

KINGDOM OF CAMBODIA
Nation Religion King

Royal Government of Cambodia
No. 69 ANKr.BK

SUB - DECREE
ON THE STANDARDS AND MANAGEMENT OF AGRICULTURAL MATERIALS

The Royal Government

- Having seen the constitution of the Kingdom of Cambodia 1993,
- Having seen the royal decree dated September 24, 1993, on the appointment of the 1st and 2nd Prime Ministers,
- Having seen the royal decree dated November 1, 1993, on the appointment of the Royal Government of Cambodia,
- Having seen the royal decree No. NS.RKT 1094.83 dated October 24, 1994, on the modification of the Royal Government composition,
- Having seen the royal decree No. NS.RKT. 0194.90 dated October 31, 1994, on the modification of the Royal Government composition,
- Having seen the royal code No. 02.NS.94 dated July 20, 1994, on the organization and execution of Council of Ministers,
- Having seen the royal code No. N.S. RKM.1296.36 dated December 24, 1996, on the protection of environment and management of natural resources,
- Having seen the royal code No. ChS.RKM.0696.02 dated June 17, 1996, on the pharmaceutical management,
- Having seen the royal code No. NS.RKM 0196.13 dated January 24, 1996, on the establishment of Ministry of Agriculture, Forestry and Fisheries,
- Having seen the royal decree No. ChS.RKT.0897.147 dated August 7, 1997, on the modification of composition of Royal Government of the Kingdom of Cambodia,
- Having seen the sub-decree No.18 ANKr dated October 2, 1984, on the roles, duties and structure of organization of Ministry of Agriculture, Forestry and Fisheries,
- Pursuance to the necessity of Ministry of Agriculture, Forestry and Fisheries,
- Pursuance to the approval of Council of Ministers, dated October 16, 1998.

Decides

Chapter I
General Provision

Article 1: The sub-decree has the purpose to ensure a high quality of agricultural materials so as to strengthen and increase the agricultural production with high effectiveness and sustainability in the Kingdom of Cambodia.

The provision of appropriate standards and a correct mechanism of management can ensure and protect the interests of users, producers, importers, wholesalers and retailers of agricultural materials as well as the protection of environment.

Article 2: This sub-decree has coverage on agricultural materials which generally are: fertilizers, pesticides, seeds and part of seed organ, animal drugs, animal feed and feed additive which are all main factors to increase the crop productivities and animal production.

Article 3: The definitions of words used in this sub-decree are as follows:

1. **Standards of agricultural materials:** A Maximum quality level acceptable for agricultural materials mentioned in this sub-decree including: the specification of materials and the measures to control quality such as registration, packing, labeling, etc.
2. **Agricultural materials:** Including: fertilizers, pesticides, seeds, and part of seed organs, animal drugs, animal feed and feed additive used in agricultural production.
3. **Fertilizers:** Refer to nutrient substance consist of one or more nutrient compound to promote the plant growth, increasing the yield and quality of the crop production
4. **Registration:** The Provision of authorization letter by the Ministry of Agriculture, Forestry and Fisheries for any agricultural materials, trading, distribution and domestic use or exportation. A registration is also the process of evaluation and an acceptance of documents affirming the effectiveness and safety of requested products such as fertilizers and pesticides.
5. **Business license:** letter of authorization given by the Ministry of Agriculture, Forestry and Fisheries to individuals or companies produced, processing, supplying, wholesale, repacking, storage, importing and exporting for trading of agricultural materials.
6. **Quality guarantee:** The guarantee of producers for the chemical composition of the production.
7. **Nutrient substance:** Necessary substances for growth of plants such as nitrogen (N), phosphorus (P), potassium (K) and other elements.
8. **Packing materials:** Container, bottle, phial, bag, sack or pack for containing, wrapping or loading, able to keep the qualities of agricultural materials.
9. **Label:** Letters or writing or brand clearly seen on or stuck to the packing materials of agricultural materials.

- 10. Repackaging:** Transfer of agricultural materials from their original wrapping to another smaller one for sale.
- 11. Falsified fertilizer:** Fertilizer mixed with non-chemical substances, reducing to the rate of nutrients and inappropriate to the standard determined.
- 12. Poor quality of Fertilizers:** Fertilizer appropriate to standard but losing the nutrient substance due to various causes or factors such as damp or fertilizer rested long duration in warehouse, etc.
- 13. Non specified fertilizers:** Fertilizers that does not meet the standard determined
- 14. Pesticides:** Inorganic or organic substances consist of one or more compounds used to be:
 - Preventing, destroying, attracting, chasing, luring, gathering, and expelling insects, rates, weeds and other living organs that can damage the crops or
 - Alleviating caused by fungi, bacteria, nematodes and virus or
 - Coordinating the plant growth, defoliating or drying out the plants
- 15. Active ingredients:** Pesticides substances that is influence on the plants and animal lives.
- 16. Forbidden agricultural medicines:** Agricultural medicines the use of which is prohibited by the Ministry of Agriculture, Forestry and Fisheries.
- 17. Seeds:** Grains for sowing or cultivating other plants such as food crop varieties, edible fruit plants, vegetables, industrial plants, etc.
- 18. Part of seed organ:** Part of organ of agricultural plants used for growing, like stem, bulb, shoot, graft...etc.
- 19. Certified seeds:** Varieties of agricultural crops recognized and issued certificate by the Ministry of Agriculture, Forestry and Fisheries.
- 20. Commercial seeds:** All kinds of crop varieties with qualities for cultivation and circulated for sale but do not certify and acknowledgment.
- 21. Crop seed purity:** The qualities of crop varieties determined and excluded the crop seeds and other substances mixed in there.
- 22. Animal drugs:** Any mixed or blended substances of drug in the form of one or more kinds of mixing that use with all species of animals to treat them, improving their health or increasing feed productivity.
- 23. Animal feed:** Various nutrient substances given to animals for their existence and growing.

24. Feed additive: Mixed substances of vitamins, antibiotics or mineral elements in different forms for supplementary use in animal feed.

25. “Businessmen” means importers, exporters, producers, wholesalers and retailers of agricultural materials.

Chapter II Fertilizer

Article 4: All kinds of Fertilizers that can be sold in the Kingdom of Cambodia shall be registered with the Ministry of Agriculture, Forestry and Fisheries, even though they have been imported or produced in the country. The application for registration shall be made by importers or producers.

Article 5: A natural person or a legal person or any company that wants to produce or import or export fertilizers shall have authorization from the Ministry of Agriculture, Forestry and Fisheries.

Article 6: Fertilizers produced, imported or sold in Cambodia shall contain the compound of nutrient substance as well as the registered quality guarantee.

Article 7: Fertilizers displayed for sale shall be wrapped up in a packing material which is weather resistant, not torn or pierced, solid to secure the quality guarantee from transportation, stocking and using. The new repackaging into small bags for sale can be performed only when a letter of authorization from the Ministry of Agriculture, Forestry and Fisheries have been made.

Article 8: Every packing material shall be labeled to give clear sufficient information to users in Khmer, following the instructions of the Ministry of Agriculture, Forestry and Fisheries. It is forbidden to sell any fertilizers without label or with label but illegible.

Article 9: It is forbidden to importing, stock and sale any falsified fertilizers.

Article 10: The sale of non-specified fertilizer or fertilizer with poor quality shall be authorized by the Ministry of Agriculture, Forestry and Fisheries and shall be performed according to the instructions of the Ministry of Agriculture, Forestry and Fisheries on the business of those fertilizers.

Chapter III Pesticides

Article 11: It is forbidden to import, produce, mix, wrap up, wholesale or retail pesticides which have not been registered or not mentioned in the prakas authorized to be temporarily used by the Ministry of Agriculture, Forestry and Fisheries.

Article 12: Natural person or legal entity who have performed or are performing or have intended to do the business of pesticides shall be registered and authorized by the Ministry of Agriculture, Forestry and Fisheries.

Article 13: Pesticides registered with the Ministry of Agriculture, Forestry and Fisheries are:

1. Pesticides being circulated for sale in the markets of the Kingdom of Cambodia but have not been listed in the prakas of authorization to be temporarily used by the Ministry of Agriculture, Forestry and Fisheries.
2. List of pesticides authorized to use by the Ministry of Agriculture, Forestry and Fisheries.
3. New pesticides that not listed in the 1st class of WHO classification.
4. Pesticides already registered but have changed formulation or trade names.

Article 14: Pesticides listed in banning to use by the Ministry of Agriculture, Forestry and Fisheries, importation without authorization and pesticides mentioned in the 1st classification according to WHO are not authorized to be registered, except for urgent cases or special requirements determined by the Ministry of Agriculture, Forestry and Fisheries.

Article 15: There are 4 kinds of registration of pesticides:

- 1- **Temporary registration:** This registration shall be made for all categories of pesticides mentioned in the Prakas of authorization to temporarily use by the Ministry of Agriculture, Forestry and Fisheries and being circulated for sale in market places.
- 2- **Conditional registration:** This registration shall be made for any pesticides for which the initial registration is requested and the data or other necessary conditions shall be additionally provided according to the technical requirements of the Ministry of Agriculture, Forestry and Fisheries.
- 3- **Full registration:** This registration shall be made for any pesticides for which the registration applicant has fulfilled every technical requirement of the Ministry of Agriculture, Forestry and Fisheries. The registration number and certificate shall be issued by the Ministry of Agriculture, Forestry and Fisheries.
- 4- **The authorization to use for experimentation:** is the authorization to import pesticides which have not yet been registered to use, with the purpose to carry out research only. Temporary registration and conditional registration will be transferred to the full registration for one year later, if the registration applicant fulfills all technical requirements of the Ministry of Agriculture, Forestry and Fisheries. The request of extension for one-year period can be satisfied in case of rational reason.

- Article 16:** The validity of full registration is 3 years in case there is no withdrawal or cancellation. The new authorization with the same period can be received after paying the registration and providing additional data. The failure to ask for new registration, the validity will be automatically cancelled.
- Article 17:** The cost of service for registration and new registration shall be determined by the Prakas of Ministry of Agriculture, Forestry and Fisheries.
- Article 18:** All kind of pesticide packing materials, which will be imported, stocked, wholesale and retail shall be labeled in Khmer for easy comprehension. The form and feature of label shall be determined by the Ministry of Agriculture, Forestry and Fisheries.
- Article 19:** All kind of pesticide packing materials shall comply with the standard set out by Ministry of Agriculture, Forestry and Fisheries.
- Article 20:** New wrapping up of pesticides is forbidden. New repackaging can be performed only when there will be authorization from Ministry of Agriculture, Forestry and Fisheries. The filling or deducting of part of pesticide into bottles or bags or materials for wrapping up food or beverage shall be strictly forbidden.
- Article 21:** It is forbidden to do the business of pesticides are:
- Falsified products,
 - Poor qualities,
 - Active ingredient quantity is different from information as confirmed in the label,
 - Pesticides that listed in conditional registration.
- Article 22:** The arrangement and conditions to store pesticides shall be determined by Ministry of Agriculture, Forestry and Fisheries. The location of warehouse for storage pesticides shall be authorized by the Ministry of Agriculture, Forestry and Fisheries with approval from Ministry of Environment.
- Article 23:** The disposal and destruction of waste or materials for wrapping up pesticides of businessmen shall be authorized by Ministry of Agriculture, Forestry and Fisheries with approval from Ministry of Environment.
- Article 24:** All advertisements on pesticides through any means shall be authorized by Ministry of Agriculture, Forestry and Fisheries. It can be authorized to advertise only pesticides that have already been fully registered.

Chapter IV

Seeds and part of seed organ

- Article 25:** All seeds and part of seed organ sold in the Kingdom of Cambodia shall have appropriate manner to consistent with the quality standard set by Ministry of Agriculture, Forestry and Fisheries.

Article 26: Importation of seeds and part of seed organ in the Kingdom of Cambodia shall be authorized by the Ministry of Agriculture, Forestry and Fisheries and must follow the provisions of the measure control of phyto-sanitary and sanitary.

Article 27: Natural person or legal entity who want to produce certified seeds or part of seed organs to engage in trade shall make registration with Ministry of Agriculture, Forestry and Fisheries with following the instruction and technology for production and store keeping of those seeds.

Article 28: All seeds that displayed for sale shall be wrapped up and labeled in according to the standard and specification defined by Ministry of Agriculture, Forestry and Fisheries.

Chapter V

Animal drugs, feed and feed additive

Article 29: The formalities and requirements in production, importation, exportation, trading and quality standard of animal drugs are determined by joint prakas of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Health in compliance with the pharmaceutical management law.

Article 30: Producers and businessmen of animal feed and feed additive shall have their product registration with the Ministry of Agriculture, Forestry and Fisheries.

Article 31: Animal feed and feed additive which produced in the country, imported, exported and locally sold shall have appropriate characteristic in line with the standard of the registration.

Article 32: Animal feed and feed additive displayed for sale shall be wrapped up and labeled in Khmer for easy comprehension. The form and feature of labels shall be determined by Ministry of Agriculture, Forestry and Fisheries.

Article 33: It is forbidden to produce or sale, stock of the animal drugs, animal feed and feed additive falsified under standard or expiration.

Chapter VI

The Management Competency

Article 34: Agricultural material management, instruction and control and monitoring in relation to the agricultural materials are to be competence of the Ministry of Agriculture, Forestry and Fisheries determined by Sub-decree.

Chapter VII

Penalty

Article 35: Shall be administratively penalized as follows:

1. In writing warning and temporarily confiscating the illegal offenses and file a complaint to the court to the natural persons or legal entity who have done business of agricultural materials not registered as set out in article 4, 11,12, and 31.
2. In writing warning and forced to make the contract of correction for wrongdoing within 7 days for the natural persons or legal entity who have done business of agricultural materials without letter of authorization from Ministry of Agriculture, Forestry and Fisheries as set out in articles 5, 7, 13, and 21. The temporarily confiscating of the illegal offenses and file a complaint to the court in case of second violation.
3. In writing warning and temporarily confiscating the illegal offenses and file a complaint to the court to the natural persons or legal entity who have done business of agricultural materials with falsification or poor qualities or difference from quality guarantee registered set forth in article 6, 9, 22, 29, 32 and 34. Revoking the business license finally, in case of commitment a guilty for second time.
4. In writing warning and forced to make the correction contract of wrongdoing within 15 days for the natural persons or legal entity who have done business of agricultural materials violated to packaging as stated in article 8, 19, 20,29 and 33. Temporarily withdrawal the business license in case of second commitment.
5. In writing warning and forcing them to enter into contract of correction for wrongdoing within 7 days for the natural persons or legal entity who have done business of pesticides without ensuring the safety of their stocking , the disposal or wrapping materials, or advertising of pesticides without authorization from Ministry of Agriculture, Forestry and Fisheries as set forth in articles 23, 24 and 25, and Temporarily withdrawing the letter of authorization to do business in case of second breach.
6. In writing warning and forcing them to enter into contract of correction for wrongdoing within 7 days for the natural persons or legal entity who have importing or produced the certified seeds or part of seed organs without authorization or registration with Ministry of Agriculture, Forestry and Fisheries as set forth in articles 27 and 28. The administrative penalization according to the above determination is the competence of Ministry of Agriculture, Forestry and Fisheries.

Chapter VIII

Transition Provision

Article 36: Natural persons or legal entity who want to do business of newly imported agricultural materials shall apply for registration of those agricultural materials with the Ministry of Agriculture, Forestry and Fisheries from the day this sub- decree comes into force. Businessmen having agricultural materials left for a long time and presently displayed for sale in market places of the Kingdom of Cambodia, shall apply for registration of those agricultural materials with the Ministry of Agriculture, Forestry and Fisheries within a 1-year period at the latest after this sub-decree comes into force. Exceeding one year, they shall be administratively penalized according to the determination set out in article 36 of the present sub-decree.

Chapter IX

Final Provision

Article 37: Any provisions that contrary to this sub-decree is deemed null and void.

Article 38: The Co-Ministers in charge of Office of Council of Ministers, the Minister of Agriculture, Forestry and Fisheries , all Ministers and Secretaries of State, relevant institutions shall implement this sub-decree from the time of signing it onward.

Phnom Penh, October 28, 1998.

the 1st Prime Minister

the 2nd Prime Minister

UNG HUOT

HUN SEN

Have informed to

His Excellency the 1st Prime Minister
and Samdech 2nd Prime Minister

The Minister of Agriculture, Forestry and Fisheries
Signed

TAO SENG HUOR

Places of receipt:

- The King's Cabinet
- General Secretariat of National Assembly
- Cabinet of 1st Prime Minister
- Cabinet of 2nd Prime Minister
- All Ministries and State Secretariats
- All provincial and municipality
- Like in article 39
- Records - Archives