

Filename: 08 ANK-Pesticide.doc

Kingdom of Cambodia  
National Religion King

Royal Government of Cambodia  
No. 69/ANK/BK

**ANUKRET  
ON  
STANDARDS AND MANAGEMENT OF AGRICULTURAL MATERIALS**

**The Royal Government of Cambodia**

- Referring to the Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret of September 24, 1993 on the Appointment of the First Prime Minister and the Second Prime Minister of the Royal Government of Cambodia;
- Referring to Reach Kret of November 1, 1993 on the formation of the Royal Government of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/83 of October 24, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/90 of October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/RKM/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kret No. CS/RKT/0897/14 7 of August 7, 1997 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kram No. NS/RKM/1296/36 of December 24, 1996 promulgating the Law on Environmental Protection and Natural Resources Management;
- Referring to Reach Kram No. 0696/02 of June 17, 1996 promulgating the Law on the Management of Pharmaceuticals;
- Referring to Reach Kram No. NS/RKM/0196/13 of January 24, 1996 promulgating the Law on the Establishment of the Ministry of Agriculture, Forestry and Fisheries;
- Referring to Anukret No. 18/ANK/BK of October 2, 1994 on the Organization and Functioning of the Ministry of Agriculture;
- Pursuant to the proposal of the Ministry of Agriculture, Forestry and Fisheries.
- Pursuant to the adoption by the Council of Ministers on October 16, 1998.

**IT IS HEREBY DECIDED**

**Chapter 1  
General Provisions**

**Article 1:** This Anu-kret is aimed to guarantee a consistent high quality agricultural material inputs to enhance agriculture production and to promote a highly efficient and sustainable agriculture in the Kingdom of Cambodia.

The provision of appropriate quality standards and regulatory mechanisms can protect both the end-users, the manufacturers, distributors, and dealers of these inputs as well as the environment.

**Article 2:** This Anu-kret shall apply to agricultural materials inputs namely: fertilizers, pesticides, seeds and veterinary medicines, and animal feedstuffs and feed additives which are the key inputs to efficiency and productivity in crop and animal husbandry.

**Article 3:** For the purpose hereof, the terms herein below shall be understood to mean as follows:

1. Agricultural materials standards – shall mean the minimum acceptable level of quality attributes of the agricultural materials covered in the Anu-kret and which shall include product specifications and quality-control related measures such as product registration, packaging, labeling and the like.
2. Agricultural materials – include agricultural production inputs such as fertilizers, pesticides, seeds and planting materials, veterinary medicine, and animal feeds and feed additives.
3. Fertilizers - includes any substance or any nutrient element or elements added for the purpose of promoting plant growth, increasing crop yield or improving their quality.
4. Registration - refers to the written approval given by the MAFF for any agricultural materials for commercial distribution and local use or exportation. It may also refer to the process of evaluation and acceptance by MAFF of documentation supporting claims of efficacy and safety made on behalf of the proposed product, such as fertilizers or pesticides.
5. Permission – the written authority granted by the MAFF to individual or firm to manufacture/process, supply, distribute, sell, repack, store, import and/or export agricultural materials for commerce.
6. Guaranteed analysis-the analysis of the nutrient composition of a product, which the manufacturer guarantees to contain.
7. Nutrient elements - those chemical elements essentials for plant growth: nitrogen (N), phosphorus (P), potassium (K) and others identified as such.
8. Package - any container made of durable material in which the fertilizer, pesticide, seeds veterinary medicine and animal feedstuffs and feed additives offered for sale are packed to preserve its quality and facilitate handling and storage.
9. Label - is the legibly written, printed or graphic matter on, or attached to the container or package of the agriculture product.
10. Repackaging - is the transfer of agricultural materials offered for sale from its standard commercial package into another, usually smaller container for sale.
11. Adulterated fertilizers - are those fertilizers which have mixtures of non-fertilizer materials or substances, the addition of which decreases its nutrient content and make the product in non-conformity to prescribed standards.
12. Damaged Fertilizers - are those that met the standard specification but its nutritive elements are lost by any causes or factors such as water-damaged fertilizers or sweeping in the warehouse.

13. Off-specification (off-spec) fertilizer - shall mean a fertilizer which is not produced in conformity with standards
14. Pesticide - any substance of product, or mixture thereof, intended:
  - to prevent, control or destroy, repel or mitigate or attract, any insects, rodents or weeds or any other forms of life declared to be pest.
  - to treat the plant diseases caused by fungi, bacteria and virus.
  - To regulate, defoliate the desiccate plants.
15. Active ingredient – is the biologically active part of the pesticide present in the formulation.
16. Banned pesticides-are those pesticides, which have been prohibited to use by the Ministry of Agriculture, Forestry and Fisheries (MAFF).
17. Seed - shall mean any seed of agricultural crop species intended for sowing or planting, such as seeds of food corps, seeds of fruits and vegetables, cotton seeds, seeds of legumes, edible oil seeds and the like.
18. Plant material - refers to those parts of agricultural crop species used for planting by vegetative means which includes corms, bulbs, sucker, cutting, vines, tubers and nursery stocks.
19. Certified seeds - is seed of any king of variety that has been certified by MAFF.
20. Commercial seed - seed of any crop species which is offered for sale without passing the rigid process of seed certification.
21. Seed purity - shall mean the quality attribute of seeds offered for sale in relation to the presence or absence of impurities, weed seeds and off-type seeds.
22. Veterinary medicine - shall mean any material including any mixture or compound of one or more drugs in any form intended for administering to poultry, swine and livestock for the purpose of curing, improving animal health, increasing growth, productivity or fertility.
23. Feedstuffs - commercial animal feed formulations or rations containing the required nutrients to promote the growth of any species of animals.
24. Feed additives - any formulations of microelements including antibiotics, vitamins and minerals used as supplement to the feedstuffs.
25. Handlers - shall mean importers, exporters, manufacturers, wholesalers, dealers and retailers of fertilizers, pesticides, veterinary medicine and animal feedstuffs and feed additives.

## **Chapter 2 FERTILIZER**

**Article 4:** All brands of fertilizers, whether from import or local production sources, which are offered for sale in Cambodia should be registered with the MAFF by the Importer or local manufacturer.

**Article 5:** Any physical or juridical person that intends to manufacture or import or export fertilizers shall be required to obtain a permit from MAFF.

**Article 6:** The nutrient composition of fertilizers produced locally, or imported and offered for sale in the country shall be in conformity with the nutrient analysis as guaranteed in the registration.

**Article 7:** Fertilizer offered for sale shall be packaged in weather-proof material sufficiently strong to withstand reasonable handling without tearing bursting or falling open.

Repackaging of fertilizers into smaller bags or containers for sale can be conducted unless duly authorized by the MAFF.

**Article 8:** Fertilizer packages or bags shall be labeled conspicuously and legibly, in Khmer language, and shall be in accordance with the labeling standards imposed by the MAFF.

It is prohibited to offer for sale packed fertilizer without the prescribed label or with illegible label.

**Article 9:** The production, importation or sale of adulterated fertilizers in Cambodia is prohibited.

**Article 10.** The selling of off-spec or damaged fertilizer must seek permission from the MAFF and must comply with the conditions prescribed whereof.

### **Chapter 3 PESTICIDES**

**Article 11:** No pesticides shall be imported, manufactured, formulated, repackaged distributed, sold or offered for sale, or used unless it has been duly, registered or given provisional clearance by the MAFF.

**Article 12:** Any physical or juridical person who did, does and wishes to do business in pesticide should register their product and obtain the permit in MAFF.

**Article 13:** The following products must be registered with the MAFF.

3. Pesticides are not listed in the current MAFF list of permitted pesticide in use in Cambodia but are currently being sold.
4. Pesticides that are included in the MAFF list of permitted pesticides.
5. New pesticides that do not belong to class I, according to WHO classification
6. Registered pesticides with changes in formulation or trade name.

**Article 14:** Pesticides which are included in the MAFF list of banned pesticides, pesticides imported without permission from MAFF and pesticides belonging to Toxicity/Hazard Class I, according to WHO classification are not allowed for registration, except in case of emergency or for special purposes as determined by the MAFF.

**Article 15:** There are 4 types of pesticide registration:

1. Provisional - provisional registration shall be granted to all pesticides listed in the provisional clearance by the MAFF and are sold in the market.
2. Conditional registration is granted when there are data requirements or conditions that are still to be met by the applicant, such as results of local efficacy studies and/or on the acceptability of the pesticide in terms of quality and indication of safety as required by the MAFF.
3. Full registration is granted when the applicant has satisfactorily completed all the technical requirements regarding bioefficacy, protection of the environment, safety in humans and animals.

A certificate of registration with the MAFF registration number is issued to the applicant.

4. Experimental Use Permit - is a permit granted to research institutions the importation of unregistered pesticide for research purposes.

A Provisional or Conditional registration shall be converted into Full registration status within one (1) year when conditions and requirements have been met satisfactorily. Extension for another year may be granted for valid reasons.

**Article 16:** Full registration shall be valid for a period of three (3) years, unless earlier revoked or cancelled. A renewal for similar period may be obtained after submitting the appropriate fee and additional data when required. Failure to renew registration will mean automatic cancellation of such.

**Article 17:** The MAFF is empowered to set and charge fees for registration and renewals.

**Article 18:** Every container or package of pesticide offered for sale, storage and use should bear a label printed in Khmer language and easy to understand.

The format and characteristic of the label should comply with the labeling standard prescribed by MAFF.

**Article 19:** Pesticide containers and related outer packaging should comply with the standards and regulations prescribed by the MAFF.

**Article 20:** The repackaging of a pesticide is prohibited, unless it has been permitted by MAFF.

Decanting or dispensing of any pesticide in food or beverage containers is prohibited.

**Article 21:** Are prohibited the importation, production and sale of:

- adulterated pesticide;
- damaged pesticide;
- pesticide which does not contain the quantity and type of active ingredient declared on the label; or
- pesticide listed in conditional Registration.

**Article 22:** Procedures and conditions for storage of pesticides shall be regulated by MAFF. The location of warehouse for pesticides shall be permitted by MAFF with agreement of the Ministry of Environment.

**Article 23:** The disposal of waste and unwanted pesticides and empty containers should be permitted by MAFF with agreement of the Ministry of Environment.

**Article 24:** The advertising of pesticide shall be regulated by the MAFF. Only pesticides, which are fully registered, may be advertised.

#### **Chapter 4 SEEDS AND PLANTING MATERIALS**

**Article 25:** All seeds and planting materials offered for sale in the Kingdom of Cambodia must conform to the quality standards prescribed by the MAFF.

**Article 26:** Importation of seeds or planting materials must be permitted by MAFF and must comply with the prescribed phytosanitary regulations.

**Article 27:** Any physical or juridical person desiring to produce certified seeds or planting materials for sale is required to register with the MAFF and shall follow the prescribed technology for certified seed or planting material production and processing.

**Article 28:** All seeds must be marketed in appropriate packages, and labeled according to the standards and specifications prescribed by the MAFF.

## **Chapter 5 VETERINARY MEDICINE, FEEDSTUFFS AND FEED ADDITIVES**

**Article 29:** The procedure and requirement of the production, export and import the trading quality standards of veterinary medicine shall be mutually prescribed by the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Health, pursuant to the Law on the Management of Pharmaceuticals.

**Article 30:** Any person or company that engages in the production and sale of animal feedstuffs and feed additives shall be required to register these products in the MAFF.

**Article 31:** Animal feeds and feed additives locally produced, imported, exported, or sold in the country should be in conformity with the nutrient analysis as guaranteed in the registration.

**Article 32:** Animal feedstuffs and feed additives offered for sale shall be packaged in approved container and must be labeled legibly in Khmer and should comply with the labeling standards prescribed by the MAFF.

**Article 33:** The production, selling or stock of adulterated, sub-standard and expired veterinary medicine, animal feedstuffs and feed additives are prohibited.

## **Chapter 6 ADMINISTRATION**

**Article 34:** The management of Agricultural Materials, the guidance and control related to Agricultural Materials identified in this Anu-kret is the responsibilities of MAFF.

## **Chapter 7 PENALTIES**

**Article 35:** The schedule of penalties with the corresponding offenses are listed hereunder:

1. Any physical or juridical person violating the registration of agricultural materials as provided for under Articles 4, 11, 12 and 31 shall be given a warning and the products shall be confiscated. The legal matter shall be forwarded to the court.
2. Any physical or juridical person violating the permission of MAFF as provided for under Articles 5, 7, 13 and 21 shall be given a warning and forced to correct within 7 days. The products shall be confiscated and the legal matter shall be forwarded to the court for the second offense.
3. Any physical or juridical person involved in the production, importation or sale of agricultural materials adulterated, non conforming to the guaranteed analysis in the registration agricultural materials as provided for under Articles 6, 9, 22, 29, 32 and 34 shall be given a warning and the products shall be confiscated and the legal matter shall be forwarded to the court. The permission to conduct business shall be fully revoked for the second offense.

4. Any physical or juridical person violating the packaging standard under Articles 8, 19, 20, 29 and 33 shall be given a warning and forced to correct within 15 days. The provisional permission to conduct business shall be revoked for the second offense.
5. Any physical or juridical person failing to provide safe handling, proper transport, storage or disposal of pesticide wastes or advertise pesticide without permission from MAFF as provided for under Articles 22, 24 and 25 shall be given a warning and forced to correct within 7 days. The provisional permission to conduct business shall be revoked for the second offense.
6. Any physical or juridical person who fails to import or produce seeds or planting materials without permission or registration from MAFF as provided for under Articles 27 and 28 shall be given a warning and forced to correct within 7 days.

The administrative punishment for the above offenses are the responsibilities of MAFF.

#### **Chapter 8 TRANSITORY PROVISION**

**Article 36:** Any physical or juridical person who is engaged in the manufacture, importation, storage and sales of agricultural materials shall register their product upon the entry into force of this Anu-kret.

Handlers of agricultural materials in the Kingdom of Cambodia shall register and obtain a permit in MAFF within one year from the date of the entry into force of this Anu-kret. After the one year grace period, an administrative fines shall be imposed in accordance with the provisions of Article 39 of this Anu-kret.

#### **Chapter 9 FINAL PROVISIONS**

**Article 37:** Any provision which is contrary to this Anu-kret shall be null and void.

**Article 38:** The Minister in charge of the Office of the Council of Ministers, the Minister of Agriculture, Forestry and Fisheries, ministers and state secretaries of relevant ministries and institutions shall be responsible for implementing this Anu-kret from the date of its signature.

Phnom Penh, October 28, 1998  
Signatures

First Prime Minister  
Ung Huot

Second Prime Minister  
Hun Sen