

**Kingdom of Cambodia
Nation Religion King**

Council of Ministers

**DRAFT
Sub-decree
on Plant Quarantine**

The Council of Ministers

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen the Sub-decree No.98 Hor Nor Kror dated 08 October 1983 on the Control of Contamination of Imported or exported Plants or Plant Products, and
- Referring to the request of the Minister of Agriculture

IT IS HEREBY DECIDED

Chapter I: Title, Definitions and Interpretations

This Sub-decree May be cited as the "Plant Quarantine Sub-decree, 2001". In this Sub-decree and any regulations made under this Sub-decree, the following definitions and interpretations are implied.

"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. hyperparasitoids and entomopathogenic organisms) detrimental to plant growth and development.

"disease" includes any symptom of damage or injury caused to any plant by any microbial organism, known or unknown (e.g. cadang cadang disease of coconut), including, but is not restricted to, fungi, bacteria, virus and other virus like organisms.

"Import" with its grammatical variations, means to bring or cause to bring into the country by air, land or sea

Import Permit (IP) refers to an official certificate issued by the Plant Quarantine Service of the Department of Agronomy and Agricultural Land Improvement for the purpose of importing from abroad plants, plant products, pests, or beneficial organisms. Requests for IP are made on appropriate or prescribed application forms obtained from the Plant Protection and Phytosanitary Office of the Department of Agronomy and Agricultural Land Improvement. A copy of the IP shall be sent with the import order to the overseas exporter or supplier who will then comply with stipulations found in the IP. The IP shall be valid for a maximum period of 90 days. This IP could be cancelled within the 90-day waiting period for any violation.

"infested" means bearing or containing any pest;

"occupier" or **"owner"** includes the proprietor, tenant, lessee cultivator, supervisor, superintendent or any person in actual possession, management, control or charge of any cultivated land, uncultivated land or any physical structure;

"pest" includes any member of the animal kingdom (other than Homo sapiens) and plant kingdom, whether dead or alive, which could in any stage of development injure, damage, destroy or be parasitic upon any plant. 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, weeds and beneficial organisms.

"Phytosanitary Certificate (PC)" refers to an internationally accepted certificate issued by the Plant Protection and Phytosanitary Office of the Department, of Agronomy after due phytosanitary inspection of goods prior to export from Cambodia in accordance with the model prescribed in the 1951 International Plant Protection Convention. A PC is required for importation of all plants, plant products, pests and beneficial organisms from abroad. A PC is issued according to the conditions stated on the import permit, no more than 14 (fourteen) days

before the date of shipment. The power to issue PCs is delegated to phytosanitary inspectors at the international border checkpoints.

“Phytosanitary Inspectors (PSI)” refer to any person appointed by the Responsible Person under Chapter V.

“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, budwood, cuffling, layer, slip, sucker, rhizome, leaf, flower and fruits of plants.

“plant products” means unprocessed, semi-processed or processed material of plant origin.

Plant Protection and Phytosanitary Inspection Office (PPPIO) means the section of the Department of Agronomy and Agricultural Land Improvement authorized to implement and execute this Sub-decree on behalf of the Responsible Person.

“place of entry” and **“place of export”** include airport, seaport, river port, ferry port, post office, border post, check-point or any other place deemed to necessary which has been designated as the place through which importation and exportation of shipments or consignments are allowed;

“quarantine pest” means any pest of plants dangerous 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; quarantine pests are designated by the Responsible Minister to be prevented from being imported or introduced into or disseminated within the Kingdom of Cambodia;

“Responsible Minister” means the Minister of Agriculture, Forestry and Fisheries.

“Responsible Person” means the Director of the Department of Agronomy and Agricultural Land Improvement, on whose behalf the Plant Protection and Phytosanitary Inspection Office implements this Sub-decree.

“soil” means any earth, ground or naturally occurring mixture of mineral and organic material in which plants may be grown;

“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.

Chapter II: General Provisions

Article 1: This Sub-decree on Plant Quarantine aims to prevent the introduction of quarantine pests into the territory of the Kingdom of Cambodia through any means of transportation in order to protect her agriculture and the natural environment. It also aims to prevent the spread of pests from one area to another within the territory of the Kingdom of Cambodia or to other countries.

Harmonization of plant quarantine protocols among the countries of this region is also an important concept borne and applied throughout the implementation of this Sub-decree.

This harmonization is applied especially to facilitate transit transport based on the ASEAN Framework Agreement on Facilitation of Goods in Transit (16 December 1998) without detriment to agriculture and natural environment of the Kingdom of Cambodia.

Article 2: It shall be lawful under this Sub-decree for the Minister of Agriculture, Forestry and Fisheries of the Kingdom of Cambodia to be appointed as the Responsible Minister for the overall implementation of the Sub-decree.

It shall also be lawful under this Sub-decree for the Director of Agronomy and Agricultural Land Improvement to be designated the Responsible Person for the implementation of the Sub-decree. The Responsible Person may authorize any other person in writing to act in accordance with the law on his/her behalf. The persons so authorized shall be selected from the Plant Protection and Phytosanitary. Office of the Department of Agronomy and Agricultural Land Improvement.

The Plant Protection and Phytosanitary Office within the Department of Agronomy and Agricultural Land Improvement is staffed with one Chief Phytosanitary Inspector, one Vice-chief Phytosanitary Inspector, and many Senior Phytosanitary Inspectors and Phytosanitary Inspectors.

Headquarters of the Plant Protection and Phytosanitary Office is located in Phnom Penh, With eight international border checkpoints that serve as points of entry to or exit from the Kingdom of Cambodia, namely Phnom Penh international airport, Phnom Penh river port, Sihanoukville sea port, Bavet, Poipet, Phnom Den, Kaam Samnor and Charn Yuam.

Article 3: Plant quarantine or phytosanitary inspection shall be conducted based on the list of quarantine pests prohibited from entry into the Kingdom of Cambodia, and on the import permit phytosanitary certificate issued by the importing and exporting countries respectively.

The Plant Protection and Phytosanitary Inspection Office can alter the list of quarantine pests subject to approval by the Responsible Minister on a recommendation made by the Responsible Person. This alteration shall be made public by an appropriate announcement or notification in public newspapers with wide circulation, radio, television and circulars to local authorities, and it shall be effective 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 natural environment of the country is anticipated, such alteration shall take effect within 24 hours of publication.

Article 4: Items subject to phytosanitary inspection are:

- a) Plants, parts of plants, plant products, and agricultural products that are not certified free of pests;
- b) Packaging material or wooden boxes, palettes or any means of transportation and storage;
- c) Live or dead quarantine pests and soil attached to roots or parts of plants, and
- d) Any other item that may not be of plant origin but yet may provide a habitat for pests.

Article 5: Any passenger who leaves or enters the country, any person, any government Ministry, or any other enterprise which transports any item subject to plant quarantine must request a phytosanitary inspection of the item, and must take appropriate measures to control infestation.

Chapter III: Plant Quarantine Inspection

Article 6: A plant quarantine station shall be set up at every train station, seaport, river port and airport that serves as the point of entry to or exit from the Kingdom of Cambodia. The main post offices through which packages and parcels enter and the exit the country also shall be added to the list. Any other place through which import and export of carriers of quarantine pests are allowed is designated a place of entry for the purpose of this Sub-decree.

Article 7: If necessary, a stand-by Plant Quarantine Station shall be set up at every train station, access or exit road at the border, seaport, river port, airport, inland dry-port, post office and international courier service centres in order to contain the spread of quarantine pests.

If necessary, a Plant Quarantine Station may also be set up elsewhere for the same purpose.

A Plant Quarantine Station must be situated at a place where it is convenient for the transportation of item in or out.

Article 8: Any person transporting any item subject to plant quarantine inspection shall carry out the following:

- Properly declare the item in writing in accordance to the regulations under this Sub-decree;
- Obtain a certificate of phytosanitary inspection from a nearby authorized Plant Quarantine Station;

- Pack the item in a box, sack, bag or package and tightly fasten, seal or sew the box, sack, bag or package to avoid leakage or spillage of the item while being transported;
- Transport the item through any means, or store at any of the areas designated by the Responsible Person;
- A transporter or any other person, who wants to transport any item through a means other than a designated means or any person who wants to store any item in a place other than a designated place, shall request prior permission from the Responsible Person.

Article 9: Within 10 days prior to the arrival of the item or exporting of the item, the shipper or agent shall apply for a phytosanitary inspection of the item to the Chief of Plant Protection and Phytosanitary Inspection Office. As the consignment arrives or is exported, the shipper or agent shall notify the Plant Protection and Phytosanitary Inspection Office to inspect the item.,

Article 10: Within 24 hours after the Plant Protection and Phytosanitary Inspection Office has received the notification, the Office shall send its Phytosanitary Inspectors to execute the inspection.

In the event there is a shortage for Phytosanitary Inspectors or there is any other obstacle delaying inspection, the Plant Protection and Phytosanitary Inspection Office may delay the inspection for another 24 hours. The shipper or agent may be intimated about this delay as soon as possible.

Article 11: For any item not listed in the import permit, the owner or occupier shall take any of the following measures:

- Kill the quarantine pest or pests or eliminate the pest or pests using appropriate methods;
- Change the transport destination for the item;
- Destroy the item after treating it to ensure the complete destruction of all pests;
- Load or unload the item in order to prevent the shipment from being carried into the Kingdom of Cambodia;
- Transport the item to and store it at places designated by the Responsible Person.

Article 12: Any person who has seen a sail boat, a motor-driven boat, a ship or any other sea-going vessel loading any item subject to plant quarantine inspection, and which has broken down and has drifted into the maritime territory of the Kingdom of Cambodia, or who has seen a plane drop any such items as described above into the territory of the Kingdom of Cambodia, shall report this information to the nearest Plant Protection and Phytosanitary Inspection Office, police station or to the local authorities for examination and reporting to the Responsible Minister or Responsible Person.

Article 13: A producer of any product subject to plant quarantine inspection, who sees or knows that his or her products carry quarantine pests, shall immediately take measures to destroy the said pests. If the producer has no ability to destroy them he or she shall request the Plant Quarantine Service for assistance, and the service shall be provided at cost paid in advance by the producer.

Article 14: Any place in the Kingdom of Cambodia shall be declared as an epidemic area when it is invaded by quarantine pests that are likely to spread to other places.

A certificate of phytosanitary inspection shall be required before transporting any item from an epidemic area or passing through an epidemic area, and this requirement will end only when the epidemic is declared over by the Responsible Minister through a notification made public by an appropriate announcement or notification in public newspapers with wide circulation, radio, television, and circulars to local authorities.

Article 15: If any pest invades any seaport, river port, airport, train station, transport station, inland dry-port, post office or international courier service office, the Responsible Person shall take adequate and appropriate measures to control and eliminate the pest.

In the case of an emergency, Plant Protection and Phytosanitary Inspection Office may stop the loading or -unloading of the item, subject to the condition that a report is submitted to the Responsible Minister within 24 hours of stopping loading or unloading.

Article 16: Any person who requests a phytosanitary inspection shall pay a fee called a "phytosanitary inspection fee". If the request is for the treatment of the consignment to control pests, a "pest control fee" shall be paid to the Plant Protection and Phytosanitary Inspection Office. The Ministry of Agriculture, Forestry and Fisheries in cooperation with the Ministry of Planning and the Ministry of Economics and Finance shall issue a Prakas determining the fees.

Chapter IV: Plant Quarantine for Transits

Article 17: Plant quarantine materials bringing in transits through Cambodia territory must be: accompanied with a plant quarantine certificate issued by State Plant Quarantine Office of country-origin; well packed; conveyed by means of transport dangerous pests, which can spread along the road of transits.

Article 18: Plant quarantine formalities for transits are as follows:

1. Owner of plant quarantine materials must declare to the nearest Plant Quarantine Office when their materials are reached to import port of Cambodia.
2. Cambodia Plant Quarantine Office is empowered to supervise transited plant quarantine materials; inspect means of transport and observe outer of mass of materials loaded in it, require their owner to submit plant quarantine certificate of country-origin.

Article 19: Responsibilities of Plant Quarantine Office and owner of plant quarantine materials in transiting' the materials through Cambodia are stipulated as follows:

1. Owner of transited materials must inform at once to deal with or treat the materials, if they are infected by plant quarantine subjects, which are spreading from the materials into Cambodian territory.
2. Plant Quarantine Office of Cambodia is empowered to inspect means of transport and plant quarantine materials or impose transport, if transited materials are packed in un-compliance with plant quarantine regulations or without plant quarantine certificate of country-origin. The imposition will be terminated when the materials are repacked or inspected and issued plant quarantine certificate of Cambodia.

All of plant quarantine fees and expenses for carrying out plant quarantine materials to Cambodian Plant Quarantine Office.

Chapter V: Penalty Provisions

Article 20: Any person who imports, or exports any- item and who commits any of the following wrongful acts shall be fined and shall not be issued a certificate for phytosanitary inspection:

Fails to produce the import/export documents on the shipment to the Phytosanitary Inspectors;

Fails to declare items subject to the phytosanitary inspection, or not declaring the item in accordance with the regulations under this Sub decree;

Fails to allow a Phytosanitary Inspector to inspect the item or to take samples of the item for examination;

Fails to store, keep or pack an item properly, causing the item to fall or spill while being transported, and

Any person who repeats the same kind of wrongful act shall be fined from 50,000 Riel to 500,000 Riel.

Article 21: Any person who violates Article 14, paragraph 02 of this Sub-decree shall be fined from 60,000 Riel up to 500,000 Riel. Any person who repeats the same kind of wrongful act shall be fined double the amount.

Article 22: Any person who commits any of the following acts shall be fined from 50,000 Riel to 500,000 Riel, or an amount in any other currency, which has the same value as this Riel amounts:

Exports or imports any item subject to phytosanitary inspection without a certificate of phytosanitary inspection;

Transports or stores any shipment contaminated with quarantine pests, and

Fails to take the measures provided in Article 11 of this Sub-decree.

Article 23: Any Phytosanitary Inspector who fails to fulfill his duty responsibly, or any person who examines items and issues fraudulent certificates shall be punished under the administrative laws of the country.

In the event an act of a Phytosanitary Inspector causes serious destruction to any property of the State, the Phytosanitary Inspector shall be punished under the existing civil law of the country.

Article 24: Any Phytosanitary Inspector who steals or embezzles penalty fine money or takes any bribe from anyone shall be punished under the existing criminal law of the country.

Chapter VI: Rights, Duties and Responsibilities of Phytosanitary Inspectors

Article 25: The Phytosanitary Inspector shall have the following rights:

- To carry out phytosanitary inspections;
- To take samples of items for examination or investigation and make decisions about R after the examination;
- To take appropriate measures for the destruction of and prevention of the spread of quarantine pests;
- To issue certificates for phytosanitary inspections to the owners or representatives of owners of items, and
- To have access to store houses or warehouses or any place storing any item subject to phytosanitary inspection.
- An Inspector shall obtain prior permission from the person who is responsible for the place before he or she can conduct an inspection in any storage house which is a secret place belonging to the military or government security forces;
- To ask for documents from the owner relating to items being transported;
- To stop the loading, unloading or transporting any item subject to phytosanitary inspection;

The Phytosanitary Inspector shall prepare and submit an inspection report, including any decision he or she has made about a case if there is any person who has violated this Sub-decree.

Article 26: The rights and competency for handling offenses against phytosanitary regulations shall be as follows:

Phytosanitary Inspector can fine an offender from 50,000 to 500,000 Riel;

A Plant Quarantine Station supervisor can fine an offender up to 5,000,000 Riel and order a change in the destination for the use or consumption of an item if the item's value is less than 10,000,000 Riel;

The Chief Phytosanitary Inspector can fine an offender from 5,000,001 Riel or more and order a change in the destination for the use or consumption of an item if the item's value is more than 10,000,000 Riel.

Article 27: Responsibility to handle any complaint against a fine or an order of change of destination for the use or consumption of an item shall be as follows:

The Plant Quarantine Station supervisor shall decide a complaint against a decision of a Phytosanitary Inspector;

The Chief Phytosanitary Inspector shall decide a complaint -against a decision of a Plant Quarantine Station supervisor;

The Minister Responsible shall finally decide a complaint against a decision of the Chief Phytosanitary Inspector.

Article 28: The case of any offender who refuses to pay the fine shall be submitted to a competent court of law for decision.

Article 29: The fine money is State income. The officials collecting the fine shall maintain accurate and appropriate written records and make it available for scrutiny by government auditors.

Article 30: During working hours the inspectors shall wear uniforms and badges and carry the identification card of Plant Quarantine Service.

The Responsible Minister shall, authorize the official uniforms and badges by a Prakas.

The Responsible Minister may from time to time make regulations for fully and effectively carrying out and giving effect to the purpose of this Sub-decree: and without prejudice to the generality of the foregoing such regulations may provide for:

- (a) the powers, duties and responsibilities of officers appointed under this Sub-decree.
- (b) the manner of entry upon lands and premises for the purpose of inspection, and the notice, if any, to be given prior to such entry:
- (c) the conduct of the examination and inspection of plants and of other proceedings authorized by this Sub-decree.
- (d) the notification by owners or occupier of land of any plant found to be diseased with a quarantine pest:
- (e) the form of notices and orders to be made by the Responsible Person or any Phytosanitary Inspector under this Sub-decree:
- (f) the control of, and the conditions governing the import or export of plants and plant products for purposes of controlling and preventing plant pests:
- (g) the control of any quarantine pest present in Cambodia for purpose of the preventing spread of plant pests:
- (h) the obtaining from all civil, military, naval, air, police or other organizations or forces present for the time being or established in Cambodia, of assistance directed to preventing the introduction of any quarantine pest or to the eradication or control of such Quarantine test if present in Cambodia.
- (i) the imposition of fees for services rendered by the relevant government agencies
- (j) the imposition of penalties of a fine not exceeding *ten million* Riels or imprisonment of not exceeding six months or both.
- (k) for prohibiting the importation into from places beyond sea of any plants, invertebrate animals and insects, and for restricting the sea and airports at which plants may be landed:
- (l) for prohibiting the landing of quarantine tests from vessels or boats or aircraft either absolutely or conditionally;
- (m) for prohibiting for the importation of plants except under special license and conditions:
- (n) for inspecting plants at, before or after the time of landing:
- (o) for cleansing, fumigating., or disinfecting, at the expense of the consignee, and, if expedient, destroying at, before or after landing and without compensation, all plants. or the packages, cases, pots, or covering in which they may be packed, which shall be found or suspected to

be infected with any quarantine pest and for the recovery of prescribed fees from, the consignee:

- (p) for requiring the quarantine of imported plants in special areas, and for fixing the conditions of such Quarantine and the fees to be charged therefore:
- (q) for preventing the outbreak or dissemination of any quarantine pest within:
- (r) for declaring any area to be an infested area, and for the proper quarantine of any area declared as being infested with any quarantine pest;
- (s) for resorting to spraying pesticides or to any other treatment against any quarantine pest:
- (t) for the destruction and proper disposal of any quarantine pest within Cambodia affected or likely to be affected with any quarantine pest:
- (u) for regulating the transfer of plants or plant productions from one locality to another:
- (v) for designating the officers who are to execute regulations under this Sub-decree, and the Powers conferred, and duties imposed, upon them for the purpose aforesaid:

for the constitution of committees to advise the Responsible Person and the Phytosanitary Inspectors appointed under this, and to take such other action as may be necessary to ensure its effective administration and execution.

Article 31: All regulations made under this shall be published in the national public newspapers with wide circulation, and shall, subject to the provisions of the following article, from the date of such publication have the same force as if they had been enacted in this Sub-decree.

Article 32: All regulations published as aforesaid shall be laid as soon as convenient before the Senate and the National Assembly, and may at any time within forty days after the date of their being so laid before the Senate or the National Assembly, or at any of the three meetings of the Senate or the succeeding such date, by resolution of the Senate or the National Assembly be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to any thing that may have been done thereunder.

Article 33: Every Responsible Person, Director and Phytosanitary Inspector when acting within the scope of the powers and duties under this Sub-decree shall be deemed to be government employees/public servants within the meaning of the Penal Code applicable to the Kingdom of Cambodia.

Article 34: It shall be lawful for the Responsible Person, or for any Phytosanitary Inspector, or for any person authorized by him in writing, to enter, at all reasonable times, upon any land or into any premises, for the purpose of inspecting and examining whether any quarantine pest exists thereon or therein, and the owner or occupier of such land or structure shall afford all reasonable facilities for such inspection and examination.

Article 35: It shall be lawful for the Responsible Person, any Phytosanitary Inspector or for any person authorized by the Responsible Person in writing to enter at all reasonable times, with or without assistants, instruments or things, upon any land or premises, and shall remain there for so long as may be reasonably necessary for the following purposes:

- a) to inspect and examine such land or premises to ascertain whether any quarantine pest is present on such land or premises;

- b) to ascertain whether plants or plant products found in such land or premises are in a condition favourable to the introduction or dissemination of any quarantine pests; and
- c) to remove in any way such portions of any such plant or plant product as he/she may deem necessary for the purpose of examination or investigation.

Article 36: The owner or occupier of such land or premises shall. permit every Phytosanitary Inspector to have access thereto for the purposes specified above, and shall supply to the Phytosanitary Inspector all such information as may be requested by him/her, and shall afford the Phytosanitary Inspector such assistance as maybe reasonably necessary for such purposes.

Article 37: Neither the Responsible Person, any Phytosanitary Inspector, nor any person assisting any of them shall be deemed a trespasser by reason of any entry or destruction or action taken under this Sub-decree or any regulation made thereunder, or be disable for any damage occasioned by carrying out any provisions of this Sub decree or of any regulation made thereunder, unless the same was occasioned maliciously and without reasonable technical or scientific justification.

Article 38: Every person who shall, under pretence of performing any act under authority of this Sub-decree or of any regulation made thereunder, be guilty of any unnecessary violence or cause any unnecessary annoyance to any person, shall be guilty of an offence against this Sub-decree.

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