

KINGDOM OF CAMBODIA

Nation Religion King

LAW
ON
PLANT PROTECTION AND QUARANTINE

Promulgated by the Royal Kram No NS/RKM/0522/004

On 3 May 2022

CHAPTER 1

General Provision

Article 1.-

The law aims to manage plant health; implement plant protection and phytosanitary measures; protect all types of plant resources; prevent the cause, spread and epidemic from pests; promote agricultural productivity, food security, sanitation, quality and agricultural product safety as well as phytosanitary security of plants, plant products and quarantine goods; facilitate trade, export, import and transit of the crop products, plants and plant products; as well as contribute to social-economic development and welfare promotion and public health with the sustainability of natural resources and the agro-ecological system in order to manage the plant protection and quarantine in the Kingdom of Cambodia.

Article 2.-

The law shall be applied to plant protection and quarantine in the Kingdom of Cambodia.

Article 3.-

Key terminologies used in the law shall be defined in the glossary listed in an annex of the law.

CHAPTER 2

The management competency

Article 4.-

The plant protection and quarantine shall be under the general jurisdiction of the Ministry of Agriculture, Forestry and Fisheries.

Article 5.-

The National Plant Protection and Quarantine unit is the National Plant Protection Organization (NPPO) of the Ministry of Agriculture, Forestry and Fisheries that shall have the following missions:

1- Research and develop the policies, regulations, standard and national strategic plan on the plant protection and quarantine.

2- Manage the working system under the framework of implementing plant protection and phytosanitary measures in accordance with the provisions of the law, the International Plant Protection Convention, the Agreement on Sanitary and Phytosanitary Measures of the World Trade Organization, national, regional, and international standards on phytosanitary measures and relevant regulations.

3- Control pest status by implementing plant protection or phytosanitary measures for plants, plant products, and quarantine goods for trade, import, export, or transit in the Kingdom of Cambodia.

4- Manage and control all types of technical services in implementation of the plant protection and phytosanitary measures in the Kingdom of Cambodia by ensuring the scientific-based assessment on the quality, effectiveness, and risks of all types of plant protection products in compliance with the law and its regulations.

5- Conduct pest risk analysis, certification by issuing phytosanitary certificates for all quarantine goods.

6- Manage the plant quarantine information and implementing an extension program to raise public awareness under the implementing of plant protection and quarantine framework.

7- Conduct a research program and strengthen technical capacity as a mechanism to support plant protection and quarantine management.

8- Develop capacity of human resources, education, training, and improve the qualifications of phytosanitary inspection officers to enforce the effectiveness of law implementation.

9- Collaborate and coordinate with relevant ministries, institutions, private sector, civil society, and other development partners under the framework of plant health and quarantine management to effectively enforce the law.

10- International cooperation by acting as an official focal point representing the Kingdom of Cambodia in implementing the International Plant Protection Convention, international or regional legal instruments, and attending international forums regarding plant protection and quarantine.

11- Coordinate the private sector investment under the framework of supporting technical services and strengthening the capacity for plant protection and phytosanitary measures to promote the quality and safety of agricultural products in the Kingdom of Cambodia.

12- Monitor and control all activities in the system of plant protection and phytosanitary measures, as well as effectively promote law enforcement and related regulations under this law.

13- Carry out other duties within the scope of the law. *(Stamped)*

CHAPTER 3

The Development of the Plant Protection and Quarantine Sector

Article 6.-

The Ministry of Agriculture, Forestry and Fisheries, Plant Protection and Quarantine unit, shall design a development plan for plant protection and quarantine sector that presents the national policies, strategies, and development program for the plant protection and quarantine sector, with the participation of relevant stakeholders.

The development plans for plant protection and quarantine sectors shall be made by the Royal Government and shall be disseminated in public for effectiveness and transparency.

Article 7.-

The development plans for the plant protection and quarantine sector shall set out long-term goals and priorities for the plant health and plant resources management

in the Kingdom of Cambodia and building technical capacity for that carry out the mission and duties stated in this law.

The development plans for the plant protection and quarantine sector shall be composed of the following major programs:

1- Developing plant protection and quarantine services with the improvement of pest control, prevention, and eradication of all types of pests, as well as epidemics, harmful organisms, and invasive alien species.

2- Developing agricultural production systems that ensure food security through implementing good agricultural practices.

3- Developing human resources, physical infrastructure, and strengthening technical capacity, scientific research, and preserving traditional knowledge in plant protection and quarantine.

4- Improving public-private partnerships under the framework of plant protection and quarantine.

5- Strengthening economic, scientific, and technical assistance cooperation at national and international levels for the development of plant protection and quarantine.

6- Developing the basic data for plant protection and quarantine.

7- Developing food safety that shall be high risk of pesticide residues or substances harmful to public health.

8- Developing quarantine security for plant health that is sensitive to the risk of transmission during local and overseas transportation or international trading.

9- Other development programs under the framework of plant protection and quarantine.

Article 8.-

National Food Safety Day shall be set by Sub-decree.

(Stamped)

CHAPTER 4

Plant Protection

Section 1

Plant Protection and Plant Resources

Article 9.-

The Royal Government shall set out regulations on the measures for plant protection and plant resources with the purposes of preventing infection, outbreak and spread to reduce the loss of plants and plant resources in the Kingdom of Cambodia.

Article 10.-

The plant protection and plant resources shall:

1- Taking measures consistently and regularly by taking preventive measures as a top priority and take measures to eliminate pests on time and in timely manner to ensure the effectiveness of measures.

2- Taking measures to destroy pests, by taking into account for the common interests of society or the national interest as a top priority that is more important in the long run than the private or collective interests that are important in the present.

3- Taking integrated crop management measures by identifying the primary options of biological, physical, mechanical or agronomic measures and traditional experiences of local communities in order to minimize the negative impacts on humans, animals and agro-ecological system.

4- Taking chemical measures as a last choice in accordance with technical standards for the use of plant protection products that can achieve the bio-efficiency and economic efficiency of use and ensure the safety of humans, animals and natural enemies, as well as minimize the negative impact on an agro-ecology system.

The guideline on plant protection measures shall be determined by a *Prakas* of the Minister of the Ministry Agriculture, Forestry and Fisheries.

Article 11.-

All types of plant protection products that can be traded or used in the implementation of plant protection measures or phytosanitary measures in the Kingdom of Cambodia must ensure that it was processed through scientific study and assessment on quality, effectiveness and risk assessment and adoption of the assessment of the specialized unit in charge of plant protection and phytosanitary in accordance with the requirements of international standards, such as the type of plant protection products and relevant regulations in force.

Article 12.-

Prohibited import, plant, possessing, or distributing harmful organisms, weeds, invasive alien species and epidemics that may harm and destroy plants, plant resources, and the agro-ecological system in the Kingdom of Cambodia.

The Ministry of Agriculture, Forestry and Fisheries shall issue a Prakas to determine the list of prohibited crops and plant species under the conditions that may allow trade and cultivation in the Kingdom of Cambodia in accordance with the provisions of this law and the relevant provisions in force.

Natural persons or legal entities that trade or cultivate certain types of crops or plants under the conditions must have a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

The procedures for plant species under conditions that can be traded or cultivated in the Kingdom of Cambodia shall be determined by a Prakas of the Minister of Agriculture, Forestry and Fisheries.

Section 2

Pest Prevention and Elimination

Article 13.-

The organization in charge of plant protection and quarantine shall be responsible for monitoring the plant health status and plant resources by determining measures to prevent and eliminate pests at the national level and to participate in the implementation of phytosanitary measures at the international level with members of the International Convention on Plant Protection.

To prevent and eliminate pests destroying plants and plant resources, organization in charge of plant protection and quarantine and Capital/Provincial Departments of Agriculture, Forestry and Fisheries in cooperation with the relevant technical departments shall have the following duties:

1- Investigate, detect, forecast and announce the possible period of outbreak, area of outbreak, level of pest damage and timely dissemination to the targeted area with appropriate measures to be taken.

2- Monitor the plant health status and plant resources around the area under the relevant jurisdiction to take measures to prevent the spread of pests and eliminate pests.

3- Monitor and control status of pests that damage plants and plant resources and take measures to eliminate pests at plants cover areas, agricultural production areas, farms, nurseries, plants production centers, processing sites, commercial sites, commercial inventory sites, plant distribution inventory sites, plant products and regulated quarantine goods, parking lot for transportation vehicles and other related places in the Kingdom of Cambodia that operating activities related to plant resources and plant products or the places at risks or suspected of pest risks by instructing or requiring the owners of plants, plant products and regulated quarantine goods or the location owners to take preventive measures or eliminate pest or adjust inappropriate measures in order to prevent adverse impacts on public interests.

4- Encourage local people to cooperate with local authorities at all levels, relevant competent authorities, private sectors, farm owners, site owners as mentioned in the point 3 above and other stakeholders to participate in operations to prevent and eliminate pests that damage plants and plant resources in their own areas.

5- Carry out other duties under the framework of plant protection and plants resources measure system.

Article 14.-

The Provincial Department of Agriculture, Forestry and Fisheries shall request the intervention from National Plant Protection and Quarantine Organization to eliminate pests in case the department is unable to control pest status.

The Provincial Departments of Agriculture, Forestry and Fisheries are obligated to report to the Plant Protection and Quarantine Organization on the status of implementing the annual action plan for plant protection, damage, and the results of pest elimination on each case of season and annual cultivation , as well as on other information regarding the plant health and plant products, as well as plant resources under own control.

Article 15.-

Natural persons or legal persons who own farms or plant resources in the Kingdom of Cambodia have the following obligations:

- Regularly monitor the presence and status of pests that can damage plant resources on their farms by taking effective and safe measures to eliminate pests or prevent the spread to plant resources of other owners.
- Shall immediately report to the nearest National Plant Protection and Quarantine Organization in case of emerging of pest presence that are spreading or seriously damaging plant resources to request timely intervention to prevent or eliminate pests.

The obligations of plant resource owners in the implementation of plant protection measures shall be determined by the guidelines of the Plant Protection and Quarantine Organization of the Ministry of Agriculture, Forestry and Fisheries.

Article 16.-

The Provincial Departments of Agriculture, Forestry and Fisheries, in coordination with the Plant Protection and Quarantine Organization shall monitor, assess and report to the Ministry of Agriculture, Forestry and Fisheries on spread status of pests in their competent jurisdiction based on the requirements for declaration of pest outbreak.

In the event of a serious pest outbreak, the Plant Protection and Quarantine unit shall report the case to the Ministry of Agriculture, Forestry and Fisheries as an emergency pest outbreak in order to provide necessary methods and resources for the timely and effectively implementation of pest control measures.

In the case of a serious pest outbreak, the Plant Protection and Quarantine Organization shall report to the Ministry of Agriculture, Forestry and Fisheries as an emergency of pest outbreak to provide the necessary means and resources for taking effective and on-time actions to eliminate pest outbreak of this emergency.

The Ministry of Agriculture, Forestry and Fisheries shall set out a *Prakas* to determine pest outbreak areas in accordance with a request made by the Plant Protection and Quarantine Organization.

Requirement for Declaration and the Right to take action on pest outbreak shall be determined by a *Prakas* of the Minister of the Ministry Agriculture, Forestry and Fisheries.

Article 17.-

In order to prevent the spread of pests to other areas, the transportation of plants and plant products through or out of the areas declared as outbreaks of pests shall be temporarily suspended and placed under the control of the Plant Protection and Quarantine Organization of the Ministry of Agriculture, Forestry and Fisheries until a new *Prakas* on the cancellation on Pest Outbreak Area.

Local authorities at all levels in the pest outbreak area shall encourage the people under its jurisdiction to mobilize labor and material to promote eliminating and preventing pest outbreak.

In the case of a serious pest outbreak, the local authorities shall immediately report the case to the Ministry of Agriculture, Forestry and Fisheries and inform the nearest the Plant Protection and Quarantine unit for cooperation in taking immediate measures.

Article 18.-

After declaring the outbreak of pests, in case the outbreak is under control and elimination, the Minister of Agriculture, Forestry and Fisheries shall issue a Prakas on the cancellation of the outbreak area.

Article 19.-

Natural persons or legal entities who are qualified and professional recognized by the law have the right to request the provision of plant protection services or interventions related to the following plant protection measures:

- 1- Investigate the pest status damaging plants or plant products.
- 2- Provide advisory services regarding the presence and damage caused by the pests on the plants or plant products.
- 3- Advise farm owners about measures to prevent and control the pests that damage their plants or plant products.
- 4- Provide services in implementing preventive measures and cooperate in pests control by supplying plant protection equipment and products for use in implementing plant protection measures.
- 5- Provide services to implement preventive measures and operate to eliminate pests or supply materials, equipment and plant protection products for implementing of plant protection measures.

Article 20.-

Natural person or legal entities who provides services under the framework of plant protection measures shall obtain a permit letter issued by the Plant Protection and

Quarantine Organization and shall meet the requirements in accordance with the provision of this law.

The procedures and requirements for the managing Plant Protection Services shall be determined by a *Prakas* of the Minister of the Ministry Agriculture, Forestry and Fisheries.

Section 3

Prevention of the Impacts

Article 21.-

Natural persons or legal entities that carry out plant protection measures or conduct operations to eliminate pest shall comply with the following main technical standards in implementing the measures to prevent the impacts from plant protection and plant resources:

- Ensure the safety for plants or crops health to be protected without affecting productivity or crop yields
- Ensure the safety from all risk to humans, animals, and agro-ecological systems around the area where the measures are implemented.
- Ensure the safety for crop or plant products to be used as food for humans, animals or as raw materials for processing
- Ensure that it does not cause the occurrence of any type of pest resistant to the plant protection measure.
- Ensure the non-occurrence of individual types of pests that are resistant to plant protection measures.

Technical regulations for measures to prevent the impact of plant protection and plant resources shall be determined by a *Prakas* of the Minister of Agriculture, Forestry and Fisheries.

Article 22.-

The Ministry of Agriculture, Forestry and Fisheries shall set the standards of an agricultural production system that ensures food safety, including implementing of Good Agricultural Practices and Organic Agriculture.

The Plant Protection and Quarantine Organization shall control and implement agricultural production systems that ensure food safety, including the certification for crops or plant products.

The agricultural production system management that ensures food safety in the Kingdom of Cambodia shall be determined by a *Prakas* of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 23.-

Natural persons or legal entities that carry out plant protection measures or conduct operations to eliminate pests in crop production have an obligation to participate in ensuring the food safety and crop products.

Crop products harvested from the plantation for the purpose of distributing in the market or used as food for humans, animal feed or as raw materials for food processing shall ensure food safety with free of harmful substances, even physical, biological or chemical substances or components of pesticide residues below the maximum level set by any technical regulation or reference standards recognized and used locally or internationally or in accordance with the requirements of the importing countries in the case of crop products or the plant products are exported for food.

The maximum residue limit (MRL) of pesticides and substances harmful to health in the agricultural products originating from plants shall be determined by a *Prakas* of the Minister of Agriculture, Forestry and Fisheries.

Article 24.-

The Plant Protection and Quarantine Organisation shall have the authority to examine the maximum residue limit (MRL) of pesticides and substances harmful to

health in the agricultural products originating from plants to be exported to foreign countries or imported into the Kingdom of Cambodia and before they are traded, supplied, distributed at the market.

The Ministry of Agriculture, Forestry and Fisheries shall cooperate with sub-national administrations to prepare and set up locations for gathering agricultural products originating from plants in the Capitals/Provinces for checking the maximum residue limit of pesticides and substances harmful to health before they are permitted to be supplied and distributed to consumers or merchandized at the market.

The establishment and management of collecting centers for agricultural products originating from plants in the capitals/provinces for checking the maximum residue limit (MRL) of pesticides and substances harmful to health shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 25.-

The following activities shall be prohibited:

1- The operation of plant protection that is harmful to humans, animals, natural enemies and agro-ecological systems against the technical standard for the measures to prevent the impacts of plant protection and plant resource.

2- The use of plant protection products or substances harmful to health, whether they are biological or chemical substances, on crops or plant products prepared to be supplied, distributed, displayed, or merchandized in the market for human food or animal feed.

3- The carriage of agricultural products originating from plants containing the remains of plant protection products or substances harmful to health above the maximum residue limit (MRL) to be supplied, distributed, displayed, or merchandized to be marketed for human food or animal feed.

4- Export, import, storage, transport, display, and use of seeds are seriously contaminated with pests or containing quarantine pests or regulated pests.

CHAPTER 5

Plant Quarantine

Section 1

Phytosanitary Inspection

Article 26.-

Phytosanitary measures shall be implemented to prevent the spread of quarantine pests and regulated non-quarantine pests from one country to another and from one region to another, as well as to ensure the safety of agriculture products originating from plants and compliance with the maximum residue limit of pesticides and substances harmful to health, but no restriction beyond the requirement on trading activities.

The phytosanitary measures shall be in compliance with:

- International Standards on Phytosanitary Measures approved by the International Plant Protection Convention (Stamped)
- Phytosanitary requirements of the importing countries
- Phytosanitary requirements of the Kingdom of Cambodia

Phytosanitary Requirements of the Kingdom of Cambodia shall be determined by a *Prakas* of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Quarantine goods shall be determined by Sub-decree.

Article 27.-

The Ministry of Agriculture, Forestry and Fisheries shall establish, build capacity and develop technical infrastructures that are capable of ensuring the effective performance of the Plant Protection and Quarantine Organisation to support the phytosanitary inspection in accordance with the requirements of international standards on phytosanitary measures and relevant regulations in force.

Article 28.-

The Phytosanitary Inspection on all export and import consignments of plants, plant products, and quarantine goods shall be determined by an inter-ministerial proclamation between the Ministry of Economy and Finance and the Ministry of Agriculture, Forestry and Fisheries; based on the risk management principle and relevant regulations in force.

Article 29.-

The Plant Protection and Quarantine Organization shall perform the following duties:

1- Inspect plants, plant products and other quarantine goods being planted or stored in the warehouses to report the status of cause, outbreak, or spread of quarantine pests to be prohibited.

2- Inspect plants, plant products and other quarantine goods that are imported or exported to determine the impacts and shall confirm the pest status by taking samples for pest risk analysis.

3- Test the maximum residue limit of pesticides or substances harmful to health in the agricultural product originating from plants exported or imported in compliance with the phytosanitary requirements of the Kingdom of Cambodia.

4- Ensure that the goods, including all types of packaging material, warehouses, transportation and storage of goods to be exported or imported are sterile the pest.

5- Ensure that the disposable waste originating from flights to the Kingdom of Cambodia and processing areas or cleaning plants, plant products and other imported quarantine goods shall not be harmful to the plant's resources in the Kingdom of Cambodia.

6- Receive applications for phytosanitary inspection, review and verify the supporting documents with the application for pest risk evaluation attached; issue Import phytosanitary certificates, phytosanitary certificates for export from the Kingdom of Cambodia for the plants, plant products and other quarantine goods.

7- Surveillance, monitor and update information on pest status in the Kingdom of Cambodia and share this information in regularly with the Capitals/Provincials

Departments of Agriculture, Forestry and Fisheries, regional quarantine branch offices, plant quarantine stations and other places where related works to be carried out.

8- Research and request information or relevant documents in case of suspected violation of the phytosanitary requirements as stated in this law. When necessary, post-inspection measures must be taken to monitor the phytosanitary security in accordance with the phytosanitary inspection procedure.

9- Carry out other tasks under the framework of inspection and implementation of phytosanitary measures.

Article 30.-

The Plant Protection and Quarantine organization shall have the authority to refuse or take action under the framework of inspecting quarantine goods as follows:

1- To prohibit the import and export of all quarantine goods that do not comply with the rules and phytosanitary requirements as stated in this law.

2- To reject the export consignments that do not conform to the phytosanitary requirements of the importing country.

3- To declare the invalidity of phytosanitary certificates issued by authorities in other countries if the inspection has found pests or harmful organisms on the imported goods.

Article 31.-

The Plant Protection and Quarantine Organization shall provide phytosanitary certificate for export or import certificate for plant quarantine material or phytosanitary certificate for re-export from the Kingdom of Cambodia regarding the plants, plant products and other quarantine goods based on the global certificate samples used under the International Plant Protection Convention.

In the event of the phytosanitary certificate is loss or damage for any specific reasons during its validity period, the import or export operators shall report the case and request to the Plant Protection and Quarantine Organization to issue a substitute phytosanitary certificate or "duplicate" certificate.

Article 32.-

The list of regulated article consignments to be applied for an export-import permit or phytosanitary certificate from the Ministry of Agriculture, Forestry and Fisheries shall be determined by Sub-decree related to the list of prohibited and restricted goods.

Article 33.-

The Plant Protection and Quarantine Organization and the Regional Quarantine Branch Office shall have the right to use the phytosanitary stamp to be affixed on the phytosanitary certificate issued for the trading of plants, plant products and other quarantine goods complied to the law.

The right to use phytosanitary stamp and sample of phytosanitary stamp shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 34.-

Under the framework of Regional and International Integration, the Plant Protection and Quarantine Organization shall promote the implementation of electronic phytosanitary certificates in the Procedure of Phytosanitary Inspection for Imported, Exported, or Re-exported goods.

The Plant Protection and Quarantine Organization shall have the right to conduct a phytosanitary inspection for operators who submit an electronic declaration of their commodities, that it follows with the phytosanitary requirements, by complying with the regulations and procedures of this law.

The Procedures and requirements for the implementation of the Electronic Phytosanitary Certificate shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 35.-

The Plant Protection and Quarantine Organization shall control the quarantine database through the networking of the Plant Protection and Quarantine Organization that performs its duties in the Kingdom of Cambodia to establish a “**National Phytosanitary Window**”.

The establishment of the National Phytosanitary Window shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 36.-

The procedure for phytosanitary inspection on imported, exported, re-exported and goods in transit in the Kingdom of Cambodia shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Section 2

Pest Risk Analysis on Export and Import Goods

Article 37.-

The Plant Protection and Quarantine Organization shall conduct a pest risk analysis for the plants, plant products, and other quarantine goods intended to import.

The Pest Risk Analysis shall be conducted when requesting for the import phytosanitary certificate or before importing the goods to identify the pests that may cause risks and determine the pest control measures to be taken when imported.

Article 38.-

If required or invited by any exporting country to carry out phytosanitary inspection, the phytosanitary inspection officers of the Plant Protection and Quarantine Organization may conduct a pest risk analysis for the quarantine goods to be imported into the Kingdom of Cambodia, jointly conduct phytosanitary inspection, and issue a certificate on the territory of the exporting country directly following the requirements agreed upon.

The exporting countries shall be responsible for the expenses incurred in the process of the pest risk analysis of the quarantine goods to be imported into the Kingdom of Cambodia.

Article 39.-

The Plant Protection and Quarantine Organization may conduct pest risk analysis on the quarantine goods to be exported from the Kingdom of Cambodia based on the requirements of the importing country or the legal instruments agreed by the importing and exporting countries.

If necessary, the importing country may conduct a pest risk analysis on the quarantine goods to be exported directly from the Kingdom of Cambodia in accordance with the requirements agreed upon.

The Kingdom of Cambodia, the exporting country, shall be responsible for the expenses incurred in the process of the Pest Risk Analysis on the quarantine goods to be exported from the Kingdom of Cambodia.

Article 40.-

(Stamped)

The Procedure for Pest Risk Analysis of Quarantine Goods to be imported or exported shall be determined by a *Prakas* of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Section 3

Phytosanitary inspection on Imported Goods

Article 41.-

In order to prevent the cause and spread of quarantine pests, the Plant Protection and Quarantine Organization shall set the phytosanitary requirements and phytosanitary measures for importing of plants, plant products, and other quarantine goods based on the international standard or technical justification in force.

Based on altering the condition or new circumstances occurring, the Plant Protection and Quarantine Organization may adjust or withdraw the phytosanitary

requirements and phytosanitary measures, as well as the prohibition of importation goods, as deemed necessary.

The Ministry of Agriculture, Forestry and Fisheries may evaluate and accept the substitutable phytosanitary measure proposed by the Plant Protection and Quarantine Organization of the exporting country with the effect equivalent to the quarantine measure required under paragraph 1 of this article.

The Ministry of Agriculture, Forestry and Fisheries shall officially publish the phytosanitary requirements, prohibitions and any amendments.

Article 42.-

Before importing the goods, such as plants, plant products, and other quarantine goods, importers shall submit an application for an import phytosanitary certificate at the Plant Protection and Quarantine Organization, attached with documents related to the import goods and comply with the import requirements.

The application evaluation shall comply with the International standard in force and conduct the pest risk analysis to determine the phytosanitary requirements to be imposed on those goods.

Article 43.-

Importers may import goods into the Kingdom of Cambodia in compliance with the following conditions:

1. Shall obtain an import phytosanitary certificate issued by the Plant Protection and Quarantine Organization, and importers shall fulfill all requirements and pay public service fees for phytosanitary inspections or other related services in accordance with the regulations of this law.

2. Shall have a phytosanitary certificate issued by the competent authorities of the exporting countries before the goods are imported into the Kingdom of Cambodia.

3. Shall attach the treatment or fumigation certificate of the consignment if required by competent authorities of exporting countries, or other supporting documents as necessary.

4. Shall import the goods through the border check point permitted in the import phytosanitary certificates.

5. Shall declare the arrival of its consignments to request a phytosanitary inspection in accordance with the procedure in force.

Article 44.-

Every consignment as plants, plant products and other regulated quarantine goods shall be inspected at the airport, port, warehouse, or inventories in accordance with the Risk Principle under regulations in force.

Article 45.-

Under certain circumstance, phytosanitary inspection for consignments such as plants, plant products and other regulated quarantine goods shall be exempted and imported based on the following conditions:

- 1- The result of the pest risk analysis stated that the consignments are in safety and security of quarantine goods.
- 2- The quality of consignments is recognized by the International Standard.
- 3- The operator meets conditions or equivalent requirements or fulfills the electronic declaration requirements of the consignments to be imported.

Article 46.-

In case that the phytosanitary inspection result states that the consignment has sufficient supporting documents and the consignment has poses no risk of quarantine pests or dangerous quarantine pests, the importer shall be permitted to import those consignments into the Kingdom of Cambodia in accordance with the procedure in force.

Article 47.-

In the event that the phytosanitary inspection result at the import gate shows that the consignment has a risk of pest infection, that consignment in whole or in part shall be detained to take the following measures:

- 1- Shall apply suitable phytosanitary measures to remove the risk.
- 2- Shall return to the original source.
- 3- Shall certify as non-distributable goods.
- 4- Shall take pest control measures.

Article 48.-

After consignment is permitted to be imported into the Kingdom of Cambodia or after the treatment of importing goods, the competent phytosanitary inspection officers shall take emergency pest control measures if some portions of the goods are damaged during the period of inspection or are found to have not gone through the due clearance and are damaged due to pests.

Section 4

Phytosanitary Inspection on Export Goods and Re-Export Goods

Article 49.-

For no longer than ten (10) days before exporting goods from the Kingdom of Cambodia, including plants, plant products, and quarantine goods in compliance with the phytosanitary requirements of the importing country, the exporters shall:

- 1- Apply for the phytosanitary certificate for export.
- 2- Provide the relevant documents as needed by the requirements.
- 3- Ensure the goods are prepared for phytosanitary inspection and treatment, fumigation or testing as necessary.
- 4- Pay the public service fees for phytosanitary inspection or other relevant services.

Article 50.-

When the consignment arrives in the Kingdom of Cambodia and is waiting re-exporting to another country, the exporter shall:

- 1- Apply for phytosanitary certificate for re-export.
- 2- Provide relevant documents as a requirement for re-export.
- 3- Pay the public service fees for re-export such as the phytosanitary inspection on consignment and issuing the phytosanitary certificate.
- 4- Facilitate phytosanitary inspection on consignment.

Article 51.-

After completing the phytosanitary inspection for the exporters, the Plant Protection and Quarantine unit shall issue the phytosanitary certificate for re-exporting the consignment by requiring the country of origin of the consignment that has been transported and shall be based on the following reasons:

- 1- The consignment does not show signs of pest spread.
- 2- The phytosanitary requirements of importing country are similar to or less requirements than the requirement determined by the exporting country.
- 3- The enclosed documents are consistent with the phytosanitary requirements of the importing country.

Article 52.-

Exporters could re-export their consignment after obtaining the phytosanitary certificate for re-export in compliance with the requirements determined for the maintenance of phytosanitary security of the consignment after issuing the certificate or before re-export.

Section 5

Phytosanitary Inspection on Transit Goods

Article 53.-

The phytosanitary inspection of plants, plant products, and quarantine goods which are transported across the Kingdom of Cambodia shall be conducted with the phytosanitary inspection procedure and relevant regulations in force.

Consignments in transit in the Kingdom of Cambodia are exempted from requiring a phytosanitary certificate for importing in the following circumstances:

1- The consignment was wrapped in safe conditions and there was no risk pest spreading that could occur in those consignments.

2- The Consignment and the attached documents respond to the phytosanitary requirements of the target country.

3- The Phytosanitary Certificate of origin of the source country is consistent with the consignment.

Article 54.-

Every consignment of plants, plant products, and quarantine goods shall be securely wrapped to and contained in containers that are unbreakable during the transportation.

All means of consignment transport shall ensure that there is no risk of spreading quarantine pests or dangerous quarantine pests during the transportation.

Article 55.-

Consignment owners who transport goods through the Kingdom of Cambodia shall inform the Plant Protection and Quarantine unit before the consignment arrive at the border check point.

The phytosanitary inspection shall be conducted on the means of transportation in the exterior of the container and check the consignments by verifying with attached documents, and speed up the inspection in order to facilitate transportation goods in transit.

Article 56.-

If it is found that quarantine goods as stated in Article 55 of this law do not conform to the defined phytosanitary requirements, those consignment shall be subject to considering the phytosanitary measures required before transit transport is permitted.

In the event of an accident occurs during the transport of a consignment that causes the wrapping to break or tear, the consignment owners shall urgently report to the nearest competent authority of the Plant Protection and Quarantine unit or local authority in place for intervention and immediately restart the phytosanitary measure on the consignment and issue the phytosanitary certificate for re-export or transit.

CHAPTER 6

Control the Spread of Pests

Section 1

Pest Spreading Area

Article 57.-

The Plant Protection and Quarantine unit shall monitor and survey pest status on a regular or stage-by-stage basis for the flow of plants, plant products and quarantine goods in order to issue measures to prevent pests' spread from one area to another or to eradicate pests as needed.

When any pests are discovered a source of pests, or the spread quarantine pests, or dangerous quarantine pests in any areas under its jurisdiction. In that case, the competent phytosanitary inspection officers shall urgently report to The Plant Protection and Quarantine unit to request the Ministry of Agriculture, Forestry and Fisheries to issue a Prakas on the determination of Detected Area as a Temporary Area of the Spread of Quarantine Pest.

In three (3) weeks, after declaration on the determination of detected area as a temporary area of the spread of quarantine pests, The Plant Protection and Quarantine

unit shall request the Ministry of Agriculture, Forestry and Fisheries to declare the area spread of pests or suspicious of spreading pests areas as a prohibited area to apply the phytosanitary measures promptly.

Article 58.-

In accordance with a Prakas on the determination of Prohibited Areas, The Plants Protection and Quarantine unit shall apply the following measures:

1- Public in writing the content the declaration on the determination of a prohibited area by clarifying:

- The actual size of prohibited areas and phytosanitary measures requirement to the farm owners or related persons in charge;
- Determine the suitable duration of prohibition;
- The requirement for reissuing the declaration when the pests are completely eradicated.

2- Post the billboard, label in the prohibited areas, make an announcement, or equivalent forms around the area to be prohibited.

3- Re-inspection of the pest status on a regular basis in the prohibited areas and enforcement of the phytosanitary measure by not allowing the spread of pests for a longer period.

Article 59.-

When pests spreading are controlled and eradicated, The Plant Protection and Quarantine unit shall request the Ministry of Agriculture, Forestry and Fisheries to issue the cancellation declaration on pest spread areas or prohibited areas, and disseminate it to the farm owners and relevant counterparts affected from that areas or disseminate publicly.

Article 60.-

It shall be proclaimed as the determination of Pest Free Areas in the event that The Plant Protection and Quarantine unit:

1- Recognize the absence of a specific pest within that area through careful surveillance.

2- Issue the pest control measures to preserve the pest free areas.

3- Have a surveillance system to ensure that the requirements of Pest Free Areas are maintained.

Article 61.-

It shall be proclaimed as the determination of the Areas of Low Pest Prevalence in the event that The Plant Protection and Quarantine unit:

1- Recognize that regulated quarantine pests arise in areas of low pest prevalence.

2- Apply pest control measures to maintain the areas of low pest prevalence.

3- Have a surveillance system to examine that the presence of pests is prevented to the lowest level.

Section 2

Phytosanitary Measures

Article 62.-

The Plant Protection and Quarantine unit has the authority to apply phytosanitary measures to any areas in the Kingdom of Cambodia where spreading or suspected spreading of regulated quarantine pests takes place, in both pest-free areas and areas of low pest prevalence, as follows:

1- The treatment, disposal, or destruction of the goods as plants, plant products, or quarantine goods, as well as the treatment of the means of transportation, containers and wrapping, and other relevant means, whether with or without the transmission of pests, in the aim of maintaining the pest free area or minimizing pests as needed.

2- Treatment to eradicate pests as necessary.

3- Prohibit or allow with conditions for the flow of plants, plants products or quarantine goods in the area or to other areas.

4- Prohibit the planting or replanting of plants or crops in areas affected by the spread of pests.

5- Apply other phytosanitary measures as necessary.

Article 63.-

The carriage sample selection of quarantine pests or dangerous quarantine pests from pest spreading areas to pest -free areas in the Kingdom of Cambodia for analysis shall be permitted by the competent phytosanitary inspection officers.

Transportations goods into, out of and across spread of quarantine pests and dangerous quarantine pests in the Kingdom of Cambodia shall be temporarily suspended until the Minister of the Ministry of Agriculture, Forestry and Fisheries issues the cancellation declaration on a new prohibited area.

Article 64.-

According to the report of the competent phytosanitary inspection officers upon surveilling, evaluating, or proclaiming that the pest status spread in any areas is a severe outbreak of pests, the Plant Protection and Quarantine unit shall report to the Ministry of Agriculture, Forestry and Fisheries to issue a proclamation on the Phytosanitary Emergency Actions requiring the application of phytosanitary emergency measures.”

Phytosanitary Emergency measures are determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 65.-

Wood products or non-processed wood, containers, wrappings or wood pallets are required to undergo quarantine treatment in compliance with the International Standards on phytosanitary measures for wood packaging material and determine their International the Mark in force.

Article 66.-

Natural person or legal entity who is the owner of quarantine goods or other establishment owners shall allow the phytosanitary inspection officers to carry out an inspection or apply phytosanitary measures at their production facilities, farms, warehouses, transportations and all types of containers in compliance with the regulations of this law.

If the farm owner or occupant of all types of quarantine goods discovers that consignments are infested with quarantine pests, they shall take action immediately to implement emergency measures and prevent the spread of any pests.

If farm owners, landowners or establishment owners find out or suspect that their real estate properties or under their responsibility are infested with any quarantine pests, they shall immediately inform to the nearest Plant Protection and Quarantine unit to intervene in emergency phytosanitary measures.

Article 67.-

The Plant Protection and Quarantine unit has entitled to inform any farm owners, landowners or establishment owners to apply the phytosanitary measures in their farms.

In the case that the farm owners or occupants refuse to comply with the instructions as stated in paragraph 1 of this article, the competent phytosanitary inspection officers have the authority to question and explain to the owners about the necessity of applying the phytosanitary measures, which require the destruction of the plants, plant products, and quarantine goods to prevent the spread of pests.

Article 68.-

Farm owners, landowners, or establishment owners are responsible without compensation for damage the loss of plant resources and plant products or other quarantine goods to be destroyed when applying the phytosanitary measures.

Article 69.-

In case of a traffic accident occurs while transporting and the packages is torn and ripped, causing the leak of those regulated article consignments, the owner or the person in charge of the transport or consignments shall urgently inform the nearest Plant Protection and Quarantine unit or local authority at the site to intervene and apply the emergency phytosanitary measures.

Article 70.-

Every Cambodian citizen is required to immediately notify and inform the nearest Plant Protection and Quarantine unit or local authority at the site if they witness any of the following incidents:

1- All types of inland transportation carrying quarantine goods have been torn open and dropped at any location in the Kingdom of Cambodia.

2- Ships, big boats, boats, or other water freight transportation are carrying quarantine goods that have been torn open and dropped into the water in the Kingdom of Cambodia.

3- Planes or air freight transportation dropped quarantine goods over the Kingdom of Cambodia.

Article 71.-

The Ministry of Agriculture, Forestry and Fisheries shall determine a suitable location for establishing the plant quarantine station to store samples of goods as plants, plant products, quarantine goods, and other importing materials for the pest risk analysis, surveillance, testing, treatment or eradication.

Article 72.-

In accordance with quarantine events, the Ministry of Agriculture, Forestry and Fisheries shall coordinate and cooperate with relevant ministries or national institutions, relevant international or regional organizations, non-governmental organizations, and private sector representatives to update the phytosanitary measures that vary with pest risk and potential for pest outbreak.

Article 73.-

For the purpose of all forms of control the spread of pests, the Ministry of Agriculture, Forestry and Fisheries shall issue proclamations on:

1- The measures for Preventing the spread of quarantine pests and eradicating the regulated non-quarantine pests.

2- The measures for preventing the spread, import and eradication of invasive alien species in the Kingdom of Cambodia according to the regulations of this law and relevant regulations in forces.

3- The establishment and conservative measures for pest free areas and areas of low pest prevalence.

CHAPTER 7

Pest list and Plant Pest Diagnostics

Article 74.-

The Plant Protection and Quarantine unit shall research, organize and compile the pest list according to the type of crop or plant in the infested area and quarantine goods by classifying them into quarantine pests, regulated non-quarantine pests, and dangerous pests in compliance with the standard of the International Plant Protection Convention.

The lists of Quarantine pests, regulated non-quarantine pests, and dangerous pests are used for pest risk analysis of goods intended to be imported.

The endemic pest list shall include all pests that invade any of the types of crops or plants presence in the Kingdom of Cambodia and shall be used as a basis for pest risk analysis of goods intended to be exported from the Kingdom of Cambodia.

Article 75.-

The Plant Protection and Quarantine unit shall compile or update the lists of quarantine pests, regulated non-quarantine pests and dangerous pest lists and endemic pest lists for official usage for phytosanitary management in the Kingdom of Cambodia.

The Plant Protection and Quarantine unit shall conduct research through identification and plant pest diagnostics, with a focus on updating the types of pests with new presence for phytosanitary management, with particular attention to invasive alien species that shall be classified in dangerous pest list.

The pests list along with the updated sections shall be widely disseminated to the Plant Protection and Quarantine unit, the Capital/Provincial Departments of Agriculture, Forestry and Fisheries, farm owners, farming communities, and relevant counterparts who take part in training and raising public awareness.

Article 76.-

In the framework of compiling pest list in the Kingdom of Cambodia, the Ministry of Agriculture, Forestry and Fisheries shall coordinate and cooperate with others ministries, institutions and relevant research institutes to collect the data and pest samples on group types of crops or plants in the Kingdom of Cambodia.

The Ministry of Agriculture, Forestry and Fisheries shall establish a Pest Library to store all types of pest samples for research and use for pest risk analysis.

Article 77.-

The pest lists for phytosanitary management in the Kingdom of Cambodia is determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 78.-

In the framework of phytosanitary management following with scientific standard, the Ministry of Agriculture, Forestry and Fisheries shall establish a Plant Pest Diagnostics Center and sub-centers under the Plant Protection and Quarantine unit as follows:

- 1- Plant Pest Diagnostics Center with a laboratory for pest identification and Plant Pest Diagnostic at the sub-national level in accordance with International Standards of Phytosanitary Measures

- 2- A Plant Pest Diagnostics sub-center is established in every regional quarantine branch office with the potential for the spread of pests.

Article 79.-

The Plant Protection and Quarantine unit is the only competent entity responsible for and has entitled to send pest samples to other countries for identification or re-identification, as well as pest diagnosis.

Chapter 8

Researching and Building Capacity on Plant Protection and Quarantine

Article 80.-

The Ministry of Agriculture, Forestry and Fisheries shall support and promote research and build capacity of quarantine programs as follows:

- 1- Research on local systems of quarantine data
- 2- Research on pests, analysis of risk and taking phytosanitary measures
- 3- Research on risks in the implementation of plant protection measures and phytosanitary measures
- 4- Building capacity on quarantine and developing technical infrastructure for plant protection and quarantine.
- 5- Human resource capacity building and promotion of the qualification of technical officers for plant protection and quarantine.
- 6- Disseminate and raise public awareness on plant protection and quarantine.
- 7- Other research tasks in the framework of quarantine capacity building.

Article 81.-

Natural persons or legal entities having sufficient qualifications and professional skills acknowledged by law are entitled to provide phytosanitary services or intervene in services related to the phytosanitary measures including:

- All types of phytosanitary treatment services
- Set up a laboratories and experiment stations

- Researchers, analysts, and experimenters in laboratories; technical personnel
- Other services in the framework of phytosanitary measures in compliance with the provisions of this law.

Natural persons or legal entities who provide relevant phytosanitary services as defined in paragraph 1 of this article shall have a permit issued by the Ministry of Agriculture, Forestry and Fisheries, and shall meet the requirements in compliance with the provision and procedure of this laws.

Laboratory and experiment stations shall be recognized by National or International Institution providing recognition in accordance with the law in force.

Researchers, analysts, and experimenters in laboratories, technical personnel shall be recognized by the Ministry of Agriculture, Forestry and Fisheries.

The Procedures and Requirements to Manage in Providing Phytosanitary Services shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

CHAPTER 9

Emergency Fund for Plant Protection and Quarantine

Article 82.-

The emergency fund for Plant Protection and Quarantine shall be established under the subordination of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance for application in the framework of supporting plant protection measures and phytosanitary measures.

The Management and Allocation of the Emergency Fund for Plant Protection and Quarantine shall be determined by sub-decree.

Article 83.-

The Emergency Fund for Plant Protection and Quarantine is supported by:

- 1- Other contributions from the Royal Government;

- 2- Aid projects from various sources;
- 3- A part of public service revenue in the Plant Protection and Quarantine management;
- 4- A part of fines from the law enforcement;
- 5- Other financial sources.

Article 84.-

The emergency fund for plant protection and quarantine shall be applied for the following actions:

- 1- Unscheduled emergency measures for specific campaigns aimed at preventing the spread of pest outbreaks or pest eradication;
- 2- Specific pest research and risk assessment;
- 3- Set up and maintain a pest free area;
- 4- Management of specific pest outbreak or prohibited area situations;
- 5- Dissemination activities and raising public awareness for specific cases of spreading or pest outbreaks;
- 6- Carry out the International Duty of the Plant Protection and Quarantine unit within the framework of implementation of the International Plant Protection Convention;
- 7- Other necessary supporting activities are decided by the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance.

CHAPTER 10

Plant Quarantine Information and Dissemination Management

Article 85.-

The Plant Protection and Quarantine unit is the only national competency managing plant quarantine information which is deemed to be of national benefit.

Article 86.-

All types of dissemination, presentation, or publication in relation to apply plant protection measures or phytosanitary measures, the use of plant protection products and other products that are effective in implementing plant protection measures or phytosanitary measures shall be reviewed, studied on the technical aspects, and approved by the Plant Protection and Quarantine unit.

Article 87.-

The Ministry of Agriculture, Forestry and Fisheries shall promote and raise public awareness programs in the framework of plant protection and quarantine in agricultural productions, trade, and plant products in the Kingdom of Cambodia.

The Plant Protection and Quarantine unit shall disseminate, guide, and mainstream plant protection programs as well as pest prevention and pest eradication which cause plant destruction and loss in the agriculture production system to farmers, farm owners and local communities.

Article 88.-

The procedure of plant quarantine information management and relevant dissemination for plant protection measures and phytosanitary measures shall be determined by a Prakas of the minister of the Ministry of Agriculture, Forestry and Fisheries.

CHAPTER 11**Obligation for Operators****Article 89.-**

Natural persons or legal entities operating under the framework of plant protection measures and phytosanitary measures or operations related to plants, plant

products, and other quarantine goods shall be responsible for all their activities and facilitate all the provisions of guidance, inspection, and law implementation of the competent phytosanitary inspection officers in compliance with the provisions of this law.

Article 90.-

Operators shall register in the recording book for plant protection services and phytosanitary services every piece information and data related to their operation, including the number of plant protection services and phytosanitary services implemented, the type of plant protection products used and safety measures applied in the operation of providing the relevant service under the provision of this law for monitor and inspect of the competent phytosanitary inspection officers.

The model recording book of plant protection services and phytosanitary services shall be determined by the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries.

Article 91.-

Operators holding a permit for providing services in the framework of plant protection measures and relevant phytosanitary measures systems under the provisions of this law shall have the following duties:

- Be applied according to regulations, conditions and duration of validity determined in the permit;
- Be legally responsible for each operation of subordinated branches and the actions of their employees in the event of an offense or violation of a provision of this law arising from the relevant operation;
- Be liable for the spread of pests or other risks that arise while providing plant protection or phytosanitary services;
- Have technical personnel recognized by the Ministry of Agriculture, Forestry and Fisheries to be permanently responsible for the technical framework in line with the provision and procedure of this law;

- Request prior approval for the transfer of ownership of the relevant permit;
- Implement other relevant regulations of the Ministry of Agriculture, Forestry and Fisheries.

Article 92.-

Natural persons or legal entities who request relevant operations, service operations, and other operations in the framework of the plant protection measures and quarantine measures system under the provision of this law are obliged to pay a public service fee upon each request.

The public service fees are charged depend on the types of operations and plant protection services and phytosanitary services shall be determined by inter-ministerial proclamation between the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Economics and Finance.

CHAPTER 12

Phytosanitary Inspection Officers And Promoting the Law Enforcement

Article 93.-

The Ministry of Agriculture, Forestry and Fisheries is responsible for promoting law enforcement through the Plant Protection and Quarantine unit for the prevention and eradication of all types of pests spreading and pollutants in agricultural products and food from plants.

Phytosanitary inspection officers of the Plant Protection and Quarantine unit are appointed by the Minister of the Ministry of Agriculture, Forestry and Fisheries within their professional qualifications to carry out their roles and duties in promoting this law enforcement.

Article 94.-

The Plant Protection and Quarantine unit shall have the authority to monitor, research, and inspect all activities related to the plants, plant products, and other quarantine goods in its own jurisdiction to prevent pest spreading, epidemic, and control of pest risks and promote the law enforcement at the following places:

- Regional quarantine branch offices and plant quarantine stations
- Plant cover areas, agricultural production areas, farming areas, residential centers and all types of plant nurseries which produce crops or decorative plants
- Sale-purchase locations, storage of all types of plant protection products, or consignments as plants, plant products and other quarantine goods
- Research institutions, laboratories, experimental stations, and others institutions related to plant protection and phytosanitary measures services.
- Means of transportation parking lots and storage places for consignments as plants, plant products, and other quarantine goods
- Other locations in the Kingdom of Cambodia that carry out activities in relation to plant resources and plant products or the locations that are at risk of pests or suspicious of carrying illegal activities mentioned as stated in this law.

Article 95.-

During law enforcement operations, phytosanitary inspection officers shall have the rights and duties as follows:

1- Natural persons or legal entities who carry out activities related to the plants, plant products and other quarantine goods is required to provide information and present certificates, permits, and supporting documents related to their activities.

2- Get samples of plant protection products, plant analyzers, plant products and other quarantine goods to study and evaluate the technical status and pest risk analysis.

3- Temporarily revoke certificates, permits, and supporting documents and retain evidence if the certificate and permit holder breaches this law.

4- Take action to temporarily suspend all relevant activities under the framework of plant protection measures and phytosanitary measures.

5- Develop an offense case file, take action to deal with the offenses according to the law or submit the offense case file to the court according to the procedure.

6- Perform other duties under the framework of the promotion of this law enforcement.

Article 96.-

Phytosanitary inspection officers shall obtain legal habilitation in order to investigate the offenses stated in this law in compliance with the Code of Criminal Procedure of the Kingdom of Cambodia.

The process of obtaining legal habilitation for the phytosanitary inspection officers shall be determined by an inter-ministerial proclamation between the Minister of the Ministry of Justice and the Minister of the Ministry of Agriculture, Forestry and Fisheries.

Article 97.-

During law enforcement operations, phytosanitary inspection officers shall wear uniforms, insignia and rank badges along with mission orders issued by the competent unit in charge of promoting law enforcement and shall have the right to request interventional forces from relevant competent authorities to participate in the mission.

The Uniforms, Insignia and Rank Badges of Phytosanitary Inspection Officers shall be determined by sub-decree.

Article 98.-

During law enforcement operations, if there is real evidence or the result of pest risk analysis for every activity and operation that increase the risk of the spread of pests, phytosanitary inspection officers shall have the competence to take temporarily suspend the respective activities or operations, make an urgent report, and request a decision from the head of their own competent unit.

Based on the situation and the scale of the existing risk, the phytosanitary inspection officers shall have the right to take phytosanitary measures at the site, including to eliminate pests, destroy goods, and declare that the goods cannot be distributed.

Article 99.-

During law enforcement operations, in case the offender cannot be identified, the phytosanitary inspection officers shall request the competent prosecutor to destroy any risky evidences according to the phytosanitary measure, or confiscate evidence in the offense as the state's property in compliance with the Code of Criminal Procedure of the Kingdom of Cambodia.

The costs of the phytosanitary measures based on the evidence in the offense shall be borne by the state.

Article 100.-

Any person who disagrees with any measures taken by the competent phytosanitary inspection officers shall have the right to file an official complaint to the Ministry of Agriculture, Forestry and Fisheries within 30 (thirty) days from the date of receiving the Report of Plant Quarantine Inspection of the competent phytosanitary inspection officers.

The Minister of the Ministry of Agriculture, Forestry and Fisheries shall designate a mechanism for investigating the complaint against the measures taken by the phytosanitary inspection officers and render a decision on the complaint within no longer than 60 (sixty) days from the date of the complaint.

In case the offender does not consent to the decision of the Minister of the Ministry of Agriculture, Forestry and Fisheries, the offender shall be entitled to file a complaint with another mechanism of the Royal Government or transmit a complaint to the court according to the procedure.

Article 101.-

If natural person or legal entity carries out an operation under the framework of the plant protection measures and phytosanitary measures to prevent pests spreading and epidemics which are harmful to the environmental agronomy system of the agricultural production area and cause serious damage to the public interest and local community, the Ministry of Agriculture, Forestry and Fisheries shall be entitled to file a complaint to claim damage from the offender.

The Ministry of Agriculture, Forestry and Fisheries shall evaluate the impacts and scale of the damage for claiming damages from the offender, or if necessary, the assessment shall be performed with participation of inter-ministries the representatives at the request of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

The costs of the impact and damage scale assessment shall be borne by the offending acts of natural person or legal entity including the compensation of the damages to be claimed.

Article 102.-

The procedure and application forms to be used by the phytosanitary inspection officers in law enforcement shall be determined by a *Prakas* of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

CHAPTER 13

Penalty Provisions

Article 103.-

Punishments in this law include administrative and criminal penalties.

The administrative penalty includes:

- A written warning;

- Suspension or revocation of a permit, a certificate or other relevant documents issued under the provisions of this law;
- Temporary suspension of business;

The criminal penalty includes:

- Transitional penalty;
- Penalty payment;
- Imprisonment;

Article 104.-

A written warning, suspension or revocation of a certificate, a permit or other relevant documents shall be under the competency of the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries.

Transitional penalty for the offenses stated in Article 106, Article 107, and Article 108 of this law is under the competent authority of the phytosanitary inspection officers of the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries.

Transitional penalty payment leads to the extinguishment of the criminal action. If the offender refuses to pay the transitional penalty, the competent phytosanitary inspection officers shall build the case file to the competent court according to the procedure.

The formalities and procedures on transitional penalty shall be determined by an inter-ministerial proclamation between the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Justice.

Transitional penalty payment, transitional penalty receipts management, and the management of revenue from the transitional penalty payment for offenses as stated in the provisions of this law shall be determined by an inter-ministerial proclamation between the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Economy and Finance.

Article 105.-

It shall be subject to obtaining a written warning from any natural person or legal entity that carries out activities related to the plants, plant products or other quarantine goods and commits any of the following offenses:

1- Does not make an urgent report or notify the nearest competent Plant Protection and Quarantine unit regarding the pest presence , pest spreading , or pest outbreak on the plants and plant resources in the farm and failing to take action on its own to deal with the spread, destruction, or damage to the public interests or the interests of others in the own basis;

2- Do not follow the instruction of the competent Plant Protection and Quarantine unit on the principle of plant protection measures or take part in the public movement in the locality to jointly prevent the spread and control the pests that destroy the plants and plant resources on their own basis;

3- Do not comply with the notification of the competent phytosanitary inspection officers which requires to take emergency measures to prevent spread of pests, eradicate pest, or implement phytosanitary measures on their farm;

4- Do not answer a question or fail to coordinate the phytosanitary inspection or noncooperation in implementing phytosanitary measures or performing law enforcement with the competent phytosanitary inspection officers;

5- Do not fulfill their obligations as owners of plant resources and all locations related to the plants, plant products and other quarantine goods, which is required to implement the phytosanitary measures in compliance with this law.

In the case of recidivism, the natural person or legal entity who has committed one of the offenses mentioned shall be subject to the suspension, revocation, or nullification of a permit, a certificate, or other relevant documents issued under the provisions of this law.

Article 106.-

It shall be subject to impose a transitional penalty of 1,000,000 (one million) riels to 5,000,000 (five million) riels to natural person or legal entity who commits any of the following acts:

1- Do not have a record book for plant protection and phytosanitary services or no activities record or no data related to the operations services required by this law;

2- Do not comply with its obligations as an operator as follows:

2.1- Do not comply with the terms, regulations and validity of a certificate or a permit;

2.2- Do not obtain prior approval for the transfer of a certificate or relevant permit;

2.3- Do not accept responsibility for all subordinate branch operations and employee activities arising from an offense or breach of this regulation,

2.4- Do not accept responsibility for the spread of pests or other risks arising from the relevant operations;

2.5- No key technical personnel who are certified to take permanent responsibility for the technical framework in the relevant service operations;

3- Do not inform or make a declaration to the competent phytosanitary inspection officers at the relevant border check point about the import, export or transit of plants, plant products and other quarantine goods.

In case of repeated offenses as stated in paragraph 1 above, shall be subject to a double transitional penalty of the first transitional penalty.

In the event that the natural person or legal entity persistently commits the offenses as stated in the paragraph above, the phytosanitary inspection officers shall make a report to the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries, and request a decision to suspend or revoke a permit or a certificate.

Article 107.-

It shall be subject to impose a transitional penalty of 5,000,000 (five million) riels to 10,000,000 (ten million) riels to any natural person or legal entity who commits any of the following acts:

1- Operate plant protection services or phytosanitary services without authorization under the regulations of this law;

2- Possess plant protection products or operate plant protection or phytosanitary services using plant protection products without conducting a study, and evaluation in advance or receiving approval from the competent phytosanitary inspection officers;

3- Lease, use a transport service, or transporting by own-self of consignment as plants, plant products, other quarantine goods in violation of the phytosanitary measures and the prohibition in an area that declared to be a pest spreading area or a restricted area;

4- Lease, use an advertising service, or advertising by own-self the implementation of plant protection measures and phytosanitary measures using plant protection products or other products that are effective in the implementation of plant protection measures without receiving approval from the Plant Protection and Quarantine unit or in violation of the requirements under regulations and procedures of this law;

5- Do not terminate the relevant service operations under the framework of plant protection measures and phytosanitary measures in violation of the suspension by the competent phytosanitary inspection officers;

6- Traffic plants, plant products, and quarantine goods whose packages or means of loading have broken safety wire without the permission, review, and implementation of phytosanitary measures by the competent phytosanitary inspection officers.;

7- Lease, use a transport service, or transporting by own-self consignments as plants, plant products, other quarantine goods by evading the obligations of the protection of phytosanitary security after receiving the phytosanitary certificate;

8- Lease, use a transport service or transporting by own-self consignments as plants, plant products, and other quarantine goods, causing the spread of quarantine pests or dangerous pests during transport.

In case of repeated offenses as stated in paragraph 1 above, shall be subject to double transitional penalty of the first transitional penalty.

In the event that natural person or legal entity persistently commits offenses as stated in the paragraph above, the phytosanitary inspection officers shall make a report to the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries, and request a decision to suspend or revoke a permit or a certificate.

Article 108.-

It shall be subject to impose a transitional penalty of 10,000,000 (ten million) riels to 20,000,000 (twenty million) riels to any natural person or legal entity who commits any of the following acts:

1- Leasing, using an advertising service, or advertising by own-self of the information about any pests or pest outbreaks, the spread of pests without permission, or information that differs from that released by the Plant Protection and Quarantine unit;

2- Importing or exporting plants, plant products, and quarantine goods without a phytosanitary certificate or in violation of the requirements and procedures of this law;

3- Pre-possess or trade phytosanitary certificates without goods or with inadequate goods for importing or exporting quarantine goods in violation of the requirements and procedures of this law;

4- Leasing, using a transportation service or transporting by own-self consignments as plants, plant products, other quarantine goods through the Kingdom of Cambodia causing the risk of spreading quarantine pests or dangerous pests;

5- Trade or grow plants on the restricted plant list without authorization from the Ministry of Agriculture, Forestry and Fisheries;

6- Producing crops, processing, trading, trafficking and transporting consignment as plants, plant products, or other quarantine goods in any way while knowing that pests are present or could spread is illegal;

7- Producing crops in violation of the prohibition on the implementation of plant protection measures that harm people, animals, natural enemies, and environmental agronomy systems;

8- Harvesting crops from farming areas for market trading or use as human food, animal feed, or raw materials for food processing production with pesticide residue exceeding the standard maximum level or containing harmful substances;

9- Exporting, importing, storing, transporting, displaying, and using crops that are seriously infected by pests, quarantine pests or regulated pests.

In case of repeated offenses as stated in paragraph 1 above, shall be subject to double transitional penalty of the first transitional penalty.

In the event that natural person or legal entity persistently commits offenses as stated in the paragraph above, the phytosanitary inspection officers shall report to the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries, and request a decision to suspend or revoke a permit or a certificate.

Article 109.-

Natural person or legal entity shall be punished by imprisonment from 1 (one) to 5 (five) years and shall be punished with a fine from 25,000,000 (twenty-five million) riels to 50,000,000 (fifty million) riels if any person commits any of the following acts:

1. Planting, importing, possessing, or distributing harmful organisms, weeds and invasive alien species of plants or animals that are harmful to plants, plant products and the environmental agronomy system in the Kingdom of Cambodia.
2. Sending pest samples abroad putting the national benefits at risk
3. Disclosure of any plant quarantine information that is opposed to the official information issued by the Plant Protection and Quarantine unit that impact on national benefits.

4. Intentionally carry out operations related to plant protection and phytosanitary measures or cause the spread of any pest as stated in the restricted pest list, causing damage to the public interest or other people
5. Intentionally import any pests or consignments with pest presence or pest risks into the Kingdom of Cambodia.
6. Intentionally dispose of or scatter pests or consignments capable of harboring pests of all kinds in the Kingdom of Cambodia.

Article 110.-

A court may impose one or more additional penalties as defined in Article 53 (Additional Penalties) and Article 168 (Additional Penalties Apply to Legal Entities) of the Criminal Code to any offense stated in article 109 of this law.

CHAPTER 14

Transitional Provisions

Article 111.-

Every legal norm related to plant protection and quarantine is in effect and shall not be contrary to the provisions of this law until it is replaced with a new law and legal norm under the provisions of this law.

Article 112.-

Natural person or legal entity who possesses a valid certificate or a permit under the framework of plant protection and quarantine prior to the effective date of this law have to cease their relevant operation and submit a new application in accordance with the provisions of this law within 12 (twelve) months of the effective date of this law.

CHAPTER 15

Final Provisions

Article 113.-

Any provisions contradicting this law shall be abrogated.

PRL.2205.459

Having made the request to His Majesty the King

For Signature

Prime Minister

Samdech Akkh Moha Sena Padei Techo HUN SEN

Having informed

Tuesday, 3rd day of the waxing, 1st tier

Month of Pisak, year of Tiger Chatvasak, B.E. 2565

Done at the Royal Palace, 3 May 2022

NORODOM SIHAMONI

ANNEX TO PLANT PROTECTION AND QUARANTINE

GLOSSARY

1- Plant protection: Refers to the activities and operations that control all types of pests that destroy plants and crops by preventing the causes, concentration, spread, and epidemic of pests, as well as the implementation of control measures to protect plant resources and reduce the loss in the agricultural production system, as well as the socio-economic impacts.

2- Phytosanitary inspection: Refers to the research, surveillance, inspection, taking sampling for analysis, and pest identification for quarantine goods to determine the situation of pest destruction.

3- Treatment: Refers to the technical operation to kill, deactivate, or remove the pests or render the pests infertile and devitalize the pests.

4- Pest Risk Analysis: Refers to the evaluation of pests based on biological, scientific, and economic evidence to determine which organisms should be restricted and which quarantine measures should be implemented to combat them.

5- Quality Assurance: Refers to the multi-work system in agricultural production related to the planning for quality assurance, quality control, quality evaluation, quality recording, and improvement of the quality of agricultural produce and plant protection products to ensure that those products and the plant protection services reliably meet the quality standards.

6- Good Agricultural Practice (GAP): Refers to the operation of crop plantation or production that implements plant protection measures or using proper plant protection products in accordance technical standards under actual conditions to effectively control pests while minimizing pesticide or substance residues that are harmful to health.

7- Maximum Residue Limit (MRL): Refers to the maximum component or concentration of toxin residues authorized by law and acknowledged of toxin residues contained in food, agricultural produce originating from plants, animal feed or animal

products grown or raised as a result of the use of chemicals or substances harmful to health.

8- Organic Farming: Refers to the method of producing plants and animals that do not use chemical substances such as agricultural pesticides, fertilizers, antibiotics, hormones, and genetically modified organisms (GMO), etc., that do not comply with organic standards.

9- Phytosanitary Emergency: Refers to the phytosanitary measures developed and implemented in immediate response to any new urgent quarantine situation or unexpected situation that may be a temporary or complete measure.

10- Border Check Point: Refers to the location for the competent entity to check the exit, arrival and crossing borders of the Kingdom of Cambodia as follows:

- Internationally and the activities of the travelers, transportation and all types of goods at the country's international airports and international ports.
- International bilateral-border and the activities of travelers, transportation and all types of goods are checked at the border check point, located on the country's boundary.
- Bilateral-border and activities of the travelers, transportation and all types of goods at the bilateral-border check point located on the country's boundary in accordance with bilateral agreements between bordering countries and the Kingdom of Cambodia.
- Border area and the activities of travelers who are permanent residents at the border check point, transportations and all types of goods at the border check point located on the boundary in accordance with the agreement between bordering countries Cambodia.
- Through marine ports, freshwater ports, and the activities of travelers, means of transportation and all types of goods arrive at the seaports and freshwater ports in the country.

11- Pest-Free Area: Refers to an area free from any particular pests based on scientific evidence and this condition is officially maintained.

12- Consignment: Refers to a particular quantity of plants, plant products and/or one or more items of other goods which are being transported from one country to another under the requirement of phytosanitary inspection and confirmation of the quarantine situation through a single phytosanitary certificate.

13- Regulated Article Consignment: Refers to consignments on the “regulated articles list”, are capable of spreading pests or sheltering pests and are subject to phytosanitary inspection.

14- Quarantine Goods: Refers to plants, plant products and other regulated articles/materials that are subject to phytosanitary inspection, including packaging materials, wooden pallets, or soil that clings to the roots or any parts of the plants, mixtures of mineral substances and plant supporting organisms, dead or living pests, beneficial organisms, and all the organisms capable of spreading pests as well as other non-plants objects that can shelter pests during trading activities related to import, export, and international and local transportation.

15- Plants Resources: Refers to plants of all classes, types, breeds, species and biological forms of the global plants classification system. Based on the origins, reproduction, and plants resource boundaries, including the plants originate and reproduce and plants originate from genetic techniques or from plantations, diversification or crop production.

16- Fumigation: Refers to the toxic gas treatment to kill pests.

17- Phytosanitary Procedure: Refers to the official method for implementing phytosanitary measures, including the control, testing, surveillance, or treatment of restricted pests.

18- National Phytosanitary Clearing House: Refers to a/the national working point or relation center that controls, stores, and distributes a quarantine information system and database through the networking of the specialized entity in charge of plant protection and quarantine in the Kingdom of Cambodia.

(Stamped)

19- Pest Library: Refers to the location for storing all kinds of pest samples for the purpose of study, research and verification as part of the pest risk analysis.

20- Invasive Alien Species: Refers to the types or species of plants or animals that encroach on a new environment outside their common distribution space in the past or present, causing the spread, epidemic, and colonization of the origin habitat of the native species community. The invasive alien species include parts of germplasm, chromosomes, seeds, eggs, propagules, or other parts of organisms that can survive, reproduce, and spread.

21- Restricted crops: Refers to crop types or seeds that are important for medicine production, medical treatment, or the use of any particular technology, but these types of plants or crops may be harmful to humans, animals, and the environment, but are permitted for plantation for a particularly useful purpose as stated in this law.

22- Plants Products: Refers to the products originating from unprocessed or semi-processed plants, including wooden products, processed wooden products, forest byproducts, and aquatic plant products or other products originating from all types of plants that are subject to phytosanitary inspection under this law.

23- Plant Protection Products: Refers to one or more chemical substances, biological control agent, microbial, semi-chemical, organism, or genetically modified organisms used as plant products to protect plants against all restricted organisms, harassment, and spread of pests, prevent the impacts on the plant development, store plants products, eliminate weeds, disinfect or kill the pests, control plant infection agents, stimulate development, adjust plant physical function, promote productivity and yield of the crops for control the soil quality and maintain the quality of wood and processed wood.

24- Plants Pest: Refers to all types of pests that exist and harm or spread on plant resources, plants, plant products or other products originating from the plants.

25- Phytosanitary/Plant Quarantine: Refers to all activities carried out to prevent the cause and/or the spread of quarantine pests or to ensure the complete control of pests.

26- Phytosanitary Inspection Officers: Refers to the officials who are assigned for phytosanitary inspection.

27- Technical Justification: Refers to a technical interpretation that proves the accuracy and appropriateness that may be utilized in accordance with the importing country's international phytosanitary standards or phytosanitary requirements with the same effects.

28- Plants: Refers to a particular type of plant, whether originating from natural sources, genetic techniques, or crops, including their parts (seeds, roots, tubers, stems, barks, branches, leaves, nodes, flowers, fruits, etc.) and plant producing actors or plant genetic matters, as well as plant samples at all development stages of all types of breeds and varieties classified as the plant's resources.

29- Phytosanitary Requirements: Refers to the requirements of each country's quarantine authorities in order to prevent the cause and spread of pests into the country through the import of quarantine goods.

30- Phytosanitary Certificate: Refers to the certificate issued by the Plant Protection and Quarantine unit of the Ministry of Agriculture, Forestry and Fisheries after analyzing the pests on quarantine goods, including the import phytosanitary certificate for the import into the Kingdom of Cambodia and the export phytosanitary certificate for export or re-export from the Kingdom of Cambodia in accordance with the sample provided in the International Plant Protection Convention. The phytosanitary certificate is a requirement for the operators that import, export, and transit the quarantine goods through Cambodia.

31- Phytosanitary Measures: Refers to the legal instruments, orders, or official procedure and intervention used to prevent the cause, penetration and/or the spread of quarantine pests or to mitigate the economic impacts of regulated non-quarantine pests.

32- Integrated Pest Management (IPM): Refers to the pest control system in crop production that uses techniques according to the situation's requirements to reduce pests and minimize them to a level that does not cause risks to the economy.

33- Food: Refers to crop products or agricultural produce originating from plants, forest products or fishery products that are raw or semi-processed and used or reprocessed to produce human foods or animal feeds.

34- Plant Quarantine Station: Refers to the official station established under this law to store plants or plant products for quarantine detention for observation, investigation, testing or treatment.

35- Phytosanitary Security: Refers to the maintenance of consignments and the prevention of pest transmission and contamination caused by regulated pests on the consignment through the implementation of a proper quarantine measure.

36- Quarantine Pest: Refers to pests that have never existed in Cambodia before or those have existed in one particular location but have not spread to another location, and control or elimination measures have been implemented.

37- Regulated Pest: Refers to quarantine pests or regulated non-quarantine pests.

38- Regulated non-quarantine pest: Refers to non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contract party.

39- Natural enemies: Refers to the organisms that can survive by eating other organisms' feeds or eating other organisms in their natural habitats, thereby limiting the population of those organisms. Those organisms include plant disease agents, parasitoid, parasitic and voracious plants, such as carnivorous plants and pest-eating plants.

40- Pest: Refers to any species, strain or biotype of organism, micro-organisms, or genetically modified organisms of the plants, animals, or disease-causing agents defined as pests, harming and spreading all types of plants and plant resources. Invasive alien species or harmful organisms of plants or animals, that are outer their common distribution space in the past or present that devastate all type of the plant resources, plant products, or crop products. The pests list for quarantine control in the Kingdom of Cambodia is defined by the regulations of this law.

41- Endemic Pest: Refers to types, breeds, or species of plants, animals, or causative agents originating from the natural distribution space in the Kingdom of Cambodia that may devastate plants, plant products, or crop products of all types.

42- Dangerous Pest: Refers to pests that cause or may cause serious danger to society, economy, or severely damage the plant resources.

43- National Plant Protection Organization-NPPO: Refers to the plant protection and quarantine unit, currently known as the Plant Protection Sanitary and Phytosanitary Department under the supervision of the Ministry of Agriculture, Forestry and Fisheries, established in accordance with the International Plant Protection Convention-IPPC to perform duties under the National and International Framework in accordance with the Agreement on Sanitary and Phytosanitary of the World Trade Organization-WTO or the requirements of importing countries which must be ensured the safety for plant consumers and phytosanitary security.

44- International Plant Protection Convention (IPPC): Refers to the International Plant Protection Convention which was approved during the 6th session of the Food and Agriculture Organization (FAO) Conference in Rome in November 1951, effective in April 3, 1952, composed of members from 139 states. It was registered with the United Nation in November 29, 1952, under No.1963. After the convention went into force in June 10,1952, the Kingdom of Cambodia was recognized as an adherence state party. The International Plant Protection Convention was amended during the 20th session of Food and Agriculture Organization (FAO) Conference in Rome in November 1979, and then completely accepted at the 29th session of the Food and Agriculture Organization (FAO) Conference in Rome in November 1997, composed of members from 90 states providing legal instruments of approval. The Kingdom of Cambodia, which has designated the Ministry of Agriculture, Forestry and Fishers as the focal institution for implementing this convention, granted the legal instruments of approval with Letter No. 3550 MAFF, dated July 18, 2005. The International Plant Protection Convention aims to ensure effective global collaboration to prevent the spread and cause of pests on plants and plant products and to promote appropriate measures to control pests. The state obliged under this convention shall approve the legal, technical and administrative framework defined in the convention and any additional agreements under this convention.