

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

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

Decides

Chapter I
General Provision

Article 1: The present 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 stability in the Kingdom of Cambodia.

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

Article 2: This sub-decree has extent on agricultural materials which generally are: fertilizer, agricultural medicines, seeds, animal drugs, animal food and additional food which are all main factors to increase the farming and animal productivity.

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

1. **Standards of agricultural materials:** Maximum quality degree acceptable for agricultural materials mentioned in this sub-decree and generally having: the specificity of materials and the measures of control of quality such as registration, packing up, labeling, etc.
2. **Agricultural materials:** In general, they are: fertilizer, agricultural medicines, seeds, animal drugs, animal food and additional food used in agricultural production.
3. **Fertilizer:** Alone feeding substance or any compound used to augment the growth, yield and farm produce qualities.
4. **Registration:** Provision of approval letter by the Ministry of Agriculture, Forestry, Hunting and Fishing for any agricultural material, trade, distribution and domestic use or exportation. A registration is also an acceptance of documents affirming the effectiveness and safety of requested products such as fertilizer and agricultural medicine.
5. **Business license:** letter of authorization given by the Ministry of Agriculture, Forestry, Hunting and Fishing to individuals or companies producing, trimming or improving, supplying, selling wholesale, wrapping-up again, stocking up, importing and for exporting for trade of agricultural materials.
6. **Quality guarantee:** Producer's guarantee of product composition.
7. **Feeding substance:** Necessary substances for growth of plants such as nitrogen (N), phosphorus (P), potassium (K) and other substances.
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 agricultural or packing materials.

10. **New packing up:** Transfer of agricultural materials from their original wrapping to another smaller one for sale.
11. **Falsified fertilizer:** Fertilizer mixed with non chemical substances lessening the feeding rate and inappropriate to the fixed standard.
12. **Fertilizer of poor quality:** Fertilizer appropriate to standard but losing the feeding substance because of various causes or factors such as damp or fertilizer remaining at a warehouse bottom, etc.
13. **Non specific fertilizer:** Fertilizer that does not correspond to the standard.
14. **Agricultural medicines:** Inorganic substances or organic substances alone or compounds used for:
 - Chasing away, destroying, luring, gathering, Expelling insects, rates, weeds and other vermin that can damage the crops.
 - alleviating or curing plant diseases caused by mushrooms, toadstools, bacteria, nematodes and virus or
 - Coordinating the plant growth, defoliating or drying out the stems.
15. **Active substances:** Agricultural medicine substances that use their influence with plant and animal lives.
16. **Forbidden agricultural medicines:** Agricultural medicines the use of which is prohibited by the Ministry of Agriculture, Forestry Hunting and Fishing.
17. **Seeds:** Grains for sowing or cultivating other plants such as food plant seeds, edible fruit plants, vegetables, industrial plants, etc.
18. **Seed division:** division of agricultural plants used for growing, like stem bulb, shoot, scion, liana, etc.
19. **Seeds with certificates:** Seeds of plants recognized in certificates issued by Ministry of Agriculture, Forestry, Hunting and Fishing.
20. **Commercial seeds:** Seeds of all kinds of plants with qualities for cultivation and circulated for sale but do not go through certification.
21. **Plant seed purity:** Fixed plant seed qualities, excluding other seeds and substances mixed in there.
22. **Animal drugs:** Any mixed or blended substances of medicine of one or several kinds under any form for use with all species of animals to treat them, improve their health or increase their productivity.
23. **Animal food:** Various feedingsubstances given to animals for their existence.

24. Additional food: Mixed substances of vitamins, antibiotics or mineral elements of different forms for supplementary use in animal feeding.

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

Chapter II

Fertilizer

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

Article 6: Fertilizers produced, imported or sold in Cambodia shall contain the compound of feeding 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 stand up to transport, stocking and use. The new wrapping up in small bags for sale can be performed only when there is a letter of authorization from the Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 8: Every bag shall be labeled to give sufficient clear information in Khmer to users, according to the instructions of the Ministry of Agriculture, Forestry, Hunting and Fishing. It is forbidden to sell any fertilizer without label or with label but illegible.

Article 9: It is forbidden to import stock and sell any falsified fertilizer.

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

Chapter III

Agricultural Medicines

Article 11: It is forbidden to import, produce, mix, wrap up, Sell wholesak agricultural medicines which have not been registered or mentioned in the notice of authorization to be temporarily used by the Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 12: Natural or legal persons who have performed or are performing or want to perform the business of agricultural medicines shall be registered and authorized by the Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 13: Agricultural medicines registered with the Ministry of Agriculture, Forestry, Hunting and Fishing are:

1. Agricultural medicines being circulated for sale in the markets of the Kingdom of Cambodia but have not been mentioned in the notice of authorization to be temporarily used by the Ministry of Agriculture, Forestry, Hunting and Fishing.
2. Agricultural medicines mentioned in the list of items authorized to use by the Ministry of Agriculture, Forestry, Hunting and Fishing.
3. New agricultural medicines not mentioned in the 1st classification according to WHO.
4. Agricultural medicines already registered by have changed the formulae or trade names.

Article 14: Agricultural medicines forbidden to use by the Ministry of Agriculture, Forestry, Hunting and Fishing, agricultural medicines imported without authorization and agricultural medicines 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, Hunting and Fishing.

Article 15: There are 4 kinds of registration of agricultural medicines:

- 1- **Temporary registration** : This registration shall be made for all categories of agricultural medicines mentioned in the notice of authorization to temporarily use by the ministry of Agriculture, Forestry, Hunting and fishing and being, circulated for sale in market places.
- 2- **Registration with conditions:** This registration shall be made for any agricultural medicines for which the initial registration is requested but the data or other necessary conditions shall be additionally provided according to the technical requirements of the Ministry of Agriculture, Forestry, Hunting and Fishing.
- 3- **Full registration:** This registration shall be made for any agricultural medicines for which the registration applicant has fulfilled every technical requirement of the Ministry of Agriculture, Forestry, Hunting and Fishing.

Registration number and certificate shall be issued by the Ministry of Agriculture, Forestry, Hunting and Fishing.

- 4- **The authorization to use for experimentation:** is the authorization to import agricultural medicines which have not yet been authorized to use, with the purpose to carry out research only. Temporary registration and registration with conditions will be transferred to the full registration one year later, if the registration applicant fulfills all technical requirements of the Ministry of Agriculture, Forestry, Hunting and Fishing. The request for extension of the one-year period can be satisfied in case of reasonable causes.

Article 16: The registration validity 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. For the failure to ask for new registration, the validity will be automatically cancelled.

Article 17: The cost of service of registration and new registration shall be fixed by notice of Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 18: Every material for wrapping up agricultural medicines which will be in imported, stocked, sold wholesale and retail shall be labeled in Khmer for easy comprehension. The form and character of label shall be determined by the Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 19: Every material for wrapping up agricultural medicines shall correspond to the standard fixed by Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 20: New wrapping up of agricultural medicines is forbidden. New wrapping up can be performed only when there is authorization from Ministry of Agriculture, Forestry, Hunting and Fishing. The pouring or putting of part of agricultural medicine into bottles or bags or materials for wrapping up good or beverage shall be strictly forbidden.

Article 21: It is forbidden to do the business of agricultural medicines which:

- Are falsified,
- Have poor qualities,
- Have standard of activity different from that mentioned on the label,
- Are mentioned in the registration with conditions.

Article 22: The manner and conditions to keep agricultural medicines shall be determined by Ministry of Agriculture, Forestry, Hunting and Fishing. The installation of warehouse for keeping agricultural medicines shall be authorized by the Ministry of Agriculture, Forestry, Hunting and Fishing with approval from Ministry of Environment.

Article 23: The disposal and destruction of remnants or materials for wrapping up agricultural medicines of businessmen shall be authorized by Ministry of Agriculture, Forestry, Hunting and Fishing with approval from Ministry of Environment.

Article 24: All advertisements on agricultural medicines through any means shall be authorized by Ministry of Agriculture, Forestry, Hunting and Fishing. Can be authorized only agricultural medicines that have already been fully registered.

Chapter IV

Seeds and division of plant seeds

Article 25: All seeds and division of plant seeds sold in the Kingdom of Cambodia shall have characters appropriate to the standard of qualities fixed by Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 26: Importation of seeds or division of plant seeds in the Kingdom of Cambodia shall be authorized by Ministry of Agriculture, Forestry, Hunting and Fishing and performed according to the provisions of control of plant hygiene.

Article 27: Natural or legal persons who want to produce seeds with certificates or division of plant seeds to engage in trade shall make registration with Ministry of Agriculture, Forestry, Hunting and Fishing and observe the technology instructed for production and keeping of those seeds.

Article 28: All plant seeds displayed for sale shall be wrapped up and labeled according to the standard and specificity fixed by Ministry of Agriculture, Forestry, Hunting and Fishing.

Chapter V

Animal drugs, food and additional food

Article 29: The formalities and conditions in production, importation, exportation, commerce and standard of quality of animal drugs are determined by joint notice of Ministry of Agriculture, Forestry, Hunting and Fishing and Ministry of Health in compliance with the pharmaceutical management law.

Article 30: Producers and businessmen of animal food and additional food shall have their products registered with the Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 31: Animal food and additional food produced in the country, imported, exported and locally sold shall have characters appropriate to the already made registration.

Article 32: Animal food and additional food displayed for sale shall be wrapped up and labeled in Khmer for easy comprehension. The form and characters of labels shall be fixed by Ministry of Agriculture, Forestry, Hunting and Fishing.

Article 33: It is forbidden to produce, sell or stock falsified or outdated animal medicines, animal food and additional food.

Chapter VI

Managing Competence

Article 34: Agricultural material management, instruction and control according to the present sub-decree determination are competence of Ministry of Agriculture, Forestry, Hunting and Fishing.

Chapter VII

Penalty

Article 35: Shall be administratively penalized as follows:

1. In writing warning the natural or legal persons having done business of agricultural materials not registered as set out in article 4 11,12, and 31, and seizing the illegal object temporarily, then preparing the file and sending it to Court,
2. In writing warning the natural or legal persons having done business of agricultural materials without letter of authorization from Ministry of Agriculture, Forestry, Hunting and Fishing as set out in articles 5,13, and 21.
Temporarily-confiscating the illegal objects, then preparing the file and sending it to Court in case of recidivism.
3. In writing warning the natural or legal persons having done business of falsified agricultural materials with poor qualities different from those registered and set forth in article 6, 9, 22, 29, 32 and 34, and then preparing the file and sending it to Court. In case of refunding, definitively taking back the letter of authorization to do business.
4. In writing warning the natural or legal persons having done business of agricultural materials in showing disrespect to wrapping up standard as set forth in article 8, 19, 20, 29 and 33 and forcing them to enter in contract of correction within 15 days. Temporarily withdrawing the letter of authorization to do business in case of second offense.
5. In writing warning the natural or legal persons having done business of agricultural drugs without ensuring the safety of their stocking, the disposing of remnants or wrapping material, or having advertised agricultural drugs without authorization from Ministry of Agriculture, Forestry, Hunting and Fishing as set forth in articles 23, 24 and 25, and forcing them to enter into contract of correction within 7 days. Temporarily withdrawing the letter of authorization to do business in case of second breach.
6. In writing warning the natural or legal persons having imported or produce seeds with certificate or divided plant seeds without authorization or registration with Ministry of Agriculture, Forestry, Hunting and Fishing as set forth in articles 27 and 28, and compelling them to enter into contract of correction within 7 days. The administrative penalization according to the above determination is the-competence of Ministry of Agriculture, Forestry, Hunting and Fishing.

Chapter VIII

Transitory Provision

Article 36: Natural or legal persons who want to do business of newly imported agricultural materials shall apply for registration of those agricultural materials with the Ministry of Agriculture, Forestry, Hunting and Fishing 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, Hunting and Fishing 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 provision 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, Hunting and Fishing, all Ministers and State Secretaries, relevant institutions shall implement this sub-decree from the time of signing it onward.

Phnom Penh, October 28, 1998.

The 1 Prime Minister

The 2 Prime Minister

UNG HUOT

HUN SEN

Have informed

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

The Minister of Agriculture, Forestry, Hunting and Fishing
Signed

TAO SENG HUOR

Places of receipt:

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