

**Kingdom of Cambodia  
Nation Religion King**

**Council of Ministers**

**DRAFT  
Sub-decree  
on Plant Quarantine**

**The Council of Ministers**

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

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

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

**“plant”** means all members of the plant kingdom, whether living or dead, at any stage of growth or development, any part or parts of such, but not preserved fruits or vegetables imported in hermetically sealed cans, tins, bottles or other containers. Such an expression also included, but is not restricted to, seed, grain, tuber, corm, bulb, root, stem, branch, stock, budwood, cuffling, layer, slip, sucker, rhizome, leaf, flower and fruits of plants.

**"plant products"** means unprocessed, semi-processed or processed material of plant origin.

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

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

**"quarantine pest"** means any pest of plants dangerous to plant but not yet in existence in the Kingdom of Cambodia, and even those in existence but not widely spread yet that need to be controlled; quarantine pests are designated by the Responsible Minister to be prevented from being imported or introduced into or disseminated within the Kingdom of Cambodia;

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

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

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

**"transit transport"** means transit of goods and means of transport across the territory of the Kingdom of Cambodia, when the passage is only a portion of a complete journey beginning and terminating beyond the frontier of the Kingdom of Cambodia across whose territory the traffic passes; transit transport may or

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

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

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

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

The Plant Protection and Phytosanitary Inspection Office can alter the list of quarantine pests subject to approval by the Responsible Minister on a recommendation made by the Responsible Person. This alteration shall be made public by an appropriate announcement or notification in public newspapers with wide circulation, radio, television and circulars to local authorities, and it shall be effective 30 days after the date of publication.

However, in an emergency when a very serious epidemic that could cause enormous damage to the agriculture and natural environment of the country is anticipated, such alteration shall take effect within 24 hours of publication.

**Article 4:** Items subject to phytosanitary inspection are:

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

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

### **Chapter III: Plant Quarantine Inspection**

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

**Article 7:** If necessary, a stand-by Plant Quarantine Station shall be set up at every train station, access or exit road at the border, seaport, river ,



**Article 16:** Any person who requests a phytosanitary inspection shall pay a fee called a "phytosanitary inspection f

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

Transports or stores any shipment contaminated with quarantine pests, and

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

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

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

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

## **Chapter VI: Rights, Duties and Responsibilities of Phytosanitary Inspectors**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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