefit plant growth and development by infecting, parasitizing or predated on plant pests. Such an expression includes, but is not restricted to, insects, arachnids, nematodes, fungi, bacteria, viruses and other microbial organisms. These beneficial organisms are known to carry on or in them other undesirable organisms (e.g. hyper parasitoids and entomopathogenic organisms) detrimental to plant growth and development.
- u. **Plant Quarantine Authority (PQA)** means an authority in charged in phytosanitary inspection and has clearly organizational structure from the Central level to the plant quarantine stations. This authority refers to Plant Protection and Phytosanitary Inspection Office (PP&PSO) under supervise of Department of Agronomy and Agricultural Land Improvement (DAALI) of Ministry of Agriculture Forestry and Fisheries (MAFF). The PQA have coordinated it work and permanently and closely cooperation with Plant Quarantine Authority of other countries, which are implementing the IPPC-1951.
- v. **Infection Status** is level and character of plant quarantine materials bearing or containing with pests.

Chapter II

PHYTOSANITARY INSPECTION

Article 5. –

Ministry of Agriculture Forestry and Fisheries shall nominate Phytosanitary and animal- sanitary Officers to implement the inspection following their duties in international check points, international border-check points, bilateral border-check points, regional border-check points and sea border-check ports throughout the Kingdom of Cambodia, where are stated by the Royal Government Sub-Decree.

Ministry of Agriculture Forestry and Fisheries shall set up Phytosanitary and animal-sanitary inspection check points at train station, dry-port and domestic ports and airports, where permitted by the Royal Government.

In case epidemic of plant quarantine pest or dangerous pest in any area of the Kingdom of Cambodia, Ministry of Agriculture Forestry and Fisheries shall be setting up transitional phytosanitary inspection check points in the place is needed to control epidemic and apply plant quarantine treatment for eliminating the problem. When epidemic has been eliminated Ministry of Agriculture Forestry and Fisheries shall be breaking up all those transitional phytosanitary inspection check points.

Phytosanitary inspection check points shall be equipped with technical apparatus in order to insure the effectiveness of inspection.

Phytosanitary inspection check points shall be situated at the place, where are convenient for the transportation of material.

Article 6.

Phytosanitary inspection shall be implemented following phytosanitary requirement of each country.

Article 7. -

Plant quarantine materials are:

- Plants, parts of plant, plant products, and agricultural products that are not certified free of pests;
- Packaging material or wooden boxes, palettes or any means of transport and storage;
- Soil or soil attached to root or part of plant;
- Live or dead pests or beneficial organisms;
- Any other items that may not be of plant origin but yet may provide a habitat for pests.

List of plant quarantine materials shall define by Decrees of Minister of Agriculture Forestry and Fisheries, Minister of Commerce, Minister of Industry Mine and Energy, and Minister of Health.

Article 8. -

Any person, who is transporting any plant quarantine material, shall carry out the following procedures:

- Properly declares the material;
- Obtains a phytosanitary certificate;
- Packs the materials in good package and tightly fasten to avoid leakage or spillage of materials while being transported;
- Stores or transports the materials in the place or through the way designated by the Plant Quarantine Authority.

In case of transport, store or load the materials in place or through the way other than designated, shall request the permission from Plant Quarantine Authority.

Article 9. -

Before the arrival of goods to the points of entry to or exit from Cambodia, the owner shall announce to the nearest phytosanitary check point and shall make good convenient for phytosanitary inspection. The phytosanitary inspection shall be completed within 24 hours after receiving the notification.

Within 10 days prior the export of the materials, the owner shall apply to Plant Quarantine Authority and shall make good convenient for the phytosanitary inspection. Within this period of time the Plant Quarantine Authority shall complete phytosanitary inspection and treatment.

Article 10. -

For any plant quarantine materials, which are not complied with the phytosanitary requirement of importing country, the owner shall follow the phytosanitary treatment.

The expense for phytosanitary treatment shall be paid by the material owner.

Article 11. -

Any physical or juridical person shall inform to the nearest Plant Quarantine Authority, when he/she has seen:

- a. A sail boat, a motor-driven boat, a ship or any other sea-going vessel loading any plant quarantine materials, which has broken down and has drifted into the maritime territory of the Kingdom of Cambodia.
- b. A plane drops any material as described above into the territory of the Kingdom of Cambodia.

Article 12. -

The owner of plant quarantine materials shall immediately take measure to control, when he/she sees or knows that his or her material has damaged by plant quarantine pests. If owner has no ability to control them, he/ she shall requests to Plant Quarantine Authority to take phytosanitary treatment.

Article 13. -

If pests invade any check point, phytosanitary officer shall take adequate and appropriate measure to control and eliminate them immediately, in order to avoid the transportation stack.

If above measure is not effected, Plant Quarantine Authority shall stop transportation, loading or unloading materials until the pest have fully eliminated.

Article 14. -

Any physical or juridical person who requests a phytosanitary inspection shall pay a fee called a *phytosanitary inspection fee*. If requests for the treatment of the consignment to control pests - a *pest control fee*. These payments shall be deposited to the national budget through Plant Quarantine Authority.

Phytosanitary inspection fee and pest control fee shall be issue by PROKAS or Minister of Agriculture, Forestry and Fisheries and Minister of Economic and Finance.

Article 15. -

The cooperation between organizations dealing with import, export, Transit of plant quarantine materials in all check points is defined as follows:

1. The chief of check point, and other involved organization shall cooperate with plant quarantine officer to prevent and conduct phytosanitary treatment.
2. Phytosanitary inspection shall make at one time with Customs and Camcontrol.

Article 16. -

During operation the plant quarantine officer shall ware the uniform together with badges of Plant Quarantine Authority and accompanied by the mission order issued by MAFF.

The uniform, badges and stamp of plant quarantine authority will be determined by other Sub-Decree.

Ministry of Agriculture Forestry and Fisheries shall develop the PRACAS on procedure of plant quarantine inspection and other regulations for implementing this sub-decree effectively, transparently and with non-discrimination in whole country.

Article 17. -

All PRACAS or other regulations that concerned with plant quarantine inspection shall be published through National Information System.

Chapter III

DOMESTIC PLANT QUARANTINE

Article 18. -

In the case of finding the Epidemic nest of plant quarantine pest or dangerous pest in any location in the Kingdom of Cambodia, the Ministry of Agriculture Forestry and Fisheries shall declare as an epidemic area and shall take measure to control them immediately.

The exportation, importation or transit of goods shall be prohibited until the new declaration issued by Minister of Agriculture Forestry and Fisheries.

Article 19. -

The bringing of plant quarantine pests or dangerous pest samples from epidemic area for research purpose shall be permitted by Plant Quarantine Authority.

Chapter IV

PLANT QUARANTINE FOR IMPORT AND MONITORING

Article 20. -

The inspection of import of plant quarantine materials shall be conducted based on the list of plant quarantine and dangerous pests prohibited to entry into the Kingdom of Cambodia.

The list of plant quarantine and dangerous pests prohibited to entry into the Kingdom of Cambodia shall be determined by PRACAS issued by Minister of Agriculture Forestry and Fisheries. Minister of Agriculture Forestry and Fisheries shall be lawful to alter the list of plant quarantine and dangerous pests prohibited to entry into the Kingdom of Cambodia, if needed. This alteration shall be effected thirty days (30 days) after the date of publication. However, in an emergency when a very serious epidemic that could cause enormous damage to the agriculture and bio-diversity, such alteration shall take effect within twenty four hours (24 hours) after publication.

Article 21. -

The owner plant quarantine materials importing into the Kingdom of Cambodia shall respect to phytosanitary condition as follows:

1. The materials must be accompanied with a plant quarantine certificate issued by Plant Quarantine Authority of country-exporter in model stipulated in International Plant Protection Convention 1951.
2. The materials must be free from plant quarantine pests and other dangerous pests of the Kingdom of Cambodia. In case of materials has damaged by the above pests, the phytosanitary treatment shall be took place prior importing.

Article 22. -

Inspection formalities of imported plant quarantine materials are as follows:

1. Any physical or juridical person who import plant shall informs to the plant quarantine check point ten days (10day) before arrival of materials.
2. In arrival to the first point of border's entry, owner of plant quarantine materials must declare and apply for inspection. The plant quarantine check point shall indicate concretely the proper place for plant quarantine inspection.

The declaration, inspection, and phytosanitary treatment are carried out in compliance with Art. 9, 10, and 14 of this sub-decree. It shall be lawful procedure in case of sending back to exporting country or destroying the plant quarantine materials.

When mean of transport of plant quarantine materials arrives at Cambodia territorial water, the owner shall declare to the nearest plant quarantine check point for inspection. The mean of transport could ashore only after phytosanitary inspection and getting the permission from Plant Quarantine Authority.

Article 23. -

The plant quarantine authority is empowered to inspect advice and monitor the transportation, stock, distribution and use of plant quarantine materials since they are brought into the territory of the Kingdom of Cambodia. In case of plant quarantine or dangerous pests invade any places, plant quarantine authority shall take adequate and appropriate measure to control and eliminate them immediately.

Chapter V

PLANT QUARANTINE FOR EXPORT

Article 24. -

The inspection of exporting plant quarantine materials shall be conducted based on conditions prescribed in Commercial Contract, Agreement, Convention and other documents concerning phytosanitary conditions of country-importer.

Article 25. -

The condition for exporting plant quarantine material is as follows:

1. The owner of exported plant quarantine materials shall requests to Plant Quarantine Authority for inspection and issuing the phytosanitary certificate.
2. The Plant Quarantine materials must be in compliance with phytosanitary condition of country-importer which prescribed in commercial contract, agreement, convention and other concerned documents.

Article 26. -

The inspection formalities of exporting plant quarantine materials shall be conducted in compliance with condition prescribed in the Article 9 Paragraph 1, Article 10 and Article 14 of this sub-decree.

Chapter VI

PLANT QUARANTINE FOR TRANSITS

Article 27. -

Plant quarantine materials bringing in transits through territory of the kingdom of Cambodia must be:

- accompanied with a phytosatory certificate issued by country –exporter,
- Pack the materials in good package and load in container, which could avoid leakage or spillage the materials while being transported,
- The mean of transport must be free from plant quarantine or dangerous pests, which could be spread out along the way of transit.

Article 28. -

Phytosanitary inspection formalities for transit are as follows:

- Owner must inform to the nearest plant quarantine check point before their materials are reached to point of entry to and exit from.
- Plant Quarantine Authority must inspect the means of transport and observe outer of mass of materials, examine the phytosanitary certificate issued by country exporter and must facilitate the transportation to be continued respectively.

Article 29. -

The Plant Quarantine Authority shall conduct the phytosanitary treatment at point of entry before permitting the transportation to be continued; in case of the plant quarantine materials are not in compliance with the conditions prescribed in Article 27 of this Sub-Degree.

In case of accident while transporting and the packaging materials are broken that are likely to spread out the plant quarantine materials, the owner shall immediately declare to the nearest Plant Quarantine Authority or local Authority. The Plant Quarantine Authority shall immediately conduct Phytosanitary Treatment, issue the phytosanitary certificate for re-export and allow the transportation to be continued.

Charter VII

AUTHORITY OF PLANT QUARANTINE OFFICER

Article 30. -

The Plant Quarantine officer has authorized as follows:

- Conduct the phytosanitary inspection and treatment on mean of transport and plant quarantine materials in storage, factories, agricultural production area or farms.
- Prepare the record and report on violation for submitting to the court.
The owner of the above asset shall permit the plant quarantine officer to inspect their materials and shall cooperate in providing information.

Article 31. -

Local Governor or Authorities shall provide their forces to cooperate with Plant Quarantine Authority, according to their request.

Chapter VIII

PENALTY PROVISION

Article 32. -

It shall not allow to import, export or transit transport of plant quarantine materials which commits any of the following wrongful acts:

- Falls to plant quarantine procedure prescribed in Article 8, excluded point 4 or Article 30 paragraph 1 of this Sub-Degree,
- Not complied with the phytosanitary requirement of importing country or not follows the phytosanitary treatment, prescribed in Article 10 of this Sub-Degree

- Not follows the conditions prescribed in Article 21, 26 or 28 of this Sub-decree.

Article 33. -

It shall be fined assisting to Article 62 , charter 7 of Law on the Management of Quality and Safety of Products and Services to any person, who:

- Fails to plant quarantine procedure prescribed in Article 8, point 4 of this Sub-Decree,
- Violates to Article 13 paragraph 2 or Article 18 paragraph 2 or Article 19 or Article 22 paragraph 2 or 3 of this Sub-Decree.

Article 34. -

Any person who repeats the same kind of wrongful act prescribed in Article 18 paragraph 2 or Article 19 or Article 22 paragraph 3 of this Sub-Decree, shall be fined in double, excluding the criminal fault.

In case of wrongful act were distributed the plant quarantine or dangerous pests, the failed person should paid for the elimination the above problems according to the estimation by Minister of Agriculture Forestry and Fisheries.

Article 35. -

It shall be fined assisting to Article 63 , charter 7 of Law on the Management of Quality and Safety of Products and Services to any person, who:

- a. Make any condition, that Phytosanitary officer as mentioned in Article 3 of this Sub-decree can not implement their duties.
- b. Denise to show related document or want to give not true information or to make confuse on transportation plant quarantine material;
- c. organize by not permission of plant quarantine material that has temporary confiscate by phytosanitary inspection;
- d. Transport plant quarantine material to escape from plant quarantine check points in purpose avoiding phytosanitary inspection.

Article 36. -

Any person who rules out the fine, his/ her fault shall be submitted to a competent court of law.

The rewarded to encourage the officer and the expenditure for this mission will be defined by PRACAS of Minister of Agriculture Forestry and Fisheries and Minister of Economic and Finance.

Chapter IX

FINAL PROVISION

Article 37. -

Sub-Decree 98 អន្តរក្រឹត្យ, dated 08 October 1983 on phytosanitary inspection on importing and exporting plant product and other previous provisions which are contradictory to this Sub-Decree shall be repealed.

Article 38. -

Minister of minister's council; Minister of Ministry of Agriculture Forestry and Fisheries; Ministers and Secretaries of State of all Ministries and Authorities concerned shall implements this Sub-Decree upon signing.

Phnom Penh, 13 March 2003

Prime Minister

HUN SEN

CC:

- Cabinet of the King
- General Secretariat of Senate
- General Secretariat of National Assembly
- General Secretariat of Royal Government
- Cabinet of Prime Minister
- All Ministries and Authorities
- All Provincial and Municipal Governors
- As mentioned in Article 38
- Documentation