

KINGDOM OF CAMBODIA
Nation Religion King

DRAFT
(Draft dated 11 June 2002)

SUB-DECREE
ON
SANITARY INSPECTION OF ANIMAL
AND ANIMAL PRODUCTS

THE ROYAL GOVERNMENT OF CAMBODIA

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree No. NS/RKT/1198/72 dated of 30 November 1998 on the appointment of the Royal Government of Cambodia;
- Seen the Royal Decree No. 02/NS/94 dated of 24 July 1994 to launch the implementation of the law on management and procedure of Council of Ministers;
- Seen the Royal Decree No NS/RKM/0196/13 dated of 24 January 1996 declaring to implement the law on Establishment of Ministry of Agriculture, Forestry and Fisheries;
- Seen the Sub-decree No 17/ANK/BK dated of 07 April 2000 on the Organization and Functioning of the Ministry of Agriculture, Forestry and Fisheries;
- Agreed from the Council of Minister, general session dated of, 2002.

It is Hereby Decided

CHAPTER I: GENERAL PROVISIONS

Article 1: This Sub-decree aims at preventing the spread of animal diseases in order to the animal health and public health with the implementation of veterinary measure on the movement of animal and animal products from a region to others, in the country, from the country, transit, or within the country through all disease transmission means from animal or animal products to animal, human or from human to animal.

Article 2: The important terms used and the context of this Sub-decree shall explain in the Annex of this Sub-decree.

Article 3: The Ministry of Agriculture, Forestry and Fisheries has a responsible obligation to implement the animal and animal products sanitary control with its delegation of authority to Department of Animal Health and Production for implementing the animal and animal products sanitary inspection.

Article 4: All exports or transport of the products objected to sanitary inspection into, from and transit in the Kingdom of Cambodia shall request for inspection and shall obey to all veterinary measures.

CHAPTER II: THE SANITARY INSPECTION OF ANIMAL AND ANIMAL PRODUCTS

Article 5: The Ministry of Agriculture, forestry and fisheries shall establish the sanitary check point for animal and animal products in railway station, port, dry port, airport, international border, and in other places as necessary.

The checkpoint of sanitary inspection for animal and animal products shall be equipped with adequate technical equipment in order to ensure its effective operation for animal and animal products inspection.

The checkpoint of sanitary inspection for animal and animal products shall be under the direct supervision of the Department of Animal Health and Production.

Article 6: The Ministry of Agriculture, Forestry and Fisheries shall establish the animal quarantine at the places mentioning in Article 5.

Article 7: The sanitary inspection of animal and animal products shall be processed following the sanitary conditions for animal and animal products of each country.

Article 8: Goods objected to the sanitary inspection consist:

- All animal species;
- Animal products and animal feed;
- Mean of transport, premises, animal production equipment and processing materials and equipment.

Article 9: The owner of good objected to the sanitary inspection for animal and animal products shall subject to the following legal process:

- Prepare an appropriate invoice of good;
- Obtain the sanitary certificate;
- Shall present the transportation permit to the sanitary inspection officer;
- Shall ensuring the quality, safety, and sanitary status of transport and premises, packaging materials and equipment;
- Shall transport and place the goods at places assigned by the sanitary inspection officer;
- Shall facilitate the sanitary inspector officer for collecting samples;
- Shall in advance seek the permission from the sanitary inspection officer in case good is transported not within the date specified.

Article 10: Within 15 days prior good exported imported, the owner shall submit the request application for sanitary inspection.

When good arrives at the international checkpoint, the owner shall inform to the checkpoint for inspection and verification.

Prior to arrival of good at the border checkpoint, the owner shall inform to the sanitary inspection unit and shall facilitate the inspection.

Article 11: Any person or legal person who make the request for sanitary inspection for animal and animal products shall pay the animal and animal products sanitary duty. This duty fee shall be payable to the national treasure via the animal health and production authority. The duty fee of animal and animal products shall be decided by the Prakas of the Ministry of Agriculture, Forestry and Fisheries.

Article 12: The representative or legal person has the right to inform to the closest sanitary authority in case he/she witnesses:

- a. Ship, canoe, boat or other transportation means in which loading the goods subjected to the animal and animal product sanitary inspection, leak or broken down pushing into the territory of the Kingdom of Cambodia;
- b. Good subjected to the sanitary inspection in the air plane crashing in the territory of the Kingdom of Cambodia.

Article 13: During operation, the authority of animal and animal products sanitary inspection shall dress the uniform, identification sign and hold the mission permit issued by the Ministry of Agriculture, Forestry and Fisheries.

The ministry of Agriculture, Forestry and Fisheries shall issue Prakas on the uniform, identification sign and sanitary inspection procedures, including other Prakas or Guidelines in order to implement this Sub-decree effectively, transparency and no discrimination throughout the Kingdom of Cambodia.

CHAPTER III: THE DOMESTICAL SANITARY INSPECTION OF ANIMAL AND ANIMAL PRODUCTS

Article 14: When there is disease antigen source or spreading of disease in a region of the Kingdom of Cambodia, the Ministry of Agriculture, Forestry and Fisheries shall declare the epidemic region and provide immediate measure.

The purchase and sale of animal and transport of animal and animal products into, from or transit that region shall be temporarily prohibited until there is new Prakas of the Ministry of Agriculture, forestry and Fisheries.

Article 15

- a. Animal shall have good health, taking from non-epidemic area or having not taken via epidemic area and receiving the vaccination following the recommendation of the authority of animal health and production;
- b. Animal products and animal feed shall be appropriately packed following technical and sanitary guidelines;
- c. Means of transport, animal production equipment, premises, or processing materials shall be disinfected prior and after transported.

Article 16: The procedures of domestic sanitary inspection of animal and animal products shall be specified by the Prakas of the Ministry of Agriculture, forestry and Fisheries.

CHAPTER IV: THE IMPORT SANITARY INSPECTION OF ANIMAL AND ANIMAL PRODUCTS

Article 17: The procedures of import sanitary inspection of animal and animal products shall mention as the followings:

- The owner or legal person who imports animal, animal products and animal feed shall inform to the inspection authority for at least 5 days prior arrival of good;
- Upon the arrival of good at the border checkpoint, the owner of good objected to inspection shall report and request for inspection. The sanitary inspection checkpoint for animal and animal products shall acquire appropriate technical requirement for processing inspection.

The owner of goods subjected to the sanitary inspection, transported by waterway, once the goods arrive the port of the Kingdom of Cambodia shall report to the closest sanitary inspection checkpoint and request for inspection. The mean of transport is allowed to stand by at the port only it is permitted from the sanitary inspection checkpoint after the inspection was processed.

Article 18: The inspection on imported goods objected to the sanitary inspection of animal and animal products shall be implemented following the infectious disease list. Prohibit the importation of animal or animal products that contain infectious disease agents specified in the infectious disease list.

The infectious disease list shall be declared by Prakas of the Ministry of Agriculture, Forestry and Fisheries. The Ministry of Agriculture, Forestry and Fisheries reserve its right for editing the list of infectious disease as necessary. The change/editing shall be effective after its publicity within 30 days. In a necessary case and emergency when there is a disease outbreak the editing shall decline its limits to 24 hours effective after its publicity.

Article 19: A person or legal person who transport animal and animal products into the Kingdom of Cambodia shall commit to the following implementations:

- Shall obtain the sanitary certificate issued by the exported country;
- Shall obey to the Article 9 (except the para 6), Article 10 and Article 11 of this Sub-decree.

Article 20: Animal and animal products which don not meet the criteria mentioned in trade agreement, MOU, convention, and other conditions of the Kingdom of Cambodia or have inappropriate certificate, the authority of sanitary inspection for animal and animal products shall apply the following measures:

- Shall send good to its original country;
- Shall redirect the use of good;
- Shall move of place good in the place assigned by the authority of sanitary inspection for animal and animal products;
- Shall keep animal in the quarantine place for investigation, confirming diagnosis, treatment, vaccination or disinfection;
- Shall destroy.

In case of destruction or sending good back to its original country, one shall request the principle measure from the Ministry of Agriculture, Forestry and Fisheries.

In case animals are kept for treatment, vaccination, disinfectant, holding, or destruction the owner or representative shall be responsible in all cost for animal care, other expenditure, and services.

CHAPTER V: THE EXPORT SANITARY INSPECTION OF ANIMAL AND ANIMAL PRODUCTS

Article 21: Good exported shall pass all veterinary technical sanitary inspection process as mention in the Article 15 of this Sub-decree.

Article 22: Exportation of good from the Kingdom of Cambodia shall process the sanitary inspection at the original place or at the animal Quarantine.

Good must appropriately meet the condition mentioning in trade agreement, MOU, convention and other conditions required by the imported countries.

Article 23: Any person or legal representative who transport animal or animal products abroad shall implement following the Article 9, Article 10, and Article 11 of this Sub-decree.

Article 24: Good subjected to the sanitary inspection for export, when it is found with the infectious disease sign, the authority of sanitary inspection for animal and animal products at that given check-point shall temporarily stop that good for a veterinary measure. For this temporary holding, the authority of sanitary inspection for animal and animal products shall immediately report to the Department of Animal Health and Production in order to request the measure from the Ministry of Agriculture, Forestry and fisheries.

CHAPTER VI: THE TRANSIT SANITARY INSPECTION OF ANIMAL AND ANIMAL PRODUCTS

Article 25: Any person or legal representative who transport animal and animal products through the Kingdom of Cambodia shall respect to the following conditions:

- Shall obtain the sanitary certificate issued by the exported country;
- Shall obey to the Article 9 (except the para 6) of this Sub-decree;
- Shall not open the safety seal;
- All means of transport shall not contaminate with the infectious agents that can spread on the way the good is transported.

Article 26: The procedures of transit sanitary inspection of animal and animal products shall mention as the followings:

- The owner shall inform to authority of sanitary inspection at the checkpoint prior the good arriving at the entrance and exit border checkpoints.
- The authority of sanitary inspection for animal and animal products shall inspect the appearance means of transport for animal products, animal health and certificate of exported countries and shall facilitate timely transport of good.

Article 27: Good conditionally inappropriate as mentioning in trade agreement, MOU, convention, and other documents on sanitary of animal and animal products shall be applied the context in the Article 20 for this Sub-decree.

In case unpredicted accident occurs during the transportation causing damage or disclose of packaging materials or harm to animal, the owner shall report immediately to the sanitary inspector authority, commune, district administration unit, or closest local authority. The sanitary inspection authority for animal and animal products shall inspect and apply the veterinary measures.

CHAPTER VII: THE RIGHT AND AUTHORITY OF THE SANITARY INSPECTOR FOR ANIMAL AND ANIMAL PRODUCTS

Article 28: The sanitary inspection officers for animal and animal products has the following right and authority:

- Inspect animal and animal products sanitary and apply the veterinary measures on all transport means and good objected to the sanitary inspection for animal and animal products in the warehouse, factory, or station;
- Document, minute of case and submit the document, minute of case to the court house;

The owner or holder of the fixed asset mentioned above shall allow the sanitary inspection officer to inspect and shall cooperate in providing information to the sanitary inspection officers for animal and animal products.

Article 29: The Ministry of Agriculture, forestry and Fisheries shall issue the Prakas defining the authority and the right for handling cases for the authority of animal health and production.

Article 30: The district, commune administration and local authority or army shall cooperate in execution of the animal and animal product sanitary inspection following the request from the sanitary inspection authority.

CHAPTER VIII: PENALTIES

Article 31: Any person who fails to obey the Article 9, para 1, 3, 5, 6, 7 shall be entitled to the fine from one percent (1%) to two percent (2%) of the value of objective good; in case the false is repeated it shall be fined double.

Article 32: Any person who fails to obey the Article 9, para 4 and Article 11 shall be entitled to the fine from three percent (3%) to five percent (5%) of the value of the objective good; in case the false is repeated it shall be fined double.

Article 33: Any person who fails to obey the Article 9, para 2, Article 19, para 1, Article 25, para 1 shall be fined from ten percent (10%) to fifteen percent (15%) of the value of objective good; in case the false is repeated it shall be fined double.

Article 34: Any person who fails to obey the Article 14, para 2 shall be fined from fifteen percent (15%) to twenty percent (20%) of the value of objective good and shall be additionally applied with Article 20; in case the false is repeated it shall be fined double.

Article 35: If the fine is not paid, the document shall be filed to the court. The fee collecting from fine shall be allocated seventy percent (70%) for the National Treasury; and other thirty percent (30%) is allocated for incentive award to the outstanding person and other expenses for this mission.

Article 36: During the official operation, if the sanitary inspection officer for animal and animal product is careless, lack of responsibility in inspecting good, he/she shall be committed to the administration penalty.

If the carelessness causes damage to animal or results in disease spreading from region to another, the officer shall be subjected to the additional social law.

Article 37: Any person who cheats the duty, penalty fee, regulated misconduct, receives bribe, offer bribe or using the authority for own interest, a person shall be subjected to the criminal law.

CHAPTER IX FINAL PROVISIONS

Article 38: The Sub-decree No. 14/ANK dated 29 July 1988 on the Sanitary Inspection of Animal and Animal Products and other regulations which have different context and meaning of this Sub-decree shall be abrogated..

Article 39: The Minister in charge of the Council Minister, Ministry of Agriculture, Forestry and Fisheries, Ministers, under Secretary of State of all Ministries, Institutions shall be responsible for implementation of this Sub-decree at their capacity from the date of signature.

Phnom Penh, date.....Month.....2002
Prime Minister

Copy:

- The cabinet of the King;
- The Senate secretariat;
- The Parliament secretariat;
- The Royal Government secretariat;
- The cabinet of the Prime Minister;
- All Ministries, Institutions;
- All Provincial and Municipalities;
- As in the Article 39;
- Documents