

LAW
ON
THE MANAGEMENT OF
PESTICIDES AND FERTILIZERS

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1.-

This law has following objectives:

- To support the policy promoting the effectiveness potentiality of Agricultural sector, for the development of social and National economy;
- To ensure the safe and effective control of pesticides and fertilizers, whether in consistent with the international standards;
- To enhance public awareness on the implementation of standard requirements of pesticides and fertilizers for all relevant activities related to these products;
- To reduce risks caused by the use of pesticides and fertilizers, for the beneficiary of farmers and people in the nationwide, by ensuring food security, food safety, public health, and the sustainability of environment.

ARTICLE 2.-

This law aims to define the management of all pesticides and fertilizers in the Kingdom of Cambodia.

ARTICLE 3.-

The scope of this law shall apply to the management and the implementation of standard requirements in terms for:

- All types of pesticides and fertilizers, raw materials or active ingredients and other compositions of pesticides and fertilizers which are used as inputs in agricultural production.
- All activities of natural persons or legal entities who are traders, formulators, pests control service operators, advertisers, donors, and users of all types of pesticides and fertilizers.

ARTICLE 4.-

Key terminologies used in this law shall be defined their definitions in the glossary attached as the annex of the law.

CHAPTER 2

THE MANAGEMENT COMPETENCY

ARTICLE 5.-

The management of pesticides and fertilizers in Cambodia shall be under the general jurisdiction of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 6.-

The Ministry of Agriculture, Forestry and Fisheries shall designate the competent entities to perform the missions as mentioned below:

- To ensure the effective management of pesticides and fertilizers in accordance with the national policy on Agricultural sector;
- To examine and develop the legal framework on standard requirements and the procedures of pre and post-registration for all types of pesticides and fertilizers;
- To examine and assess the fulfillment of standard requirement for the registration of pesticides and fertilizers;
- To analyze and verify the composition of pesticides and the guaranteed analysis of fertilizers at laboratory and to undertake the bio-efficacy test at experimental field, for the assessment at pre and post-registration;
- To conduct registration and issuance of a permit for relevant activities related to all pesticides and fertilizers and to collect service fees of these activities as required by this law;
- To conduct research program on pesticides and fertilizers and their adverse impacts in agricultural production;
- To conduct extension program on public awareness and training programs on pesticides and fertilizers;
- To collaborate and coordinate with relevant ministries, institutions, private sector, civil society and development partners, in the framework of information access on the public awareness and the participation in the effective law enforcement;
- To monitor, control and take measure in law enforcement on all management activities and the implementation of the standard requirements for pesticides and fertilizers;
- To conduct an international cooperation and play role as a national focal institution, responsible for leading and implementing relevant mandates related to conventions or International agreements on pesticides and agro-chemicals;
- To fulfill other duties in terms of management of pesticides and fertilizers under the scope of this law.

CHAPTER 3
THE MANAGEMENT OF PESTICIDES
SECTION 1

REGISTRATION OF PESTICIDES AND STANDARD REQUIREMENTS

ARTICLE 7.-

All types of pesticides could be able to trade or formulated in The Kingdom of Cambodia, unless they have been registered in accordance with the provisions and the procedures of this law.

Natural person or legal entity who imports exports or formulates the pesticides in the purpose of trading in the Kingdom of Cambodia shall prior apply for registration of those pesticides at the Ministry of Agriculture, Forestry and Fisheries in accordance with the provisions of this law.

ARTICLE 8.-

Natural person or legal entity may apply for registration, in accordance with the provisions of this law, a pesticide that:

- 1- Is not in the list of banned pesticides in the Kingdom of Cambodia or relevant international convention;
- 2- Had been registered, but its composition has been changed;
- 3- Had been registered, but the condition, data or technical information has been changed;
- 4- Had been registered, but has a new different source of formulation.

ARTICLE 9.-

All pesticides that are listed in the list of pesticides in Kingdom of Cambodia shall be identified by an identification number and shall be classified its toxicity class in following the standard of World Health Organization or relevant international standard.

The list of pesticides in the Kingdom of Cambodia shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

The Ministry of Agriculture, Forestry and Fisheries may decide if necessary to add, revise, or delete any pesticide or active ingredient from the list of pesticides in the Kingdom of Cambodia, based on the research results or in accordance with the requirements of related international convention.

ARTICLE 10.-

Natural person or legal entity who applies for pesticide registration shall have the obligation to comply with the standard requirements, by providing complete and adequate information for assessment.

Material safety data sheet of origin, information on composition, analytical methodology, bio-efficacy data and other technical information are important standard requirements, which shall be attached to the application of pesticide registration.

ARTICLE 11.-

The standard requirements for pesticide registration shall ensure to include information and data as mentioned below:

- Identity of a natural person or legal entity who applies for registration, identification of pesticide and formulating process;
- Data on pesticides specification, compositions, active ingredients, analytical method physical and chemical properties of active ingredients and other data of pesticide composition;
- Data on bio-efficacy from country of origin and the report on the field bio-efficacy with specific crops and experimental regions;
- Data on pesticide toxicity;
- Data on pesticide residue;
- Safety to human and animal;
- Safety to the environment;
- The trade, usage and disposal;
- Package and label in Khmer.

ARTICLE 12.-

All pesticides which are subject for registration in the Kingdom of Cambodia, shall be undergone the analysis, bio-efficacy test of its samples, and evaluation on the adverse effects, in accordance with the standard requirements.

ARTICLE 13.-

The analysis of pesticide samples shall be applied for each active ingredient and shall be conducted at the National Agriculture Laboratory or other accredited laboratories as determined in the Article 87 of this law.

The guidelines on pesticide samples shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 14.-

Bio-efficacy test of pesticides shall be conducted at the agricultural experiment station of the Ministry of Agriculture, Forestry and Fisheries or shall be applied by an accredited researcher as determined in the Article 87 of this law.

Technical protocols on the bio-efficacy test of pesticides shall be determined by a Prakas of Minster of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 15.-

The certificate of pesticide registration which issued by the Ministry of Agriculture, Forestry and Fisheries shall be determined by registration types as below:

1. Full registration;
2. Provisional registration or conditional registration.

ARTICLE 16.-

The Ministry of Agriculture, Forestry and Fisheries shall deny an application of pesticide registration based on any of following criteria:

1. Information and data attached to the application are false;
2. Pesticide that applied for registration is highly toxic to public health or causes risk rather than the advantage of that pesticide usage;
3. Pesticide that applied for registration is phytotoxic product, that cannot compensate to the losses of crop yield;
4. The efficacy of pesticide has lower standard than what is clarified during the registration;
5. Pesticide that applied for registration contained persistent toxic residue in crops and in the environment.

Ministry of Agriculture, Forestry and Fisheries may exempt if necessary, the standard requirements of pesticide which is applied for registration of specific public needs, the use in education or public health sector, and the research or for non-commercial purpose.

ARTICLE 17.-

The certificate of full registration of pesticide is valid for 3 years after the date of issuance of the certificate, except for the revocation before expiration. Natural person or legal entity holding a full registration of pesticide can apply for the renewal of registration by submitting an application and information in accordance with the procedure of this law.

Provisional registration may be transferred to full registration within one year, unless the condition and requirements are completed. In case any criterion is not completed, the provisional registration will be abrogated. Natural person or legal entity holding the provisional registration could not be able to trade those pesticides.

ARTICLE 18.-

In case of the data of field experiment of any pesticide, indicates the adverse effects on toxicity or the residue limit is above the allowable rate, the Ministry of Agriculture, Forestry and

Fisheries shall require the registration holder of those products to review and apply for the renewal.

Any pesticide, of which its registration validation is expired and without applying for renewal, shall be terminated the distribution and shall be recalled under of the responsibility of the registration holder within 06 (six) months after the expiry date of registration.

ARTICLE 19.-

All data attached or clarified for the registration through field efficacy test shall be granted the right on data for 08 (eight) years after the issuance date of the registration certificate.

ARTICLE 20.-

The registration holder shall have the obligations to report to the Ministry of Agriculture, Forestry and Fisheries about the adverse effects associated with the use of the pesticides product as directed in the label, which was declared during registration.

The report shall mention the user's identity, the place, type of pesticide and the used dose, conclusion on the adverse effects and final results.

ARTICLE 21.-

The procedures for pesticide registration in Cambodia shall be is consistent with the International or regional procedures for pesticide registration.

The procedure and standard requirements for pesticide registration shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

SECTION 2

LABEL AND MATERIAL SAFETY DATA SHEET

ARTICLE 22.-

The typical pesticide label that will be able to use on the pesticide packages, shall be prior approved by the Ministry of Agriculture, Forestry and Fisheries.

All pesticide packages originated from formulation source, repackaged or imported into Kingdom of Cambodia, shall ensure to have label that contain the information as following:

- Name and address of company holding registration;
- Common name and trade name of pesticide, and trademark;
- Summary statements on pesticide compositions including all active ingredient with its concentration rate or percentage, its chemical property, the use pattern, and hazard class of pesticides;
- Registration number issued by the Ministry of Agriculture, Forestry and Fisheries;

- Name of company and country of origin where pesticides are formulated or exported;
- Net capacity of the product in the container;
- Technical instruction related to mode of use, target crops, pests, recommended dose, time of application and pre-harvest interval;
- Warning and precaution statements that mentioned the symptoms of poisoning, safety measure for use, health protection measure, first aid statement and information for the physician;
- Symbols of hazard and pictorial warning for highly toxic pesticides;
- Relevant instruction on detoxification and safety measure for disposal of pesticide waste and used container;
- Lot number, manufactured and expiry date;
- Other relevant information as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 23.-

All pesticides label shall be in Khmer and shall be attached to or be printed on a side of a package in such a way that the whole contents of the label can be read, visible, comprehensive and unable erased.

All labels of pesticides, which are displayed or storage for sale shall not be torn, erased or damaged even wholly or partly, which caused destroy to the relevant ordinance.

ARTICLE 24.-

No label of any pesticide shall contain a statement that the pesticide is non-hazardous or non-toxic. Part of pesticides label that concerned with the hazard of toxicity shall mention the information as necessary in following the warning, precaution, pictogram symbol for toxicity warning, the first aid and information for physician.

ARTICLE 25.-

The standard of pesticide labels shall be determined in accordance with the globally harmonized system of classification and labeling of chemicals.

The guideline for pesticide labels and the model of pesticide label shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 26.-

Material safety data sheet of pesticide shall be made in Khmer, and shall be provided as necessary during the registration which assuring the information and data from the source of

country of origin where pesticides are formulated or exported; and shall be used for the information of that pesticide label.

The company of the country of origin that exported pesticides shall have obligation to provide or attach the material safety data sheet to the company who imports into Kingdom of Cambodia, in accordance with the requirements of relevant international convention.

SECTION 3

THE MANAGEMENT OF PESTICIDES IN TRADE

ARTICLE 27.-

In addition to the provision of relevant laws related to the trade management, no any natural person or legal entity, without a permit, has a right to trade any pesticides originated from all operations including import/export, formulation, repackaging, storage, distribution, wholesale retail, and providing pests control service in Kingdom of Cambodia; and whether, natural person or legal entity shall comply with the conditions of standard requirements and safety measures as required by the provision of this law.

ARTICLE 28.-

The management of household pesticides and public health pesticides shall be determined by a Joint-Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Health.

SUB-SECTION 1

IMPORT AND EXPORT OF PESTICIDES

ARTICLE 29.-

Natural person or legal entity who imports or exports pesticides shall be obtains a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

During importation, exportation of pesticides, importers/ exporters shall comply with the conditions of standard requirements as mentioned below:

- Pesticides shall have been approved for registration in accordance with the provision of this law;
- Shall comply with the standard for container, label or leaflet for the instruction in Khmer which have been approved during registration;
- List of pesticide items to be imported or exported, shall be coded by the harmonized system of custom codes;
- Shall comply with the safety measures on import/export of pesticides as required by this law;

- Shall have the records of information related to the import/export operation of pesticides;
- Shall inform the Ministry of Agriculture, Forestry and Fisheries to undertake the primary inspection during import/export operation or prior to the distribution;
- Shall attach relevant documents which listed the companies or branches that contracted with, for the distribution of imported pesticides.
- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 30.-

A permit shall be applied to the Ministry of Agriculture, Forestry and Fisheries for a natural person or legal entity who imports pesticides in the purpose of the end use, for the use in the own farms, public or private and or for specific public needs, and for non-commercial purpose, with specifying the type of pesticides, purpose of the use and the optimum quantity to be requested for importation.

The application for import of chemicals or pesticides of highly toxic for a specific end-use purpose as mentioned in the first paragraph of this article shall be according to the procedure on prior informed consent.

SUB-SECTION 2

FORMULATION, REPACKAGING AND STORAGE OF PESTICIDES

ARTICLE 31.-

Natural person or legal entity who trades any pesticide originated from the operations of formulation or repackage in Kingdom of Cambodia, shall obtain a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

The operation of formulation or repackage of pesticides, operators shall comply with the conditions of standard requirements as mentioned below:

- Pesticides shall have been approved for registration in accordance with the provision of this law;
- Shall ensure that the active ingredients are low toxicity in accordance with technical specification or relevant international standard;
- Pesticides shall be originated from the operation of formulation and repackage where the safety to human, animal and the environment are assured;
- Pesticides to be repackaged shall be originated from legal source of supply which have been permitted in accordance with this law and shall maintain its original standard of formulated source;
- Shall comply with the standard for packaging, and labeling in Khmer;
- Shall have the records on the operations of pesticide formulation or repackaging;

- Shall inform the Ministry of Agriculture, Forestry and Fisheries to conduct the primary inspection prior to the distribution;
- Shall attach documents indicating companies or branches who a contracted with, for the distribution of those pesticides;
- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

The guidelines on standard requirements and safety measures for the operation of pesticide formulation, packaging, and repackaging, shall be determined by a Joint-Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Industry, Mines and Energy.

ARTICLE 32.-

Natural person or legal entity who stores pesticides in the purpose of distribution in Kingdom of Cambodia, shall apply for registration of pesticide warehouse at the Ministry of Agriculture, Forestry and Fisheries.

For all operations of pesticide storage, the operators shall comply with the following conditions of standard requirement as below:

- Shall construct a warehouse at a site where safety to human, animals and the environment are secured;
- Shall comply with pesticides safety storage system including maintenance measure, storage procedure, protective measure in leakage or measure for detoxification and safety measure in case of emergency;
- Shall safely manage all detained obsolete pesticides in the warehouse;
- Shall record all relevant information on pesticide storage and shall report to a competent Agricultural entity about the obsolete pesticides in the warehouse;
- Shall comply with other requirements requested by the Ministry of Agriculture, Forestry and Fisheries.

Guidelines for pesticide storage shall be determined by a joint Prakas of the Minister of Ministry of Agriculture, Forestry and Fisheries, and the Minster of the Ministry of Environment.

SUB-SECTION 3

DISTRIBUTION, WHOLESALE AND RETAIL OF PESTICIDES

ARTICLE 33.-

Natural person or legal entity who distributes the pesticides to their own branches or other wholesalers/ retailers at all provinces in Kingdom of Cambodia, shall obtain a permit for distribution issued by the Ministry of Agriculture, Forestry and Fisheries.

Natural person or legal entity who make a wholesale or retail of pesticides within the capital or provincial territory shall obtain a permit for wholesale and retail issued by the Capital/Provincial Department of Agriculture in their own territory.

ARTICLE 34.-

Natural person or legal entity who distributes and wholesales/ retails of pesticides, shall comply with the conditions of standard requirements as mentioned below:

- Shall obtain a certificate of professional training on “Good house-keeping practices” in accordance with the training materials which is determined by Ministry of Agriculture, Forestry and Fisheries;
- Wholesaler or retailer shall have the list of pesticides on sale and relevant records, indicated the companies that distribute the pesticides for their shops;
- Distributor shall have a contract of being a distributor or a branch of the company that imports, formulates or repacks pesticides, holding a permit in accordance with this law;
- Shall comply with the standard of packaging and label in Khmer;
- Shall distribute and wholesale/retail the pesticides which have been registered and originated from legal sources in accordance with this law;
- Shall comply with other condition as required by the Ministry of Agriculture, Forestry and Fisheries.

SUB-SECTION 4

PEST CONTROL SERVICE

ARTICLE 35.-

Natural person or legal entity who operates pest control service by using pesticides at any sites, shall obtain a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

In all operations of pest control service, the operator shall comply with conditions of the standard requirements as mentioned below:

- Shall obtain a certificate of professional training in accordance with training materials as determined by the Ministry of Agriculture, Forestry and Fisheries;
- Shall mention in the service contract, the types of pesticides that are used and which have been registered in accordance with the provision of this law;
- Shall provide adequate equipments to assure the safety to pesticide applicators and shall have instruction to maintain equipments;
- Shall provide health insurance program for pesticide applicators;
- Shall have the record of all pesticide applications;

- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 36.-

To be permanently responsible for operation relating pesticides, all branches of a company that operates pest control service in the provinces and capital, shall have a service contract for pest control and the pesticide applicators shall have the staff operating that were accredited by the Ministry of Agriculture, Forestry and Fisheries.

SUB-SECTION 5

TRANSPORTATION OF PESTICIDES

ARTICLE 37.-

Natural person or legal entity who transports pesticides within Kingdom of Cambodia shall comply with the conditions as mentioned below:

- 1- Shall use a particular transport mean or, loading means;
- 2- For the purpose of import/export, shall bring with the permit of import/export issued by the Ministry of Agriculture, Forestry and Fisheries;
- 3- For the purpose of distribution, shall bring with the permit of distribution and relevant documents that clearly specify the types, quantity, and location of destination shops to be distributed;
- 4- Shall display, on transporting and loading means of pesticides, by showing a markable pictogram or word-sign in following hazardous class of transporting pesticides ;
- 5- Shall present the permit or relevant documents which are required by this law for controlling by a competent inspector;

ARTICLE 38.-

The Company who distributes pesticides shall provide a “Pesticides transport emergency card” to the driver of the vehicle transporting the pesticides, by specifying information as mentioned below:

- Name, address, contact telephone number of the company;
- Types of pesticides which are transported;
- Basic danger caused by the pesticides which are transported;
- Caution statement and measures to be taken in case of incident or emergency.

In case of accident, leaks or fire, the driver shall immediately inform it to the company and request an intervention from the nearest traffic police or competent authority, and shall comply with the measures following the instructions as defined in the “transport emergency card”.

ARTICLE 39.-

The transportation of pesticides in transit via the Kingdom of Cambodia shall comply with the conditions as mentioned below:

- Shall ensure the safety to transportation, to avoid leaking of container or to avoid diffusion causing hazard to human, animal and the environments;
- Shall comply with the procedure on the prior informed consent in accordance with relevant international agreement of transportation in transit, international treaty and convention which were ratified by Kingdom of Cambodia.

ARTICLE 40.-

The procedures on the management of pesticides in trade shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

SECTION 4

SAFETY IN THE USE, DISPOSAL AND DESTRUCTION OF PESTICIDE

ARTICLE 41.-

Natural person or legal entity using pesticides shall be aware as below:

- Selecting an appropriate pesticide for the target crops or products and pests;
- Using only a pesticide that is not classified in the list of banned pesticides in Kingdom of Cambodia, having a legal source in accordance with this law, having the label in Khmer on the package with the registration number issued by the Ministry of Agriculture, Forestry and Fisheries;
- Using a pesticide in following the instructions for use and shall follow the pre-harvest interval period as mentioned on the label that has been approved for registration by the Ministry of Agriculture, Forestry and Fisheries;
- Being aware on pesticides technical uses and shall use the safety equipments during operation of pest control;
- Being aware of safety measure in the use of pesticides in order to prevent the others and the environments from danger caused by pesticides.

ARTICLE 42.-

Pesticides company or farm owner shall have the duties for their employees as below;

- To provide training on safety measures in the management and use of pesticides;
- To providing safety equipment to the staff applicator of pesticides;

- To define a standard for the use of pesticides of equipment and safety protection equipment;
- To follow health care schedule and permanently health control.

Natural person or legal entity who uses pesticides in all farms, has the duty to participate in all educational activities related to safety measures, conducted by the competent officials of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 43.-

The disposal of pesticide wastes and used packages shall be complied with the measures as below:

- Do not throw, bury or burn pesticide wastes at any place without any permission from an Agricultural entity or competent authority;
- Do not re-use a pesticide container to pack any product that is not a pesticide, especially food and feed.

The guidelines on safety measures of pesticide use, disposal of pesticides wastes and used packages shall be determined by a joint-Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries, and the Minister of the Ministry of Environment.

ARTICLE 44.-

All people who see and know any case of distribution, use or disposal of any pesticides waste that is hazardous to human, animal and the environments, has a duty to inform it to the nearest local agricultural entity or local authority.

ARTICLE 45.-

Natural person or legal entity who uses pesticides which caused hazardous to human, animal, to destroy environment or public property, shall be responsible for compensating the damages and shall be punished in accordance with appropriate law in force.

ARTICLE 46.-

The Minister of the Ministry of Agriculture, Forestry and Fisheries shall undertake measures immediately to terminate any circulation of pesticides in the markets as necessary, in case of a research data showing that those pesticides are hazardous to human, animal and the environment, by requiring the company in responsible of formulation, repackage importation, and distribution of the pesticides to recall them back.

ARTICLE 47.-

The counterfeit pesticides, pesticides formulated without technical basis, banned pesticides and pesticides from illegal sources against this law are subject to temporary detention or confiscation to destroy in accordance with the code of criminal procedures in force.

SECTION 5

PROHIBITION RELATED TO PESTICIDES

ARTICLE 48.-

It shall be prohibited to all counterfeit activities in the trade of pesticides as below:

- 1- Counterfeiting registration number;
- 2- Counterfeiting Khmer label or using label in foreign languages;
- 3- Counterfeiting the package;
- 4- Counterfeiting common name or trade name of pesticides;
- 5- Counterfeiting composition or containing compositions other than what has been clarified during registration or that are ex-standard products;
- 6- Counterfeiting the source of origin.

ARTICLE 49.-

It shall be prohibited to the use of all pesticides as below:

1. The use of any pesticide which is listed as banned pesticides in Kingdom of Cambodia for all pest control treatments.
2. The treatment of a pesticide to food crop or feed/grass before the harvest period which are not comply with the pre-harvest interval as mentioned on the label of the pesticide which have been approved during registration;
3. The use of pesticides or providing pests control services by using a plant growth regulator or promoter products in overdose or mixing with other chemicals that are banned or with other chemicals in contrast with technical norm, which pose danger to human, animal and the environment.

ARTICLE 50.-

It shall be prohibited to the trade activities of pesticides as below:

1. Trading a highly toxic pesticide that listed as a banned pesticides in Kingdom of Cambodia or are banned by relevant international convention;
2. Trading a pesticide that is sub-standard or expired products as mentioned on the label;

3. Building a pesticide warehouse for all trading operations nearby the markets, public places, schools, hospitals or water sources which may cause danger and affects to the health, the neighbors, interest, the public and the environment;
4. Displaying or storing pesticides for sale in the market or in public places; trade center or at the place associated with food, feed or other goods that may cause danger to health, to the neighbor interests, the public and the environment;
5. Movement of pesticides to distribute, for mobile sale directly to the end-users without the permit of distribution, or pesticides originated from illegal sources in accordance with the provision of this law;
6. Transporting or loading pesticides mixing with passengers, animals, or with food or animal feed that may cause danger to human, animal and the environment;
7. Distributing wholesales and retails of pesticides which are permitted to import only for specific end-use or for non-commercial purpose.

ARTICLE 51.-

It shall be prohibited to import pesticide wastes, or the used pesticides containers or obsolete pesticides which are contrast with the provision of this law and relevant international convention.

It shall be prohibited to intentionally dispose, to burry, to pour, to drain the waste of pesticides, the used containers of pesticides, or obsoletes into water sources or in other places in contradicting to the provisions of this law and the related regulations in force.

CHAPTER 4 THE MANAGEMENT OF FERTILIZERS

SECTION 1 REGISTRATION OF FERTILIZERS AND STANDARD REQUIREMENTS

ARTICLE 52.-

All type of fertilizers could be able to trade or formulate in Kingdom of Cambodia, unless they have been approved for the registration according to the provision and the procedure of this law.

Natural person or legal entity who imports/exports or formulates the fertilizers for the commercial purpose in Kingdom of Cambodia, shall apply for the registration of those fertilizers in advance at the Ministry of Agriculture, Forestry and Fisheries in accordance with the provision of this law.

The Ministry of Agriculture, Forestry and Fisheries shall determine the list of fertilizers in the Kingdom of Cambodia by classifying into the groups and specification of fertilizers based on the relevant international specification standard.

ARTICLE 53.-

Natural person or legal entity applying for the registration of a fertilizer shall have an obligation to fulfill the standard requirements by providing complete and adequate information for submission and assessment.

ARTICLE 54.-

The standard requirements for the registration of fertilizers shall include information and data as mentioned below:

- Identification of a company that applies for registration, characteristics of fertilizer and process of formulation;
- Specification of a fertilizer and the guaranteed analysis of nutrients, the certificate of the origin indicating the analytical results of the nutrient elements and the analytical methodologies;
- Data of bio-efficacy issued by the country of origin and the report of bio-efficacy test in an experimental field;
- Package, label in Khmer and leaflet;
- Other data or information as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 55.-

All types of fertilizer that apply for registration shall be analyzed to verify the guaranteed analysis of nutrients or other composition at the National Agriculture Laboratory or other accredited laboratories as stated in the Article 78 of this law.

The guidelines on the fertilizer samples shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 56.-

The organic fertilizer, biological fertilizer or other fertilizers without enough data for registration assessment, except other than, the simple inorganic fertilizers as defined by the Ministry of Agriculture, Forestry and Fisheries, it shall be required to undertake bio-efficacy test at the agricultural experimental station of the Ministry of Agriculture, Forestry and Fisheries or by an accredited researcher as stated in the Article 87 of this law.

The procedure for bio-efficacy test for fertilizers shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 57.-

The typical label used for all fertilizer packages shall be prior approved by the Ministry of Agriculture, Forestry and Fisheries.

The standard requirements for the package and label of fertilizers shall be mentioned as below:

- Being designed or made of sturdy materials to facilitate the transportation, trade and use, and are resistant to climatic conditions and do not deteriorate the physical or chemical properties of fertilizers;
- All information on the label shall be in Khmer, be easy to read and understood and not be erasable easily;

- Label shall be printed directly on the package and shall be attached a leaflet if necessary;
- Other standard requirements as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 58.-

The package of all types of fertilizers shall include information as mentioned below:

- Name and address of the company holding the registration of the product;
- Common name, trade name of the fertilizer and the trademark;
- The nutrients elements or compositions of the fertilizer;
- Registration number issued by the Ministry of Agriculture, Forestry and Fisheries;
- Company and country of manufacturing or exporting origin;
- Direction for use and other instructions;
- Date and the use validation;
- Net contents;
- Warranty and warning;
- Batch number or lot number;
- Other information as required by the Ministry of Agriculture, Forestry and Fisheries.

The label format of fertilizers shall be determined in the procedure and standard requirements for the registration of fertilizers.

ARTICLE 59.-

The certificate of fertilizer registration that issued by the Ministry of Agriculture, Forestry and Fisheries shall be defined the registration types including full registration and provisional registration.

The certificate of full registration of a fertilizer shall be valid for 03 (three) years after the date of issuance of the registration certificate, except a revocation before the expiration date. Natural person or legal entity holding the full registration can apply for re-registration by submitting application and relevant information according to the procedures of this law.

The provisional registration of a fertilizer can transfer to a full registration within 01 (one) year, while all conditions and requirements have been completed. In case of non-compliance with the condition, the provisional registration shall be abrogated. The natural person or legal entity holding the provisional registration may not operate the trade of such fertilizer.

ARTICLE 60.-

The Ministry of Agriculture, Forestry and Fisheries shall deny an application for registration of a fertilizer based on any condition as mentioned below:

1. Information or data provided for the registration are false;
2. No sufficient research data of the applied fertilizer in Kingdom of Cambodia;
3. The guaranteed analysis of a fertilizer composition are lower than the standard for registration;
4. The raw materials or fertilizer's composition are banned in the framework of food safety, or has potential risks to human health, animal and environment.

ARTICLE 61.-

The Ministry of Agriculture, Forestry and Fisheries, if necessary, shall be exempted the standard requirement for a fertilizer registration for the purpose of public needs, the use in education's sector, the use in public health, and the use for other non-commercial purpose.

ARTICLE E 62.-

All data that attached or clarified for the full registration or provisional registration of fertilizers shall be provided the protection of right on date for 05 (five) years after the date of issuance of the certificate of registration, as required by the applicant.

ARTICLE 63.-

The procedures and the standard requirements for the registration of fertilizers shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

SECTION 2 MANAGEMENT OF FERTILIZERS IN TRADE

ARTICLE 64.-

In addition to the provisions of other laws related to the trade management, none of natural person or legal entity, without a permit, has the right to trade any types of fertilizers originated from all operation including import/export, formulation, repackage, storage, distribution and wholesale/retail in the Kingdom of Cambodia, and whether the natural person or legal entity shall comply with the conditions of standards requirements and the safety measures as required by the provision of this law.

ARTICLE 65.-

Natural person or legal entity who imports/exports fertilizers shall have a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

During export/import operation of fertilizers, the importer/exporter shall comply with the conditions of standard requirements as mentioned below:

- Fertilizers shall have been approved for registration according to the provision and procedures of this law;
- Shall comply with the standard of package, label or leaflet for instruction in Khmer which have been approved for registration;
- Shall have the records related to import/export of fertilizers;
- Shall notify the Ministry of Agriculture, Forestry and Fisheries to undertake the primary inspection, in prior to distribution;
- Shall obtain the certificate of analytical result on the guaranteed analysis of the nutrients issued by a competent authority of the exporting country of origin, in prior to export;
- Shall attach the document indicated the companies or branches who contracted with, for the distribution of imported fertilizers;
- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 66.-

Natural person or legal entity who imports fertilizers for end-use purpose including the direct use in private or public farm and for specific public needs or for other non-commercial purpose, shall apply for the permit of import from the Ministry of Agriculture, Forestry and Fisheries by indicating the purpose of use, type and optimum quantity of fertilizers which is applied to import.

ARTICLE 67.-

Natural person or legal entity trading fertilizers which originated from operations of formulation or repackage in Kingdom of Cambodia shall obtain a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

For the operation of formulation or repackaging of fertilizers, operators shall comply with the conditions of standard requirements as mentioned below:

- Fertilizers shall have been approved for registration according to the provision of this law;
- Fertilizers shall be originated from a source of formulation or repackage where the location shall be sited with examining the safety to human and animal health and the environment;
- Fertilizers that are repacked shall be assured the legal source of distribution which have been permitted according to this law and shall maintain the original standard as declared during the registration;
- Shall comply with the standards of package and label in Khmer;
- Shall have the records of formulation or repackaging operation of fertilizers;
- Shall notify the Ministry of Agriculture, Forestry and Fisheries, to undertake the primary inspection, in prior to distribution ;
- Shall attach document indicated companies or branches who contracted with, for the distribution of the fertilizer;
- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 68.-

Natural person or legal entity who stores fertilizers for distribution in Kingdom of Cambodia, shall apply for registration of a fertilizer's warehouse at the Ministry of Agriculture, Forestry and Fisheries.

For the fertilizers storages, operators shall comply with the conditions of standards requirements as mentioned below:

- Shall construct a warehouse on the appropriate site with ensuring the safety to human, animal and the environment;
- Shall manage and maintain a warehouse with safety, in order to keep up the original standards of stocked products;
- Shall have records related to the storage of fertilizers;
- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 69.-

Natural person or legal entity who distribute fertilizers to their branches or wholesale/retail shops located in the provinces or capital of Kingdom of Cambodia shall obtain a permit issued by the Ministry of Agriculture, Forestry and Fisheries.

Natural person or legal entity wholesaling or retailing fertilizers within the territory of a province or capital shall obtain a permit issued by Department of Agriculture in their own territory.

ARTICLE 70.-

Natural person or legal entity who distribute, wholesale or retail fertilizers shall comply with the conditions of standard requirements as mentioned below:

- Shall obtain a certificate of professional training on “Good House-Keeping practices” in accordance with the training materials as determined by the Ministry of Agriculture, Forestry and Fisheries;
- The distributor shall have a contract of being a distributor or a branch of a company importing, formulating or repacking fertilizers and holding a permit according to this law;
- Wholesaler or retailer shall have the list of fertilizers for sale and relevant fact sheets issued by the company, who distributes the fertilizers to their shop;
- Shall comply with the standard requirements of packaging and label in Khmer;
- Shall distribute or wholesale/retail only fertilizers that have been approved for registration and have a legal source of distribution according to this law;
- Shall comply with other conditions as required by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 71.-

Natural person or legal entity who transports fertilizers within the Kingdom of Cambodia shall comply with the conditions as mentioned below:

1. For import or export purpose, a permit of import or export issued by the Ministry of Agriculture, Forestry and Fisheries shall be attached;
2. For distribution purpose, a permit of distribution of fertilizers issued by the Ministry of Agriculture, Forestry and Fisheries shall be attached with relevant documents indicating types and quantity of fertilizers and the destination or store/shops accepting for distribution;
3. A permit or relevant documents as required by this law shall be shown to a competent inspector of the Ministry of Agriculture, Forestry and Fisheries for the inspection.

ARTICLE 72.-

The Ministry of Agriculture, Forestry and Fisheries shall control circulation and the disposal of fertilizers which are of bad quality or ex-standard, by providing guidelines to traders of fertilizers on their responsibilities of relevant activities.

The fertilizers of bad quality or ex-standard shall be stored separately and be put a remark on the package in order to protect the interests of the end-users.

It shall be prohibited to trade or dispose fertilizers of bad quality or ex-standard fertilizers that can pose harms to human and animal health and the environments.

ARTICLE 73.-

It shall be prohibited the activities related to the fertilizer as below:

1. Counterfeiting a registration number;
2. Counterfeiting a label in Khmer or using a label in foreign languages;
3. Counterfeiting a package or equipments used for counterfeiting fertilizer;
4. Counterfeiting compositions or having compositions different from what have been declared during the registration;
5. Counterfeiting a source of origin.

ARTICLE 74.-

It shall be prohibited the relevant activities related to fertilizers as mentioned below:

1. Formulating fertilizers with overdose of plant growth, hazardous or banned substances;
2. Trading fertilizers which are sub-standard or expired in use as declared on the label;
3. Transporting fertilizers for directly distribute to the end-users without the permit of distribution as required by this law;
4. To distribution or wholesale-retail fertilizers which are permitted to import only for an end-use or non-commercial purposes;
5. Transformation or use of Urea or other fertilizers in the purpose of producing an explosive or pose danger to the national security.

ARTICLE 75.-

The procedure of using Urea or other fertilizers that can be transformed or produced explosives or may pose affects to the national security, shall be determined by a Sub-decree.

The procedure of the management of fertilizers in trade shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

CHAPTER 5 ADVERTISEMENT

ARTICLE 76.-

In addition to the provisions of relevant laws related to advertisement, none of natural person or legal entity has a right to advertise pesticides or fertilizers without prior approval of the registration of those products as required by this law.

All statements, prints, illustrations or audios to advertise pesticides or fertilizers shall be approved in advance by the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 77.-

The advertisement for pesticides or fertilizers shall comply with the rules as mentioned below:

- Advertising statement or advertisement, through the presentation of using pesticides or fertilizers shall contain adequate technical information and shall be consistent with the technical data of the Ministry of Agriculture, Forestry and Fisheries;

- The advertisement shall instruct buyers or users to read label on the package, to pay attention to the statements and the pictograms of danger or warning;
- The advertising statements shall provide adequate information related to appropriate application and pre-harvest interval;
- Personnel who are employed for the advertisement of pesticides or fertilizers shall have a professional qualification to provide adequate information related to pesticides and fertilizers.

ARTICLE 78.-

The advertisement for pesticides or fertilizers shall avoid:

- Providing any reward or incentive to encourage using the products;
- Directly comparing the efficacy or safety of a pesticide or fertilizer with others;
- Using a registration or an approval of an authority of any country to advertise the efficacy or safety of the products.

ARTICLE 79.-

It shall be prohibited for advertisement of pesticides or fertilizers as below:

1. Promoting to use the product more than the recommended dosage;
2. Misleading buyers by lying, exaggerating efficacy and safety of the product through advertising statements, or advertisement by mass-media, or verbal advertisement or using the word “not toxic”, “not dangerous”, “not harmful to the environment and health”, etc.

CHAPTER 6

RESEARCH ON PESTICIDES AND FERTILIZERS

ARTICLE 80.-

The Ministry of Agriculture, Forestry and Fisheries shall implement studies and researches on pesticides and fertilizers mentioned below:

- To monitor and collecting information and data related to pesticides and fertilizers which are being traded and used, by making a record and a report on the efficacy, impact and danger to human, animals and the environment to improve the management measures;
- To research on each pesticide and fertilizer based on the actual of agro-ecosystems in the country in under to determine the usage of the products with efficacy and safety in agricultural productions;
- To examine and evaluating technical aspects for registration of new pesticides and fertilizers;
- To cooperating and coordinating with relevant entities or research institutes in terms of collecting information of pesticides and fertilizers;
- To implementing other research programs related to pesticides and fertilizers.

ARTICLE 81.-

The research program of pesticides and fertilizers shall be supported by:

- National annual budget;
- Aids from donors;
- Other financial supports.

CHAPTER 7

GENERAL RULES FOR TRADERS OF PESTICIDES AND FERTILIZERS

SECTION 1

THE OBLIGATIONS OF TRADERS

ARTICLE 82.-

Natural person or legal entity who trades pesticides and fertilizers in Cambodia shall be responsible to this law for all pesticides or fertilizers which have been displayed or stored for sale in their own trading bases or warehouse, with regards to cooperate or facilitate all activities of directive, inspection and the law enforcement of the competent inspector official of the Ministry of Agriculture, Forestry and Fisheries.

Trader of pesticides and fertilizers has the obligation as below:

- Shall display the permit or certificate of registration of the warehouse and shall keep the documents/certificate of registration of pesticides or fertilizers issued by the Ministry of Agriculture, Forestry and Fisheries;
- Shall report or inform the inspector official or Agricultural entities in their own local area, about the danger or adverse effects of pesticides or fertilizers which are sold, stored for sale and distribution;
- Shall immediately report to the nearest authority, in case a person who buys the Urea or other fertilizers is suspected to produce an explosive or other things that can pose danger to the national security;
- Shall inform about type, specification and quantity of pesticides or fertilizers which are traded annually and shall have a record of trade in accordance with the model record book of the Ministry of Agriculture, Forestry and Fisheries, for monitoring and controlling by the inspector officials of the Ministry of Agriculture, Forestry and Fisheries.

The format of pesticides and fertilizers trade record book is determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 83.-

Natural person or legal entity who hold the certificate of registration or permit in accordance with the provision of this law, shall comply with the conditions, rules and valid period as stated their on.

A prior approval shall be obtained from the Ministry of Agriculture, Forestry and Fisheries to transfer a right of the certificate of registration or a permit to a third person. The legal successor shall have the same obligation to comply with the provisions and procedures of this law.

ARTICLE 84.-

Companies, who import, formulate or repack pesticides or fertilizers and the companies who provide the services of pest control are obliged to responsible for their own branches that contracted to distribute, or provide services of pest control in the capital and provinces.

Companies, who import, formulate or repack pesticides or fertilizers may only distribute the products to wholesalers, retailers or their own branches which obtain the permit for wholesales or retails issued by a respective Capital/Provincial Department of Agriculture, in accordance with this law.

SECTION 2

PROFESSIONAL QUALIFICATION AND ACCREDITATION

ARTICLE 85.-

Natural person or legal entity who provides a service of pest control, distribute, wholesale-retail the pesticides and fertilizers in Kingdom of Cambodia, shall be assured their own professional qualifications by obtaining the certificate of a vocational training in accordance with the defined training materials, which is a precondition to issue the permit by the Ministry of Agriculture, Forestry and Fisheries.

The Ministry of Agriculture, Forestry and Fisheries shall provide the vocational training to traders of pesticides and fertilizers as required by this law.

ARTICLE 86.-

Companies that import, export, formulate and repack pesticides and fertilizers in Kingdom of Cambodia, shall employ one or more technical personnel obtaining the bachelor of agronomy, a bachelor relevant to pesticides and fertilizers or a higher degree, in order to be permanently responsible for technical framework as required by this law. The skill of the technical personnel shall be accredited by the Ministry of Agriculture, Forestry and Fisheries.

The termination or change of technical personnel, it shall be reported by the company to the Ministry of Agriculture Forestry and Fisheries, in order to apply an accreditation on the professional qualification of a new technical personnel.

ARTICLE E 87.-

The laboratory of pesticides and fertilizers and researchers conducting the field trial of pesticides and fertilizers, shall be accredited by the Ministry of Agriculture, Forestry and Fisheries.

The procedure and requirements for the accreditation of technical personnel, researchers and the operation of laboratory to analyze pesticides and fertilizers, shall be determined by a Prakas of the Minister of Ministry of Agriculture, Forestry and Fisheries.

SECTION 3

SERVICES FEE

ARTICLE 88.-

Natural person or legal entity who applies as required by this law to operate any activity related to pesticides and fertilizers shall pay the service fees as mentioned below:

1. All kinds of permits by each case;
2. Registration or re-registration of each type of pesticide and fertilizer;
3. Analysis of samples of pesticides or fertilizers at the National Agriculture Laboratory, based on each nutrients types of fertilizer and each active ingredient of pesticide;
4. Bio-efficacy test of pesticides or fertilizers, based on type of pesticide or fertilizers;
5. Undergoing vocational training based on each training course.
6. Accreditation of the professional qualification of the permanent technical personnel, researcher, and accreditation of laboratory operation analyzing pesticides or fertilizers.

The specification of the service fees shall be determined by a Joint-Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Economy and Finance.

CHAPTER 8

VALIDITY FOR DISTRIBUTION

ARTICLE 89.-

Pesticides or fertilizers that are permitted to import/ export or formulate for commercial purpose cannot be distributed in Kingdom of Cambodia unless those products have been undergone the primary inspection on the standard requirements.

Natural person or legal entity who imports/exports or formulates pesticides or fertilizers shall notify the Ministry of Agriculture, Forestry and Fisheries in prior the products have to be imported/ exported or to be distributed.

ARTICLE 90.-

Competent inspector of the Ministry of Agriculture, Forestry and Fisheries, has authority to undertake primary inspection while pesticides or fertilizers have been importing to Kingdom of Cambodia, in following the notification letter of the import permit holder.

The primary inspection of pesticides or fertilizers which are formulated or repackaged for distribution in Kingdom of Cambodia, or for export from Kingdom of Cambodia, shall be conducted while the operator have been notifying the Ministry of Agriculture, Forestry and Fisheries, in prior the distribution or exportation.

The Ministry of Agriculture, Forestry and Fisheries, if necessary, has authority to assign the inspector officials to inspect the operation of import/export, formulation or repackaging of pesticides and fertilizers.

ARTICLE 91.-

All samples of pesticides or fertilizers to be inspected in the primary inspection shall be collected by the inspector official of the Ministry of Agriculture, Forestry and Fisheries in order to verify the original guaranteed analysis and to control all the compliance of standard requirements as clarified during registration.

ARTICLE 92.-

The procedure on the primary inspection and the validity for distribution of pesticides and fertilizers shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

CHAPTER 9

INSPECTION OF PESTICIDES AND FERTILIZERS

ARTICLE 93.-

The Ministry of Agriculture, Forestry and Fisheries shall designate the inspector officials of pesticides and fertilizers to conduct monitoring, investigation, control and enforcement of this law.

The inspector officials of pesticides and fertilizers shall have their duties and authorities as mentioned below:

- To conduct the primary inspection of pesticides and fertilizers prior to granting validity for distribution in Kingdom of Cambodia, in accordance with the provisions and the procedures of this law;
- To monitor, investigate and inspect all activities at all relevant trading plants dealing with pesticides and fertilizers;
- To inspect transportation of pesticides and fertilizers;
- To request traders of pesticides and fertilizers to provide information and present their permit, certificate of registration or relevant documents related to their trading activities;
- To take measure in prohibiting provisionally the distribution or circulation of pesticides and fertilizers which were found evidence to cause risks in agricultural production or hazardous to human health, animal and the environment;
- To collect samples of pesticides or fertilizers which are subject for inspection and analysis for verifying the standard;
- To revoke provisionally a permit, certificate of registration or relevant documents, in case of respective holder violate to this law;
- To seize evidences and to fix a marking label with stamping on the evidences;
- To fulfill other duties as assigned by the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 94.-

The inspector officials of pesticides and fertilizers obtain a legal habilitation to control the offences as stated in this law, in accordance with the provision of the criminal procedures code.

Format and procedures for obtaining a legal habilitation to the inspector officials of pesticides and fertilizers shall be determined by a Joint-Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Justice.

ARTICLE 95.-

All inspection operations of the inspector officials of pesticides and fertilizers in the control of offenses shall comply with the criminal procedures code of the Kingdom of Cambodia.

The competent inspector officials of pesticides and fertilizers may request support from all level of territory authorities and the armed forces entities or other relevant authorities to deal with the suppression of offences as stated in this law.

ARTICLE 96.-

The inspector officials of pesticides and fertilizers shall have the uniforms, insignia and rank sign. At every operation, the inspector officials of pesticides and fertilizers shall have the mission order.

The uniforms, insignia and rank sign of the inspector officials of pesticides and fertilizers shall be determined by a Sub-decree.

ARTICLE 97.-

During inspection of pesticides and fertilizers, in case of evidence or analytical result indicated that any pesticide or fertilizer contain a different standard other than what have been clarified during the registration, the inspector officials has authority to take measures in provisionally prohibiting the distribution of the products or to request a natural person or legal entity being responsible of those pesticides and fertilizer to recall their products in order to settle the offense in according to the procedures.

ARTICLE 98.-

Any person, who disagrees to any measure taken by the inspector officials of pesticides and fertilizers, maybe able to complain within 30 days (thirty days) at the Ministry of Agriculture, Forestry and Fisheries, after the date of issuance of the decision.

The Minister of the Ministry of Agriculture, Forestry and Fisheries shall decide on the complaint in the period of no longer than 45 days (forty five days) after the date of receiving the complaint.

In case of disagreement with the decision of the Minister of the Ministry of Agriculture, Forestry and Fisheries, that person has a right to complain to the other governmental mechanisms or to the court in followings the procedures.

ARTICLE 99.-

During the operation of enforcing this law, in case of any evidence is banned or dangerous product, the inspector officials of pesticides and fertilizers has authority to request a warrant from a prosecutor of the primary court to destroy the products in accordance with the procedures in force.

The expenses for the sample collection, service fee for pesticides and fertilizer samples analysis, the expenses for loading, transporting, maintaining and destroying of the evidences during the law enforcement process shall be charged to the owner of the evidences. In case of the identity of the owner is unknown, the expenses is charged to the government.

ARTICLE 100.-

The procedures on the inspection of pesticides and fertilizers shall be determined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

CHAPTER 10 PENALTIES

ARTICLE 101.-

The penalties of this law includes: warning letter, revocation or suspension of the certificate of registration and all types of permits, transactional fines, a court fines and imprisonment.

ARTICLE 102.-

The warning letter, the revocation or suspension of the certificate of registration and permits are the authority of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

The transactional fines are the competency of the inspector officials of pesticides and fertilizers.

ARTICLE 103.-

The inspector officials of pesticides and fertilizers have authority to impose a transactional fine as determined in the Articles 106, 107 and 108 of this law.

The transactional fine shall be imposed in case the offender confesses and consents to pay according to the penalties of this law. The transactional fine causes to terminate the penal complaint.

In case the offender does not consent to pay the transactional fine, the inspector officials of pesticides and fertilizers shall file the case of offense to transmit to the court in following the procedures.

In case the offender's identity is unknown, the inspector officials of pesticides and fertilizers shall request the prosecutor to confiscate the offensive evidences as state properties.

The relevant person has the authority to file complain against the prosecutor's verdict to the civil court.

The procedure and the authority to impose the transactional fine as stated in this law shall be defined by a Prakas of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 104.-

The transactional fine a fine imposed by a court sentence or the proceeds from selling evidences which have been confiscated as state properties by the court verdict shall transfer into the national budget. The government may decide to reward the inspector officials who participated in suppressing a specific offence as state in this law.

ARTICLE 105.-

It shall be subject to obtain a warning letter, suspension or revocation of the certificate of registration or relevant permits, to any person who commits any one of the following offenses as below:

1. Does not report to the Ministry of Agriculture, Forestry and Fisheries, about the danger or adverse effects caused by the pesticides that their own company holding the registration.
2. Companies of pesticides and farm owners who do not provide the training related to the safety measure and the safety use of equipment and do not implement any health care program to their employees or workers.
3. Trades pesticides and fertilizers by advertising contradictory to the rule or to avoiding statements of advertisement as stated in the Article 77 and Article 78 of this law.
4. Transfers a right to hold a certificate of registration or relevant permits related to the trade of pesticides and fertilizers to a third person without prior approval from the Ministry of Agriculture, Forestry and Fisheries.
5. Disposes pesticide wastes and containers of pesticides against the rule as stated in the Article 43 of this law.

ARTICLE 106.-

It shall be subject to pose a transactional fine of 1.000.000 (one million) Riels to 5.000.000 (five million) Riels to a person who commits any one of the following offences:

1. Wholesale or retail of any pesticide or fertilizer without a permit according to this law;
2. Wholesale or retail of any pesticide or fertilizer without the declared list of products for sale or without any proof sheet indicating the companies that distribute the products for the wholesale or retail;
3. Distribution of any pesticide and fertilizer to the wholesales-retails shops or their own branches that do not have a permit for wholesale-retail according to this law;
4. Distribution of any pesticide or fertilizer without any contract of being the distributor or branch of the company holding a permit to import, formulate or repackaging in accordance with this law;
5. No permanent technical personnel who is responsible for the company that imports, exports, formulates and repacks pesticides and fertilizers as stated in the Article 86 of this law;
6. Do not comply with the conditions, rules and valid period as indicated in the permit or the certificate of registration of pesticides and fertilizers;
7. Do not have any of records relevant to the operations of import/export, formulation, repack, storage of pesticides or fertilizers and the services of pest control;
8. Do not notify prior to distribution to the Ministry of Agriculture, Forestry and Fisheries to undertake the primary inspection of pesticides and fertilizers which are imported/exported, or formulated;
9. Do not comply with the obligation of the traders of pesticides and fertilizers as stated in the second paragraph of the Article 82 of this law;
10. To commit violation against any prohibition of pesticide use as stated in the Article 49 of this law.
11. To have been punished under Article 105 of this law.

In case of recidivism, a double transactional fine shall be imposed or the case shall be filed to transmit to the court.

ARTICLE 107.-

It shall be subject to impose a transactional fine of 5.000.000 (five million) Riels to 10.000.000 (ten million) Riels to a person who commits in the trade of fertilizers any of the following offences as below:

1. Do not comply with the standard requirements of packaging and labeling in Khmer for any types of fertilizers;
2. Importing/exporting or formulating fertilizers without the certificate of registration or without re-registration of the fertilizers according to this law;
3. Importing, exporting, formulating, repacking and storing any types of fertilizers without permit and the certificate of the warehouse registration according to this law;
4. Importing, formulating or repacking fertilizers for distribution, without document indicating company or a branch who making contract with, for distribution of the products;
5. Trading fertilizers which are sub-standard or expired for use as indicated on the label;
6. Do not comply with the conditions of standard requirements and the safety measures for the operations of formulation, repackaging or storage of any fertilizer;
7. Distributing any fertilizer without permit for distribution according to this law;
8. Hiring or using a transport service or transporting by own-self the fertilizers in Kingdom of Cambodia, in violation to the requirements as stated in the Article 71 of this law;

9. Do not terminate to distribute the fertilizers that Ministry of Agriculture, Forestry and Fisheries decided to terminate or provisionally terminate according to the procedures of this law;
10. Hiring or using an advertising service or advertise by own-self the fertilizers that were not approved for registration or the advertising statements were not prior approved by the Ministry of Agriculture, Forestry and Fisheries or violate against the prohibition of the advertisement of fertilizers as stated in the Article 79 of this law;
11. To violate against any of prohibition in the trade of fertilizers as stated in Point 3 and Point 4 of the Article 74 of this law.

In case of recidivism, a double transactional fine shall be imposed or the case shall be filed to transmit to the court.

ARTICLE 108.-

It shall be subject to impose a transactional fine of 10.000.000 (ten million) Riels to 15.000.000 (fifteen million) Riels to a person who commits any of the following offences in the trade of pesticides as below:

1. Do not comply with the standard requirements of package and labeling in Khmer for any types of pesticides;
2. Importing/exporting or formulating pesticides without the certificate of registration or pesticides or that are not re-registered according to this law;
3. Importing/exporting, formulating, repacking and storing any type of pesticides without permit and the certificate of the warehouse registrations according to this law;
4. Importing/exporting, formulating, repacking and storing pesticides for distribution without any document indicating company or branch making contract for distribution of the products;
5. Trading pesticides which are ex-standard or expired for use as mentioned on the label;
6. Providing a service of pest control by using any pesticide without a permit according to this law;
7. Do not comply with the conditions of standard requirements and the safety measures for the operations of formulation, repackaging, storage and service of pest control;
8. Distributing any pesticide without a permit according to this law;
9. Hiring or using a transport service or transporting by own-self the pesticides in Kingdom of Cambodia without a transport emergency card and violating against the conditions as stated in the Article 37 of this law;
10. Hiring or using a transport service or transporting by own-selves the pesticides in transit via Kingdom of Cambodia in violation against the conditions as stated in the Article 39 of this law;
11. Hiring or using advertising service or advertising by own-selves the pesticides that have not been approved for registration, or the advertising statements are not approved by the Ministry of Agriculture, Forestry and Fisheries, or violating against the prohibition of advertisement of pesticides as stated in the Article 79 of this law;
12. Do not terminate to distribute the pesticides that the Ministry of Agriculture, Forestry and Fisheries decided to terminate or provisionally terminate according to the procedure of this law;
13. To violate against any of the prohibition provision as stated in Point 3, 4, 5, 6 and point 7 of the Article 50 of this law.

In case of recidivism, a double transactional fine shall be imposed or the case shall be filed to transmit to the court.

ARTICLE 109.-

A penalty of imprisonment from 01 (one) month to 01 (one) year and a fine from 5.000.000 (five million) Riels to 10.000.000 (ten million) Riels shall be imposed on any person who commits any of the following offences in the trade of pesticides or fertilizers:

1. Counterfeiting a label in Khmer or in foreign language;
2. Counterfeiting a package;
3. Counterfeiting a trade name or a common name;
4. Counterfeiting any compiling or containing other composition different from what have been declared during registration, or an ex-standard product;
5. Counterfeiting a source of origin;
6. Counterfeiting information or data of the standard requirements for registration of pesticides or fertilizers or for the application of permit and other relevant certificates.

ARTICLE 110.-

A penalty of imprisonment from 02 (two) years to 05 (five) years and a fine from 10.000.000 (ten million) Riels to 50.000.000 (fifty million) Riels shall be imposed any person who commits any of the following offences in the trade of pesticides or fertilizers:

1. Importing/exporting, formulating, repacking, storing, transporting, distributing, wholesaling/retailing or providing a service of pest control with pesticides of highly toxic class or of the banned pesticide list in Kingdom of Cambodia.
2. Importing/exporting, formulating, repacking, storing, transporting, distributing, wholesaling/retailing any fertilizer that stimulates an abnormal growth of crop or plant or was formulated with dangerous or banned substances;
3. Importing pesticide wastes, used packages of pesticides or obsolete pesticides;
4. Trading or disposing fertilizer of bad quality which can pose danger to human health, animal and the environment;
5. Disposing, burying, burning, pouring or draining intentionally, the pesticide waste, used containers of pesticides or obsolete pesticides into the water sources, or other places contradictory against the prohibition of this law.

ARTICLE 111.-

A penalty according to the criminal code of Kingdom of Cambodia shall be imposed on any person who commits any of the following offences in the trade of pesticides or fertilizers:

1. Counterfeiting the registration number of pesticides or fertilizers issued by the Ministry of Agriculture, Forestry and Fisheries;
2. Counterfeiting an analytical result or a result of bio-efficacy test of pesticides or fertilizers;
3. Counterfeiting a permit or certificate of registration for the trade of pesticides and fertilizers;
4. Intimidating an inspector officials during their mission or inspection operation and law enforcement;
5. Concealing an offensive evidence or other evidences that shall be temporarily seized or confiscated;
6. Committing an offence as stated in Point 5 of the Article 74 of this law.

ARTICLE 112.-

Legal entity may be found criminally responsible under Article 42 of the criminal code on the criminal responsibility of legal entities, for the offences in the Articles 109, 110 and 111 of this law.

Legal entity shall be imposed a fine of 10.000.000 (ten million) Riels to 50.000.000 (fifty million) Riels and one or more additional penalties as stated in the Article 168 on the additional penalties of the criminal code.

ARTICLE 113.-

Any person who commits an offence as stated in the Articles 106, 107, 108, 109, 110, 111 and 112 of this law, shall be revoked or cancel the certificate of registration or relevant permits by the Ministry of Agriculture, Forestry and Fisheries.

In case the offence poses dangerous impacts to the environments or damages the public properties, the Ministry of Agriculture, Forestry and Fisheries shall have authority to complaint for the compensation from the offender. The impacts shall be assessed by the Ministry of Agriculture, Forestry and Fisheries or shall have the participation for assessment of relevant inter-ministries, according to the request of the Minister of the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 114.-

Evidences of an offence determined in this law include: pesticides or fertilizers, equipments and offer transport means which are used to commit an offence.

The decision on the confiscated evidences shall comply with the code of criminal procedures.

ARTICLE 115.-

For the offences as stated in the Articles 106, 107 and 108 which the case has been transmitted to the court, and the offences as stated in the Article 109, 110 and 111 of this law, the following additional penalties shall be imposed:

1. Forever prohibiting the trade of pesticides or fertilizers or for the period of 05 (five) years as maximum;
2. Confiscating the evidences;
3. Confiscating the trade base, which is promptly to use or is using to commit an offence;
4. Publishing the punishment decision in the newspaper.

ARTICLE 116.-

Any competent government official, who violates their responsibility or uses their authority to interrupt this law enforcement, shall be subject to impose an administrative punishment and without taking account to other relevant criminal penalties.

CHAPTER 11 TRANSITION PROVISIONS

ARTICLE 117.-

Natural person or legal entity trading pesticides or fertilizers and providing service of pest control which is operated under any permit before this law enters into force, shall reapply for a permit or re-registration in accordance with the standard requirements as stated in the provisions and procedures of this law, within the period of 12 (twelve) months after the effective date of this law.

ARTICLE 118.-

Natural person or legal entity holding a valid permit before this law enter into force and their pesticides or fertilizers that in storage or display for sale did not comply with the standard requirements, shall terminate distributing within the period 06 (six) months after the effective date of this law. Within this period, pesticides or fertilizers having a label in foreign language may replace by a leaflet in Khmer.

CHAPTER 12 FINAL PROVISIONS

ARTICLE 119.-

Any provision which is contrary to this law shall be abrogated.

The Royal Palace, Phnom Penh, 14 January 2012
Royal Signature and Seal

PRL. 1201- 042

Having inform to his majesty the King
For Royal Signature

NORODOM SIHAMONI

Prime Minister

Samdech Akka Moha Sena Padei Decho **HUN SEN**

Having informed to Samdech **HUN SEN**,
The Prime Minister of the Kingdom of Cambodia
Minister of Agriculture, Forestry and Fisheries
Signature

CHAN SARUN

No. 32 C.L
For Copy and Distribution
Phnom Penh, 17 January 2012
First Deputy Secretary General of Royal Government
Signature and Seal

SOY SOKHA

ANNEX OF THE LAW ON THE MANAGEMENT OF PESTICIDES AND FERTILIZERS

3

GLOSSARY

1. **REGISTRATION** refers to a process of analysis, bio-efficacy test, acceptance of technical specification documents of pesticides or fertilizers which are submitted for registration, assessment and issuance of a registration certificate and a registration number issued by the Ministry of Agriculture, Forestry and Fisheries in accordance with the provision and procedures of this law. The registration of pesticides or fertilizers can be apply for the products, active ingredients or raw materials of pesticides or fertilizers based on the application for commercial purposes or formulation.
2. **STANDARD REQUIREMENTS** refers to obligation that is officially determined for relevant natural person or legal entity to comply with the standards for pesticides and fertilizers as stated in this law.
3. **THE USE OF NON-COMMERCIAL PURPOSE** refers to the use of pesticides or fertilizers in the following activities: official exhibition, donation, education, health sector, research, direct use in private or public farms and other usages that are not trading or circulating on market.
4. **FORMULATION** refers to the operation of mixing the composition or raw materials to obtain a product or a formulated pesticide or fertilizer that is useful and effective in use, responding to the standard requirements as stated in this law.
5. **REPACKAGING** refers to transfer of pesticides or fertilizers from the original package to a new package to facilitate distribution and use without changing the original composition of pesticides or fertilizers.
6. **ALLOWABLE RATE** refers to Maximum Residue Limit (MRL) of pesticides, which is officially allowable or acceptable for agricultural products, food or feed (milligram of pesticide residue per kilogram of product).
7. **AGRONOMY** refers to a type of bachelor degree diploma in Agriculture issued by the Ministry of Agriculture, Forestry and Fisheries.
8. **FERTILIZER** refers to substances that are used to provide one or more nutrient substances to soil or plants in order to enable chemical exchanges that support growth and enhance the growth or yields including quantity and quality of crop. The plant nutrients include:
 - Primary nutrients: N,P,K
 - Secondary nutrients: S, Ca, Mg, etc.
 - Micro nutrients: Fe, Mn, B, Mo, Cu, Zn, Cl, Co, etc.Fertilizer is classified as follows:
 - Inorganic fertilizer/chemical fertilizer
 - Organic fertilizer
 - Bio-fertilizer
 - Soil conditioner

- Raw materials.
9. **INORGANIC FERTILIZER** refers to chemical fertilizer that has the primary nutrients (NPK) is provided by inorganic substances (minerals) or synthetic substances (chemicals) in solid or liquid form and contains at least one primary nutrient, secondary nutrient and micro nutrient. Normal Inorganic fertilizer refers to some inorganic fertilizers which have been registered in the Cambodia, are commonly used effectively and safely, and shall be listed by the Ministry of Agriculture, Forestry and Fisheries.
 10. **ORGANIC FERTILIZER** refers to fertilizer that is originally from plant and animal residues which are decomposed through biological, chemical or other processes that transform the raw materials into humus without pathogen agents, and maintain the organic matter in no less than 20%, and may provide nutrients to plant and crop.
 11. **BIOLOGICAL FERTILIZER** refers to fertilizer that contains active biological substance as microorganism which can fix and stimulate any existing nutrients in atmosphere or soil, or stimulate the decomposition of organic materials and plant or animal residues, to produce the nutrients for plant or crop growth.
 12. **BIO-EFFICACY** refers to data of the experiment on pesticides or fertilizers that indicate effectiveness of the active ingredient of pesticides or the nutrients of fertilizers. The bio-efficacy that can be acceptable for the full registration of fertilizers or pesticides is determined by the results of field experiment which is held based on the type or group of target crops within one or two seasons in the same location or different locations, in accordance with the technical protocol determined by the Ministry of Agriculture, Forestry and Fisheries.
 13. **PESTICIDE** refers to a product, which consists of mixed composition or mixture of active ingredients and inert ingredients that is classified as chemical pesticide group and biological pesticide group; and are used to control pests including: preventing, destroying, attracting, and repelling insects and weeds and mitigate damage of diseases that are caused by fungi, bacteria, nematode and virus. The pesticides also includes agro-chemicals used to stimulate or facilitate physiological function of plant organs such as plant growth regulator or plant growth stimulator, defoliant, or substances to promote fruit growth or prevent ripe fruits from falling down or chemicals used in pre/post harvest. Based on use pattern, pesticides are classified as Agriculture/home garden pesticide and household/public health pesticide.
 14. **HIGHLY TOXIC PESTICIDE** refers to a pesticide that is acute toxic including pesticides in class Ia and Ib which are classified by the World Health Organization as its long term effects on the environments (pesticides in Annex A and B of the Stockholm convention) and its adverse effects pose tremendous danger to human health, animal and the environments (pesticides in Annex 3 of the Rotterdam convention).
 15. **OBSOLETE PESTICIDE** refers to a pesticide that remains in storage for a long time, is expired and banned for trade, and is to be managed safely.
 16. **NEW PESTICIDE** refers to a pesticide that has never been registered in Cambodia, containing new active ingredients or containing new active ingredients in combination with active ingredients that have been registered.
 17. **RESTRICTED PESTICIDE** refers to a pesticide that all of its uses are generally prohibited by the Prakas of the Ministry of Agriculture, Forestry and Fisheries on the list

of pesticides in Cambodia, to protect human health, animal and the environments. But it could be, however, allowed in certain specific uses. It also includes all pesticides which have been used or are being used, and which are refused to use and require to recall from the local market, based on data of actual researches indicating those pesticides pose danger to human, animal and the environment.

18. **BANNED PESTICIDE** refers to a pesticide that is prohibited in use by the Prakas of the Ministry of Agriculture, Forestry and Fisheries on the pesticide list in Cambodia, in order to protect human health, animal and the environments. It also includes the pesticides that are not permitted to be used from the beginning or are recalled from the local market, based on data of the actual researches indicating those pesticide uses pose danger to human, animal and the environments.
19. **PROCEDURE ON PRIOR INFORMED CONSENT** refers to the international procedure determined in the Rotterdam convention on “the procedure on prior informed consent for hazardous chemicals and pesticides in international trade” that determined the responsibility of all the member states in the international trade of hazardous chemicals and pesticides, to share information or exchange information in advance about the latest regulatory provisions of member states on the procedure of import/export operation, information on transit movements through its territory of hazardous chemicals and pesticides by having an agreement in advance through decision of the members under coordination of the secretariat and the procedures of this convention.
20. **FULL REGISTRATION** refers to a type of registration of fertilizer or pesticide in case an applicant fulfills all standard requirements according to the provisions and procedures of this law.
21. **PROVISIONAL REGISTRATION or CONDITIONAL REGISTRATION** refers to a type of registration of pesticide or fertilizer in case an applicant, for the first registration, does not have complete data, and the applicant is necessarily to later provide complete information and fulfills all the other requirements according to the standard requirements. The provisional registration can be transformed to a full registration within one year in case all conditions and requirements are completed.
22. **STANDARD** refers to rules, minimum levels or rates that are officially determined for registration and for all operations related to the cycle of pesticides and fertilizers, in order to ensure quality, effectiveness and safety as determined in this law.
23. **GUARANTEED ANALYSIS** refers to a value of pesticide active ingredients or a value of fertilizer nutrients which the result of verifying analysis has to respond to the standard of the original formulation or the standard clarified in the registration by the formulator or importer.
24. **COUNTERFEIT PRODUCT** refers to a pesticide or a fertilizer which is produced without a perfect formulation, and contains imperfect nutrients or substances rate comparing to the original formulation. The counterfeit product also includes pesticides or fertilizers which are changed the original container pick out or put in its composition or nutrient rates, which cause is different from the original standard.
25. **SUB-STANDARD PRODUCT** refers to a pesticide or a fertilizer that is appropriately formulated, however contains nutrients or any composition which are below the original allowable rate.

26. **EX-STANDARD PRODUCT** refers to a pesticide or a fertilizer of bad quality that does not meet the standard or have enormously lost the grade of nutrients or compositions comparing with the original formulation.
27. **MATERIAL SAFETY DATA SHEET** refers to a specific technical document of pesticides which is provided by the original manufacture. It includes information and complete data of pesticide such as: identity of the products and the company, composition, avoidance, first aid, usage, storage, poisoning symptoms, prevention to exposure, chemical and physical properties, stability and reaction, information of toxicity on human and the environments, disposal, transportation, regulation and other information.
28. **TOXICITY** refers to biological or physiological properties which determine the pesticide capacity in destroying or endangering the pests. The pesticide toxicity is determined by the toxicity rate of pesticide active ingredient, by oral toxicity, and by dermal toxicity, in accordance with the toxicity classification of the World Health Organization that includes slightly toxic (Un, III), moderately toxic (II), highly toxic (Ib) and extremely toxic (Ia) with the measurement of greater than or equal 5000 mg to less than or equal 50 mg per a kilogram of body weight (for dermal toxicity), and less than or equal 5 mg per a kilogram of body weight (for oral toxicity).
29. **PRE-HARVEST INTERVAL** refers to a period of time between the last pesticide application and the harvest of the treated crops or feeds in order to avoid pesticide residue on crops. The pre-harvest interval is to be applied as the pesticides treatment at the post-harvest for the cereals or other products that need a pest control.
30. **STORAGE** refers to keep or store pesticides or fertilizers in a warehouse in accordance with the safety as stated in this law.
31. **PEST** refer to all types or groups of individual animals or pathogens agents that damage, destroy or interrupt the growth and affect the yield of crops, animals and other products in terms of quality and quantity.
32. **COMPOSITION** refers to all substances which are used for pesticide formulation including active ingredients which have biological effects on plants/animals and inert ingredients which have a role in maintaining or increasing the efficacy, quality or safety of formulated pesticides.
33. **LABEL** refers to a brief statement in Khmer, word or word sign, pictogram, symbols that could be maintaining seen on a container of a pesticide or a package of fertilizer, in accordance with the standard requirements as stated in the provisions and procedures of this law.
34. **RIGHT ON DATA** refers to a right of a registrant of pesticide or fertilizer who generates by themselves the bio-efficacy data, for registration, through the field experiments. The right is protected within a limit period based on the request of the registrant in accordance with the provision of this law.
35. **VALIDITY FOR DISTRIBUTION** refers to the post-registration works which is performed by the natural person or legal entity who hold a permit for import, formulation and repackaging to obtain a right to distribute the products in Cambodia, after the primary inspection undertaken by the inspector officials of the Ministry of

Agriculture, Forestry and Fisheries to verify the standard analysis as clarified in the registration and to control the standard requirements complied by the permit holder as stated in this law.

36. **SAFETY** refers to the condition in which human, animal and the environments are not in danger or are avoided directly or indirectly from the short or long term danger caused by the pesticide or fertilizer within the cycle of those products, that need to be controlled by the safety measures as stated in this law.
37. **PEST CONTROL SERVICE** refers to service providing for treatment of pests on soil, crops, seeds, timber or other sites by using any types of pesticides.