

# ANNEX 3 SUMMARY SURVEYS FOR CAMBODIA

*The final results displayed below are reflected in USD using foreign exchange rates from September 2014, though original data was typically provided in local currency. Coding rules were developed in advance of the assessment and applied across countries to ensure comparable data points.*

## LMI SUMMARY SURVEY – HYBRID SEED

### Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

<b>Seed Supplier</b>	<ul style="list-style-type: none"> <li>Engages in the import, export, storage, and sale of hybrid seed of the most widely traded staple grain in the country.</li> <li>Registers a new proprietary staple grain variety of the most widely traded staple grain in the country. The variety has not been registered in another country.</li> <li>Operates in Phnom Penh.</li> <li>Domestic, non-state-owned enterprise.</li> </ul>	
<b>Import Product – Hybrid Seed</b>	<ul style="list-style-type: none"> <li>Hybrid seeds imported in a standard 40-ft container, packed into 20-kg sacks, 400 such sacks (on pallets of 20 sacks each) per container, and valued at US\$20,000.</li> <li>The shipment is imported from <b>Cambodia’s largest trading partner globally</b> through the main point of entry for seed imports. The point of entry may be a seaport or an inland border post.</li> </ul>	
	<b>Most commonly used point of entry in Cambodia for import of hybrid seed:</b>	Land crossings: Pailin and Poipet (Thai border)
<b>Export Product – Hybrid Seed</b>	<ul style="list-style-type: none"> <li>Hybrid seeds exported in a standard 40-ft container, packed into 20-kg sacks, 400 such sacks (on pallets of 20 sacks each) per container, and valued at US\$20,000.</li> <li>The shipment is exported to <b>Cambodia’s largest trading partner in the Lower Mekong region</b> through the main point of exit for seed exports. The point of exit may be a seaport or an inland border post.</li> </ul>	
	<b>Most commonly used point of exit in Cambodia for export of hybrid seed:</b>	No exports

**Procedure:** Any interaction of the **seed** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **seed** supplier are not counted as procedures. All procedures that are legally or in practice required for the **seed** supplier to operate within its respective normal business functions are counted.

**Time:** Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time

once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

**Costs:** All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **seed** supplier is required to use such services by law.

**Agency:** Indicate name of agency.

### A. Licenses and Permissions for Seed Supplier

**Please describe** every procedure required for the seed supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as a seed importer or exporter. For example, this may include licenses to import hybrid seed, procedures to qualify to import seed, re-export or transit licenses, licenses to export hybrid seed, storage licenses, general trade licenses, and health and safety licenses. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

**Please include** references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure 1 Company Registration with The Ministry of Agriculture, Forestry and Fisheries (MAFF)		
<b>Time</b>	90 days	<b>Cost</b> 1 USD
		<b>Agency</b> Department of Agricultural Legislation (DAL), Ministry of Agriculture, Forestry and Fisheries (MAFF)
<b>Details</b>		
<p>A seed importer/exporter in Cambodia is required to register with the Department of Agricultural Legislation (DAL) under MAFF. MAFF has jurisdiction over the business operations of seed importers and exporters. Importers or exporters can register for multiple types of agricultural goods in the same application. According to the Instructive Circular concerning the business license application with MAFF, for business involving the production, processing, storage, supply, repackaging, and export or import of agricultural materials, the natural person or legal entity is required to apply for a license at DAL. The importer/exporter applies by submitting the following:</p> <ol style="list-style-type: none"> <li>1. Application with stamps – 2 copies</li> <li>2. Applicant's CV with a 4x6 photo and certified by the commune council – 2 copies</li> <li>3. ID card (photocopy) – 2 copies</li> <li>4. Business contract with fertilizer manufacturer – 2 copies</li> <li>5. Location certificate issued by the commune council* – 2 copies</li> <li>6. Storage location license issued by the Ministry of Environment (for agricultural chemicals)* – 2 copies</li> <li>7. Registration certificate issued by the Ministry of Commerce<sup>1</sup>* – 2 copies</li> </ol>		

<sup>1</sup> All businesses in Cambodia must register with the Business Registration Department in the Ministry of Commerce. Registration with MOC typically takes 15 to 30 days and costs \$400 to \$450. Other approvals, such as business registration at the commune and VAT registration, take an additional 2 months. The requirements to start a business are detailed in the World Bank's report on the Ease of Doing Business in Cambodia. It takes 11 procedures, 104 days, and costs 150.6% of income per capita to complete all steps required to operate as a business in Cambodia. Since this study focuses on the requirement to be a seed importer or exporter, above and beyond normal business procedures, we do not count these as a separate procedure.

## 8. Bank statement – 2 copies

\*Not included in time or cost estimate.

The documents must be reviewed by multiple levels of MAFF, including final approval by the Secretary General of MAFF. DAL is to take no more than 45 days for company registration processing. The actual time depends on “how much a company pays”. One respondent said it took one year to complete the process. There is a checklist on the board in DAL about duration and process steps. The final step is for DAL to issue the Certificate of Company Registration. This registration with DAL is valid for an indefinite period of time.

Unofficial cost: \$3000.00

Key documents for seed trade, management, and variety protection are:

- Sub-decree No. 69 issued October 28th, 1998. It covers licensing, registration, and enforcement of quality in the marketplace herein referred to as Sub-decree No. 69.
- The Instructive Circular on the Implementation of Sub-decree No. 69 dated October 28th, 1998 Concerning the Standards and Management of Agricultural Materials herein referred to as Instructive Circular.
- Law on Seed Management and Plant Breeder’s Rights ratified on April 8th, 2008 herein referred to as Seed Law.
- Sub-decree No. 15 on Phytosanitary Inspection issued on March 13th, 2003 herein referred to as Sub-decree No. 15.
- Ministerial Proclamation No. 346 by MAFF on Plant Quarantine Inspection Procedure dated May 10th, 2010 herein referred to as MP No. 346.

None of the above laws or regulations are available on government websites in English.

Procedure 2 Seed Product Registration			
Time	266 days	Cost	188 USD
Agency	DAL		
<b>Details</b>			
<p>The procedures reported for seed product registration and registration of a new proprietary staple grain in Section D are similar. According to Sub-decree No. 69 hybrid seeds must be registered with MAFF prior to import for commercial use. DAL is the responsible entity for Seed Product Registration as well as facilitating field testing and germination tests.</p> <p>Please reference Procedure 1 “Application” in Section D for full details on application requirements in Cambodia.</p> <p>Cambodia requires a sample from the exporting country in advance of import as defined in MP No. 346 and Sub-decree No. 15. Please reference Field Testing in Section D for full details on field testing requirements in Cambodia. It typically takes 6 months for field testing of maize seed. DUS is required, VCU testing is not required and no VCU tests have been done in Cambodia to date.</p> <p>Approvals must be given from various levels of MAFF. It takes another 2 months after field testing completed for approval and official release (no additional cost). MAFF then issues the Product Registration Certificate, signed by either the secretary general or the Minister. The Product Registration Certificate is valid permanently. There is no enforced requirement for posting in the official national catalogue or gazette.</p>			

<b>Procedure 3 Trade License</b>		
<b>Time</b>	30 days	<b>Cost</b> 46 USD
		<b>Agency</b> DAL/MAFF
<b>Details</b>		
<p>After product registration is complete, the company then requests authorization to import or export seed for commercial purposes. Under Sub-decree No. 69, the company is required to obtain a trade license for seed, animal medicine and animal feed from MAFF. An Instructive Circular provides additional guidance for implementation, and specifies that MAFF shall decide whether to grant an import and export license within a period of 10 working days from the date of formal receipt of sufficient and complete documents from the applicant. No respondent indicated that this time frame was followed in practice.</p> <p>Permission is required from MAFF and Customs:</p> <p>A) DAL/MAFF approval: The company must fill out an application and provide supporting documents as described in Sub-decree No. 69. Cambodia requires importing companies to provide the pest list related to product and treatment certificate from exporting country authorities. Companies report that they must also show Certificate of Registration with MOC and Certificate of Registration with MAFF, as well as the Product Registration Certificate. The application includes a requested quantity for import, called the “quota”. The quota is proposed by the company according to market expectations and existing customer needs to support their request. The quota is broken down for each variety. Respondents report that they typically receive the quota amount that they request. The quota is valid for 12 months. If the company reaches their quota within the 12 month period, they can apply for a new quota. Unofficial cost: \$2500</p> <p>B) Customs approval: Once the license is approved by DAL, the license must be brought to the Customs department to get approval for tax exemption. Since seed (and the other inputs studied) qualifies under the Prakas on the Implementation of the Value Added Tax on the Importation and the Supply on Certain Goods No. 303 for tax, duty and VAT exemption, this step is required.</p> <ul style="list-style-type: none"> <li>• Valid 6 months (even though DAL gives permission for 1 year)</li> <li>• Unofficial charge: \$500 every 6 months.</li> <li>• This procedure is needed so that customs at the border knows their department has approved this license.</li> </ul> <p>Approval takes 1 to 2 days, if the Minister of Customs is available to sign it. Otherwise, time varies.</p> <p>Once MAFF authorizes importation, MAFF then issues a single piece of paper, called “(Principle) Authorization for Importation” or Trade License. This document needs to be approved by the Minister of MAFF and signed by the Secretary General. The license is valid for 1 year. Government officials report that the Trade License and supporting documents are then delivered to Plant Protection-Sanitation and Phytosanitation Department (PP-SPSD) for review, since PP-SPSD is in charge of issuing the trade license to the importer.</p> <p>If the company plans to import from one location, the company must deliver the original license to the Customs Department at that border crossing. If the company plans to import from multiple locations, then the company must deliver the original license to the GD of Customs and Excise in Phenom Penh. Discussed further in section B.</p>		
<b>Total Number of Procedures: 3</b>		
<b>Time</b>	386 days	<b>Cost</b> 197 USD

## B. Import of Hybrid Seed

**Please provide details** on the procedures, time, cost, and documentation for the import of hybrid seed as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the “Comments” sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

### 1. License and Document Preparation

**Please include all applicable documentation required for customs clearance** by customs authorities, port or border authorities, health and technical control agencies, and other government ministries.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Customs declaration	General Directorate of Customs and Excise (GDCE)	Customs	1 hour	4
2. Trade License	MAFF	Customs	<i>Simultaneous with Customs Permit</i>	0
3. Customs Permit	GDCE	Customs – Phnom Penh	3	0
4. Truck Bill	Supplier	Transportation Company	2	35
5. Copy of Seed Product Registration Certificate	Importer	Customs	0	0
6. Import Certificate for Plant Quarantine Material	Competent authority at the country of origin	Customs	1	0
7. Phytosanitary Certificate (PC)	Supplier	Customs	1 hour <i>Simultaneous with Import Certificate</i>	0
8. Commercial invoice	Supplier	Customs	1 hour <i>Simultaneous with Import Certificate</i>	0
9. Packing List	Supplier	Customs	1 hour <i>Simultaneous with Import Certificate</i>	0
10. Terminal Handling Receipts	Importer	Shipping Company	1 hour	100
<b>Total time and cost for document preparation</b>			<b>5 days</b>	<b>139 USD</b>
<ul style="list-style-type: none"> <li>Which documents can be obtained simultaneously? Import Certificate for PQM, Commercial Invoice, PC, Packing List, Truck Bill.</li> </ul>				
Comments:				

According to the Seed Law, Article 52, every company is to inform MAFF of their plan to import – including location of import, and quantity- 10 days in advance of import so that MAFF can send an inspector (Also Article 22 of Sub-decree No. 15). In practice, this is not followed.

Import permission from GDCE is required for every shipment. There are 2 different procedures for obtaining the permit which depend on the number of border crossings a trader imports seed from.

1. **SINGLE LOCATION OF IMPORT:** If an importer wants to import shipments through a single border crossing, GDCE issues the import permit for the border crossing requested. The company must bring the original Trade License to the customs office at that specific location. Therefore, imports are limited to that location. Companies typically obtain permission from Customs at the border within an hour and can receive their shipment on the same day. Customs track each shipment by logging the shipment information on a document attached to the original license.
2. **MULTIPLE LOCATIONS OF IMPORT:** This type of permit is more common. If an importer wants to import shipments through multiple border crossings, they need a permit for multiple locations from GDCE. GDCE in Phnom Penh keeps the original copy of the trade license. For each shipment, the company must go in person to Phnom Penh's Customs office to apply for permission. Supporting documents to provide with permission request are: customs declaration, commercial invoice, packing list, and bill of lading. After document review, GDCE issues permission to import in the form of a document called "Customs Permit". The company then takes the permit to the location of import to receive the shipment along with the original license (they later return the original license to Customs in Phnom Penh). Getting the permit in advance of shipment arrival is required as it takes 2-3 days between application and receipt of the Customs Permit. The validity of the permit is 1 month, and the official cost is zero. Unofficial cost is \$200.

Customs tracks the quantity of imports per shipment according to the quantity ("quota") permitted in the Trade License. The company can import until it has reached its quantity limit for the 12 month period of the Trade License. At that time, the company must apply for a new Trade License. Customs sends periodic reports to MAFF telling them quantities imported against total quota. This tracking system is commonly referred to as 'cut-stock'.

Prakas No. 1447/Praka 1 requires the use of a customs declaration for import or export. The customs document is a Single Administrative Document (SAD) as described in Prakas No. 1447 Appendix A. According to the Prakas, a customs declaration that has been registered by customs is the only authentic document that can be used to prove that goods have been imported into or exported from Cambodia. In practice, the customs declaration is completed in writing or by electronic means using one of the computers available at some border posts.

Prakas No. 1447/Praka 4 lists documents to be attached with the customs declaration. In practice, all respondents state that the commercial invoice, packing list, and transportation documents (bill of lading, road manifest, shipping manifest, etc. depending on type of border crossing used) are required. Additional required documents for seed imports include Customs Permit, import certificate for plant quarantine material (also required according to Sub-decree No. 15 and Law on the Management of Quality and Safety of Products and Services (June 2000)), and copy of their Product Registration Certificate. Tax certificate, Patent, and Insurance certificate were mentioned by some as being required to be shown for each shipment, while others indicated that they did not need to bring these documents. The PC is required according to Sub-decree No. 15 yet nearly half of respondents indicate that they are not required to show a PC to clear customs. Since it was typically required in practice, it is listed as a required document.

## 2. Customs clearance

**Please describe** the typical customs clearance procedures, including any relevant cargo inspections. For inspections, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the “Comments” box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of seed to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver hybrid seed to temporary storage)	1.5 hours	Port, ship, Customs official, CamControl
2. Lodgment of customs declaration and customs documentary control	1 hour	Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		
a. Customs tax/duty valuation inspection	1 hour	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	10 days	Customs and CamControl
c. Health and safety inspection	0	
d. Security inspections and pre-shipment inspection	1 hour	Kamsab
e. Other inspections, please specify:		
4. Payment of duties/taxes	1 hour	Customs
5. Release of shipment of seed and removal from the seaport or land border post premises	4 hours	CamControl, Economics Police
6. <b>Average TOTAL</b> time for customs clearance (from arrival of shipment of seed to cargo release)	11 day	
7. <b>Minimum and maximum TOTAL</b> time for customs clearance (from arrival of shipment of seed to cargo release)	2 to 11 days	
8. Which activities above are carried out simultaneously?		
Comments: Health and safety inspection is prescribed by Sub-decree No. 15		
<b>Import Cost (USD) (Exchange Rate: 1 USD = 4065 Riel)</b>		
1. Administrative charges for customs clearance	130	
2. Customs brokers charges <sup>2</sup>	80	
3. Inspection fees	103	
4. Other, please specify:	Unofficial Fees – 200	
5. <b>TOTAL</b> cost for all the above	313	
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of hybrid seed?	Yes - “If money is not spent, import is not permitted.”	
Comments: At arrival to the port, the importer/customs agent keys in all necessary information into the Customs declaration form, “aka Single Administrative Document” (SAD) as part of Cambodia’s Asycuda system. Asycuda is available at 23 customs checkpoints in Cambodia. 4-5 computer terminals are at Phnom Penh Port to key in info into ASYCUDA to get declaration. Often there is a queue to use the Asycuda system at the port. The importer/customs agent must print out the customs declaration and attach supporting documents (listed in previous section of this survey for importing a shipment). These documents are submitted to Customs. After registration of customs declaration and before physical inspection of the goods, Customs checks the customs declaration form for completeness and correctness of the		

<sup>2</sup> Customs broker charges depend on quantity of containers, negotiations with custom agents, and frequency of shipments.

document (Praka 9 of Prakas No. 1447).

Customs conducts document review, valuation, and scans the container for a standard fee. CamControl conducts a visual check to ensure quality for a standard fee. According to Annex I of Prakas No. 200, “Determination of Export/Import Goods Inspection Free of CAMCONTROL” issued December 2nd, 2011, goods shipped by land are charged per container and per truck loaded for inspection by CamControl. Higher fees were reported by respondents, part of which is due to an increase in rates since 2011.

MP No. 346 on Post Entry Quarantine and Pest Risk Analysis by Department of Plant Protection, Sanitation and Phytosanitation, MAFF states “Pest Risk Analysis is reviewed by Department plant protection, Sanitation and Phytosanitation against the report from the manufacturer”. Companies report that they are required to request an official inspection before distributing their seed products, though inspections do not take place for 100% of shipments.

### 3. Trade Facilitation Index

**Please respond** to the following survey questions on the extent to which the legal framework facilitates the international trade of hybrid seed. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import hybrid seed be submitted in advance of the consignment’s arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Same day as arrival of goods.
2. Can the documents required to import hybrid seed be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input type="checkbox"/> Some documents <input checked="" type="checkbox"/> No documents	
3. Do Customs and other agencies utilize a risk management system to screen shipments of seed for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Customs classifies goods according to color categories which indicate risk levels. Seed is considered prohibited and therefore classified as the color red, meaning that it must be inspected. All seed treated the same with 100% of shipments inspected at the importer's storage facilities.
a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. Are all required physical inspections of shipments of seed (by Customs and any other relevant agencies) carried out at the same place and time?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CamControl and Customs coordinate physical checks at

		the border. Inspectors take sample of seed shipment at importer's storage facility.
6. Are consignments of imported seed allowed to enter the country (and remain in storage) while samples undergo laboratory analysis?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

**C. Export of Hybrid Seed – No data available, no exports reported.**

**1. License and Document Preparation**

**Please include all applicable documentation required for customs clearance** by customs authorities, port or border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as phytosanitary certificate, seed quality certificate, certificate of origin, certificate of conformity, packing list, road manifesto, commercial invoice, export permit, customs export declaration, inspection results, terminal handling receipts, or bill of lading.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) Specify if in hours	Cost Doc. fees
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
<b>Total time and cost for document preparation</b>			<b>days</b>	<b>USD</b>
<ul style="list-style-type: none"> <li>Which documents can be obtained simultaneously?</li> </ul>				
Comments: No seed export permit/certificates have been granted as of August 2014. Historically, CARDI exports small quantities of rice seed for experiment purposes, but they do not require an export permit to do so. Though we have no practical data to support the required documents for customs clearance, private sector respondents shared what they thought would be required, or what was required for other agricultural goods, and government officials provided additional information. The Seed Law states that a natural person or a legal person who exports seeds shall satisfy the following conditions: <ol style="list-style-type: none"> <li>1. Hold an export permit issued by MAFF;</li> <li>2. Notify the nearest phytosanitary officer at least one (01) working days before the seeds arrive at the Cambodian border exit point;</li> <li>3. Hold a certificate for seed quality;</li> <li>4. 5. Comply with the phytosanitary regulations of the importing country.</li> </ol>				

**2. Legal Framework for Phytosanitary Certificates for Export – Data provided is from government entities only**

**Please respond** to the following survey questions on the extent to which the legal framework enables an efficient phytosanitary system that facilitates the export of hybrid seed. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Is your country a signatory of the International Plant Protection Convention (IPPC)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
2. Does the National Plant Protection Organization (NPPO) follow international guidelines (ISPM 7 and 12) on the issuance of phytosanitary certificates and requirements for phytosanitary management?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
3. Does the NPPO provide information to exporters on destination country phytosanitary requirements (e.g. import document requirements, list of quarantine pests)?	<input checked="" type="checkbox"/> By request only <input checked="" type="checkbox"/> Published in print <input type="checkbox"/> Published online ( <i>list website</i> ) <input type="checkbox"/> Other ( <i>please describe</i> )	
4. Does the NPPO provide information on obtaining a phytosanitary certificate for export (e.g. documents and fee schedules for sample collection, testing, and issuing the certificate)?	<input checked="" type="checkbox"/> By request only <input type="checkbox"/> Published in print <input type="checkbox"/> Published online ( <i>list website</i> ) <input checked="" type="checkbox"/> Other ( <i>please describe</i> )	Must go in person to request in formation. Some details are listed in Sub-decree No. 15.
5. Can exporters request a phytosanitary certificate on the internet?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
6. Can exporters make an electronic payment for phytosanitary export certification?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
7. Can inspections to obtain a phytosanitary certificate for export be conducted at:		
a. The exporter's warehouse or storage facility?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
b. Bonded warehouses?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
c. All points of exit from the country (including land, air, and sea ports)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	According to Sub-decree No. 15
d. Other ( <i>please specify</i> ):		
8. Does the NPPO notify exporters of the reason(s) for rejecting an application for a phytosanitary certificate?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
9. Does the NPPO enter into mutual equivalence agreements with main trade partners when phytosanitary measures are demonstrated to achieve an equivalent level of protection?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

#### D. Registering a Proprietary Staple Grain Variety

**Please describe** the full sequence of procedures necessary for the company described in the case study to properly register a new proprietary staple grain variety. These typically include application, field testing, technical review, and approval and official release of the variety. **Please include** references to

applicable laws and regulations and any necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Application	
<b>Time</b> 26 days	<b>Cost</b> 38 USD
<b>Agency</b> Registration Office, Ministry of Industry, Mines and Energy (MIME) and MAFF	
<p><b>Details</b></p> <p>Government officials indicate that portions of the procedures currently followed for registration of new seed varieties come from Sub-decree No. 69 On the Standards and Management of Agricultural Materials, even though the Seed Law technically repeals Sub-decree No.69, according to government leadership. To date there have been no proprietary seed varieties registered. Regulations do not yet exist to implement the Seed Law.</p> <p>According to Sub-decree No. 69 hybrid seeds must be registered with MAFF prior to import for commercial use. DAL is the responsible entity for Seed Product Registration as well as facilitating field testing and germination tests.</p> <p>To begin the process, the importer must submit a proposal to DAL based on a checklist of information that can be obtained from DAL in person only. The importer can include multiple varieties into the same application for registration. Two sets of the following supporting documents are required along with the two copies of the application for registration:</p> <ul style="list-style-type: none"> <li>• Copy of business license from MAFF;</li> <li>• Types of seeds;</li> <li>• Non-GMO certificate from country of origin;</li> <li>• Sample of label and packaging details;</li> <li>• Authorization letter (This is a letter of attorney from the supplier to transfer the goods from supplier to importer);</li> <li>• Technical report by the manufacturing company - including the characteristics of seed variety and growing detail (height of crop, time to flower, time to harvest, etc.) in Khmer and English;</li> <li>• Field testing results including Certificate of Analysis or quality certificate of the seed variety from the country of origin.</li> </ul> <p>Respondents report that the Department of Agronomy, Cambodian Agricultural Research and Development Institute (CARDI), DAL, the Inspection Department, and the Minister of MAFF must review and approve of the application. According the Cambodia's Department of Rice, CARDI has a small lab to check quality of the seed, including chemical make-up and shape. They also indicated that a ministerial proclamation had been issued on seed quality certification but there were no regulations, and specific guidelines for seed testing are needed. After documents are reviewed and approved by MAFF, the documents are returned to DAL and field testing will take place. MAFF sends a letter that approves field testing to the General Directorate for Agriculture (GDA). Approvals take 7 days with responses ranging from 3 to 45 days.</p> <p>According to the Seed Law (Chapter 2, Section 4: Application and Priority Rights): Article 23 stipulates that an applicant for plant variety protection shall submit an application to the Registration Office. The applicant must provide the required documents and crop breeding information based on the date and location decided by the Registration Office. The details of the contents of the application and related documents are to be determined by the Ministry of Industry, Mines, and Energy. Article 24 explains that an applicant can use priority rights of initial overseas applications for the same seed variety in a country which is a member state of UPOV. The property rights granted in that country will be valid in Cambodia for 12 months form the date of the initial application. Article 25 requires the applicant to provide a</p>	

certified copy of the initial overseas application. Article 36 states that regulations for implementation of Chapter 2 of the Law shall be determined by Prakas of the Minister of Industry, Mines and Energy and Minister of MAFF.

According to the Seed Law, the Ministry of Industry, Mines and Energy (MIME) has the following roles in respect of the protection of new varieties of plants:

1. Granting the certificate of protection of a new variety
2. Transferring ownership
3. Declaring nullity or cancellation
4. Accepting forms for registering, changing, or cancelling a variety denomination
5. Issuing licenses
6. Registering contract licenses.

An upfront unofficial fee of \$150 is typically paid.

Field Testing			
<b>Is the <i>Distinctness, Uniformity, and Stability (DUS)</i> test required?</b>		X	YES NO
<b>Number of Seasons</b> 2	<b>Number of Testing Locations</b> 1	<b>Agency</b> Crops	Department of Industrial
<b>Details</b>			
<b>Is the <i>Value for Cultivation and Use (VCU)</i> test required?</b>		YES	X NO
<b>Number of Seasons</b>	<b>Number of Testing Locations</b>	<b>Agency</b>	
<b>Details</b>			
No government or private sector respondent had information on this step. There have not been any VCU testing done yet. According to the Seed Law, only DUS is required.			
Cambodia requires a sample from the exporting country in advance of import as defined in MP No. 346 and Sub-decree No. 15.			
Field Testing: 2 crop cycles taking around 6 months			
<ul style="list-style-type: none"> <li>• DAL facilitates the process and delivers the sample to relevant departments, though they do not oversee field testing directly. The field testing is done by one of three Technical Departments within GDA, depending on the seed crop. Field testing of rice seed is done by Department of Rice, all fruit and vegetable seeds are done by the Department of Horticulture. The Department of Industrial Crops does testing of seeds including corn, bean, and cashew nut.</li> <li>• Testing is conducted by government field stations only. The Department of Industrial Crops is presently conducting testing in 2 locations in Cambodia, the Department of Horticulture is presently conducting most of their testing at 1 location. No private companies have been approved to do field testing. The Law on the Management of Quality and Safety of Products and Services allows for the government to accredit private companies to conduct field testing, yet no implementing regulations or guidelines have been created. The company is required to pay for supplies for field testing which is \$150 per variety. Unofficial fees per variety are about \$200.</li> </ul>			
According to the private sector, Cambodia undertakes a system of comparative technical analysis for new seed varieties. Seeds are approved if they perform relatively better than a local variety planted nearby. Respondents were unclear regarding exactly what the baseline seed was or where it came from exactly. According to the Law on the Management of Quality and Safety of Products and Services Article 43, to conduct sample testing, labs shall use testing methods as prescribed by Prakas of competent ministries. In the event there are no above-prescribed testing methods, labs shall use internationally recognized testing methods. The testing methods shall be published in a testing bulletin. The testing			

bulletin is likely not utilized at this time.

- According to Article 49 of the above Law, the government has one month to give the inspecting institution their conclusions with regard to technical or scientific aspects only.
  - Pest resistance, germination, and characteristics of crop are also assessed.
  - Distinctness, Uniformity, and Stability (DUS) test is required.
  - Value for Cultivation and Use (VCU) test is not required.
  - Respondents report one testing location being used, though all but 1 had never visited the field testing location(s) or received results of the field test.
- Field test results are then sent to MAFF.

<b>Other field testing requirements (please list)</b>	N/A
<b>Total time for field testing</b>	180 days
<b>Total cost for field testing</b>	150
<b>Can VCU test be undertaken simultaneously with the DUS test?</b>	X YES NO

Internal Review and Approval		
<b>Time</b>	60 days	<b>Cost</b> 0
<b>Agency</b>	MAFF	
<b>Details</b>		
<p>Approvals must be given from various levels of MAFF. It takes another 2 months after field testing completed for approval and official release (no additional cost). MAFF then issues the Product Registration Certificate for an official fee, signed by either the secretary general or the Minister. The Product Registration Certificate is valid permanently. According to the Seed Law, the certificate of plant breeder's right shall be granted by the Ministry of Industry, Mines and Energy (MIME) following the result of the technical evaluation by the Ministry of Agriculture, Forestry and Fishery. Since this process has never occurred in Cambodia, time and cost estimates for MIME's involvement in the seed registration process are unavailable. Therefore, time and cost for Section D are the same as that reported in Seed Product Registration, Section I.</p>		

Approval and Official Release – N/A		
<b>Time</b>	days	<b>Cost</b>
<b>Agency</b>		
<b>Details</b>		

Listing in National Catalog or Gazette (only if required to market the new seed variety) – N/A		
<b>Time</b>	days	<b>Cost</b>
<b>Agency</b>		
<b>Details</b> There is no enforced requirement for posting in the official national catalogue or gazette.		

**Please respond** to the following questions on plant variety registration and protection. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Does the authority in charge of seed variety registration accept testing data from the breeder as the official test? (e.g. breeder conducts DUS and VCU trials and seed authority audits the process)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	GDA and the relevant departments/agencies will undertake field testing and technical review for each new registration at government field stations only.
2. Do current regulations allow for a faster or facilitated registration process for seed varieties that have already been registered or field-tested in another	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

country?		
a. If YES, with which country(s) and what is the facilitated process?		
3. Is your country party to a regional agreement with respect to common procedures for variety testing, registration, and/or release? If YES, please answer the questions below.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. Please list the other countries party to the regional agreement.		
b. Are common procedures effectively implemented in practice?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
c. Are new varieties registered in your country automatically accepted in other countries party to the agreement, and vice versa?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

## LMI SUMMARY SURVEY – CHEMICAL FERTILIZER

### Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

<b>Fertilizer Supplier</b>	<ul style="list-style-type: none"> <li>Engages in the import, export, storage, and sale of chemical fertilizer for plants. Does not manufacture or repackage fertilizer.</li> <li>Registers a new fertilizer product that has not previously been registered in the country.</li> <li>Operates in Phnom Penh.</li> <li>Domestic, non-state-owned enterprise.</li> </ul>	
<b>Import Product – Fertilizer</b>	<ul style="list-style-type: none"> <li>Chemical fertilizer imported in a standard 40-ft container, packed into 50-kg bags, 400 such bags (on pallets of 20 bags each) per container, and valued at US\$2,000.</li> <li>The shipment is imported from <b>Cambodia’s largest trading partner globally</b> through the main point of entry for fertilizer imports. The point of entry may be a seaport or an inland border post.</li> </ul>	
	<b>Most commonly used point of entry</b> in Cambodia for import of chemical fertilizer:	Seaport (Phnom Penh Port and Sihanoukville)
<b>Export Product – Fertilizer</b>	<ul style="list-style-type: none"> <li>Chemical fertilizer exported in a standard 40-ft container, packed into 50-kg bags, 400 such bags (on pallets of 20 sacks each) per container, and valued at US\$2,000.</li> <li>The shipment is exported to <b>Cambodia’s largest trading partner in the Lower Mekong region</b> through the main point of exit for fertilizer exports. The point of exit may be a seaport or an inland border post.</li> </ul>	
	<b>Most commonly used point of exit</b> in Cambodia for export of chemical fertilizer:	No exports

**Procedure:** Any interaction of the **fertilizer** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **fertilizer** supplier are not counted as procedures. All procedures that are legally or in practice required for the **fertilizer** supplier to operate within its respective normal business functions are counted.

**Time:** Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

**Costs:** All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **fertilizer** supplier is required to use such services by law.

**Agency:** Indicate name of agency.

#### A. Licenses and Permissions for Chemical Fertilizer Supplier

**Please describe** every procedure required for the fertilizer supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as a fertilizer importer or exporter. For example, this may include **licenses to import fertilizer, re-export or transit licenses, export licenses, storage licenses, general trade licenses, health and safety licenses, and environmental licenses**. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

**Please include** references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure 1 Warehouse Registration		
<b>Time</b> 35 days	<b>Cost</b> 20 USD	<b>Agency</b> Department of Agricultural Legislation (DAL), MAFF
<b>Details</b>		
<p>In the past, to engage in agricultural businesses regulated by MAFF the company was required by Sub-decree No. 69 to first obtain business registration with MAFF. This applied to seed, fertilizer and pesticide traders. The newer Law on Management of Pesticides and Fertilizers from 2008 (“2008 Law”) does not require registration with MAFF, but does require new registration and licensing procedures in its place. These include obtaining a warehouse license and distribution license prior to importing fertilizer or pesticide.</p> <p>The Warehouse Registration Certificate is required prior to application for a License to import chemical fertilizer. Warehouse registration is described in the Law on Management of Fertilizer and Pesticide’s Article 68. It states that the warehouse license is required for any person or legal entity that stores fertilizers for distribution in Cambodia. In practice, the government is requiring the warehouse license prior to import. A regulation has been issued (but is not available in English) that describes what is</p>		

needed to apply for the warehouse license. After documents are reviewed and approved, MAFF issues permission via a Mission Order for warehouse inspection to proceed, issued by MAFF.

Warehouse inspection process:

- DAL/judicial police inspect the warehouse location and facilities:
- From application to inspection takes about 2 weeks. The inspector spends one day on-site to checking technical matters of the facilities to ensure fertilizer quality can be ensured, and conducts an impact assessment to ensure that the warehouse location is not close to any schools, waterways, residential areas, etc.
- DAL then issues document to get approval to commune chief and village chief.
- The commune authority must also approve of warehouse:
- The commune authority checks warehouse ownership information, among other checks, to decide if they approve the warehouse for fertilizer.
- Typically, approval from the commune authority takes about 1 week after DAL inspection has concluded.
- The applicant gets a document indicating approval from the commune chief and brings it to DAL.

There is no official cost for warehouse inspection. Unofficial costs were reported for Warehouse License and Distribution License (Procedure 4) together as \$5000. DAL then issues a report to Department Director for review. Once approved, DAL issues the Warehouse Registration Certificate. The registration is valid for 1 year.

According to respondents, they were informed of the change in rules - from not requiring a warehouse license (or distribution license, Procedure 4) to import fertilizer or pesticide in Jan/Feb 2014. A few reported that they had not yet conformed with the change but that the change was also not yet enforced. Given the amount of time needed to obtain the license, a grace period is understandable.

The company can register a new warehouse or provide information about the use of an existing warehouse that is already registered.

## Procedure 2 Chemical Fertilizer Product Registration

<b>Time</b>	82 days <i>Simultaneous with Warehouse Registration.</i>	<b>Cost</b>	174 USD	<b>Agency</b>	Department of Agricultural Legislation (DAL), MAFF
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### Details

According to Article 52 of the 2008 Law products must be registered with MAFF before they are legally allowed to enter the market. Please reference Procedure 1 “Application” in Section D for full details on application requirements in Cambodia.

According to Article 55 of the 2008 Law, all types of fertilizer that apply for registration are analyzed to verify the guaranteed analysis of nutrients or other composition at the National Agricultural Laboratory (NAL) or other laboratories officially recognized by MAFF. Please reference “Confirmatory Analysis” in Section D for full details on testing requirements in Cambodia.

According to the “Procedure and standard requirement for fertilizer registration”, 30 days are allowable for review. DAL prepares a Report of Evaluation and gives it to Minister of MAFF for approval. Once approved by multiple levels of government, the company gets the “Fertilizer Registration Certificate”. The certificate is issued in accordance with the provisions of the Law on Management of Pesticide and Fertilizer, and is valid for 3 years. Please reference “Review and Issuance of Registration Certificate” in Section D for full details on certification in Cambodia.

<b>Procedure 3 License to import chemical fertilizer</b>			
<b>Time</b>	16 days	<b>Cost</b>	50 USD
<b>Agency</b>	DAL, MAFF & GDCE		
<b>Details</b>			
<p>Under the Law on Management of Fertilizers and Pesticide, importers must obtain permission to import fertilizer (Article 64). According to the Joint Declaration on Public Service Charge from MAFF, the application duration is 30 days, though private sector indicates that it typically takes less time.</p> <p>Permission is required from MAFF and Customs:</p> <p>A) DAL/MAFF approval: The company must fill out an application and provide supporting documents as described in Sub-decree No. 69. Cambodia requires importing companies to provide the pest list related to product and treatment certificate from exporting country authorities. Companies report that they must also show Certificate of Registration with MOC and Certificate of Registration with MAFF, as well as the Product Registration Certificate. The application includes a requested quantity for import, called the “quota”. The quota is proposed by the company according to market expectations and existing customer needs to support their request. The quota is broken down for each variety. Respondents report that they typically receive the quota amount that they request. The quota is valid for 12 months. If the company reaches their quota within the 12 month period, they can apply for a new quota. Unofficial cost: \$2500</p> <p>B) Customs approval: Once the license is approved by DAL, the license must be brought to the Customs department to get approval for tax exemption. Since seed (and the other inputs studied) qualifies under the Prakas on the Implementation of the Value Added Tax on the Importation and the Supply on Certain Goods No. 303 for tax, duty and VAT exemption, this step is required.</p> <ul style="list-style-type: none"> <li>o Valid 6 months (even though DAL gives permission for 1 year)</li> <li>o Unofficial charge: \$500 every 6 months.</li> <li>o This procedure is needed so that customs at the border knows their department has approved this license.</li> </ul> <p>Approval takes 1 to 2 days, if the Minister of Customs is available to sign it. Otherwise, time varies. The license to import chemical fertilizer is then issued to the company. If the company plans to import from one location, the company must deliver the original license to the Customs Department at that border crossing. If the company plans to import from multiple locations, then the company must deliver the original license to the GD of Customs and Excise in Phenom Penh. Discussed further in section B.</p>			

<b>Procedure 4 Distribution License</b>			
<b>Time</b>	14 days - <i>Simultaneous with Import license</i>	<b>Cost</b>	0
<b>Agency</b>	DAL, MAFF		
<b>Details</b>			
<p>If an importer is bringing in fertilizer for commercial purposes, they are required to have a distribution license. According to respondents, the importer must apply for import license and distribution license at the same time.</p> <p>Documentation to provide along with application for license, includes:</p> <ul style="list-style-type: none"> <li>• Product registration;</li> <li>• Customer list, to show who the company is supplying.</li> </ul> <p>A full list of required supporting documents is said to be available in Prokas # 119 from MAFF issued April 2013, though this document was only said to be available in Khmer. Some respondents noted that it took up to 30 days to get the license. The Distribution License is valid for 3 years. The distribution</p>			

license and warehouse license are not checked at the border for import or export of fertilizer.
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<b>Total Number of Procedures:</b> 4	
<b>Total Time:</b> 98 days	<b>Cost:</b> 244 USD

## B. Import of Chemical Fertilizer

**Please provide details** on the procedures, time, cost, and documentation for the import of chemical fertilizer as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the “Comments” sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

### I. License and Document Preparation

**Please include all applicable documentation required for customs clearance** by customs authorities, port or border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer’s declaration, packing list, road manifesto, commercial invoice, import permit or customs import declaration, inspection results, terminal handling receipts, or bill of lading.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Customs Permit	GDCE in Phnom Penh	Customs & CamControl at border	3	40
2. Customs import declaration	Importer	Customs	1 hour	4
3. Copy of Product Registration	Importer	Customs	0	0
4. Invoice	Supplier	Customs	1 hour	0
5. Packing List	Supplier	Customs	1 hour Simultaneous with Invoice	0
6. Bill of Lading	Supplier	Customs	1 hour Simultaneous with Invoice	0
7. Terminal Handling Receipts	Importer	Shipping company	1 hour	160
<b>Total time and cost for document preparation</b>			<b>6 days</b>	<b>244 USD</b>
<ul style="list-style-type: none"> <li>Which documents can be obtained simultaneously? Invoice, Packing list, and Bill of Lading</li> </ul>				
<p>Comments:</p> <p>Import permission from GDCE is required for every shipment. There are 2 different procedures for obtaining the permit which depend on the number of border crossings a trader imports seed from.</p> <p>I. SINGLE LOCATION OF IMPORT: If an importer wants to import shipments through a single border crossing, GDCE issues the import permit for the border crossing requested. The company must bring the original Trade License to the customs office at that specific location. Therefore, imports are limited to that location. Companies typically obtain permission from</p>				

Customs at the border within an hour and can receive their shipment on the same day. Customs track each shipment by logging the shipment information on a document attached to the original license.

2. **MULTIPLE LOCATIONS OF IMPORT:** This type of permit is more common. If an importer wants to import shipments through multiple border crossings, they need a permit for multiple locations from GDCE. GDCE in Phnom Penh keeps the original copy of the trade license. For each shipment, the company must go in person to Phnom Penh's Customs office to apply for permission. Supporting documents to provide with permission request are: customs declaration, commercial invoice, packing list, and bill of lading. After document review, GDCE issues permission to import in the form of a document called "Customs Permit". The company then takes the permit to the location of import to receive the shipment along with the original license (they later return the original license to Customs in Phnom Penh). Getting the permit in advance of shipment arrival is required as it takes 2-3 days between application and receipt of the Customs Permit. The validity of the permit is 1 month, and the official cost is zero. Unofficial cost is \$160.

Customs tracks the quantity of imports per shipment according to the quantity ("quota") permitted in the Trade License. The company can import until it has reached its quantity limit for the 12 month period of the Trade License. At that time, the company must apply for a new Trade License. Customs sends periodic reports to MAFF telling them quantities imported against total quota. This tracking system is commonly referred to as 'cut-stock'.

Tax certificate, Patent, and Insurance certificate were mentioned by some as being required to be shown for each shipment, while others indicated that they did not need to bring these documents. One respondent indicated that they also had to show company registration, specifically the "Certificate of Incorporation" issued by the Ministry of Commerce and certified by City Hall (2 days and \$5 per certified document, valid for 3 years).

## 2. Customs clearance

**Please describe** the typical customs clearance procedures, including any relevant cargo inspections. For inspections, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the Comments box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of fertilizer to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver fertilizer to temporary storage)	2 days	Port Authority, Ship, Customs, CamControl
2. Lodgment of customs declaration and customs documentary control	1 hour	Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		
a. Customs tax/duty valuation inspection	1 hour	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	1 hour (plus 7 days for post-clearance inspection)	Customs and CamControl; MAFF
c. Health and safety inspection	-	
d. Security inspections and pre-shipment inspection	-	

e. Other inspections, please specify:	-	
4. Payment of duties/taxes	1 hour	Port/Customs/CamControl
5. Release of shipment of fertilizer and removal from the seaport or land border post premises	2 hours	Importer hires truck from transportation company
6. <b>Average TOTAL</b> time for customs clearance (from arrival of shipment of fertilizer to cargo release)	10 days	
7. <b>Minimum and maximum TOTAL</b> time for customs clearance (from arrival of shipment of fertilizer to cargo release)	3, 10 days	
8. Which activities above are carried out simultaneously?		
Comments:		
<b>Import Cost (USD) (Exchange Rate: 1 USD = 4065 Riel)</b>		
1. Administrative charges for customs clearance	142	
2. Customs brokers charges	100	
3. Inspection fees	103	
4. Other, please specify:	-	
5. <b>TOTAL</b> cost for all the above	344	
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of fertilizer?	Yes	
Comments:		
<p>At arrival to the port, the importer/customs agent keys in all necessary information into the Customs declaration form, "Single Administrative Document" or SAD as part of Cambodia's ASYCUDA system. ASYCUDA is available at 23 customs checkpoints in Cambodia. 4 computer terminals are at Phnom Penh Port and Sihanoukville Port to key in info into ASYCUDA to get declaration. Often there is a queue to use the ASYCUDA system at the port. The importer/customs agent must print out the customs declaration and attach supporting documents (listed in previous section of this survey for importing a shipment). These documents are submitted to Customs and CamControl who each take about 15 minutes to review the documents. After registration of customs declaration and before physical inspection of the goods, Customs checks the customs declaration for completeness and correctness.</p> <p>Two processes take place that somewhat overlap one another: ship formality and customs formality.</p> <p>Kamsab carries out ship formality. This includes an inspection of the ship. They also check the cargo manifest presented by the shipping line. The Quarantine Department checks the health of staff onboard. If ok, the cargo will be discharged. Container handling charges include 'Port LoLo' (Lift On/ Lift Off) services moving container from ship to truck and truck to ship (\$118).</p> <p>At the same time, customs formality takes place starting with document review. Document review entails getting approval from the 'Committee'. The Committee consists of the shipping agent or their representative, Customs, Port Authority, Quarantine Department, and Police Immigration. All parties must review all documents provided by the shipping agent. At the dry port, new container terminal (NCT) in Phnom Penh, the Committee is located in one location. For the Sihanoukville Port and old Phnom Penh Port, 12-16 individuals in different locations and offices need to be located and be available to get sign off. Time to get all committee members to sign off is 30 minutes to 2 hours, depending on who is available.</p> <p>All prohibited items are required to be inspected by law, though companies report that no sampling or</p>		

lab testing is done at the border prior to release of goods, at least not by a technical officer from MAFF. Inspections include:

1. The Survey Department of Customs scans the container. Time depends on queue: ranging from 15 minutes up to half day. Cost is \$40/40ft container.
  - a. Sign off is required by CamControl as well (written on the back of customs import declaration).
2. CamControl does a 'visual check' of the goods. The cost is \$62.50 for first container, \$37.50 for all containers after the first.
3. Valuation and payment by the Accounting Department of Customs follows.

Before official release, Customs must sign the customs declaration form.

- b. Customs processing fee (\$15/container of any size)
- c. Customs official release: no additional fees.

The Port Authority charges a \$5 fee for container to leave port and return with an empty container and delivered back to ship. According to Article 71, transport of fertilizer is allowed for import and export purposes (in practice this is granted for 3 days following date of customs clearance). The transport must have the permit of import or export issued by MAFF present during transport.

According to Article 65, importer/exporters of fertilizers are to notify MAFF to undertake primary inspection at the border or prior to distribution. Primary inspection of fertilizer quality by a MAFF inspector is rarely if ever undertaken at the border in practice. The company is to send MAFF a notification (non-standardized format) after the clearance of each import and arrival at the warehouse. Once MAFF receives this notification, they require 7 days to process the documents and conduct the inspection of the import at the warehouse where the fertilizer is located. During these 7 days, MAFF issues a Mission Order, effectively approving for the inspection to proceed, and the inspection takes place. According to private sector companies, not all imported shipments are checked – though larger quantities of imports seem to be checked more consistently than smaller quantities. According to government, the procedures for inspection take place for every shipment, regardless of size. Companies are to pay for the inspector's transportation and lunch, though this practice is not required in the law. No official fee was reported.

The inspection consists of: taking a sample and conducting content verification of macronutrients (N-P-K) only at NAL. Most respondents indicate that they do not receive inspection or testing results.

Once the inspection takes place and is approved by the MAFF inspector, the fertilizer is legally allowed to be distributed. There are no circumstances in place allowing for a company to distribute their products legally prior to MAFF inspection. In other words, there is no risk management or trusted trader programs in place for reliable distributors or importers. The company does not need to wait for the results of inspection before distribution. If MAFF finds a problem with the fertilizer as a result of lab tests, then they will issue a recall of the fertilizer.

As of August 2014, there is no option for a company to submit the notice to MAFF in advance of import, though a regulation to permit this is said to be in draft form. Doing so would reduce the time that the fertilizer product must sit in the warehouse awaiting inspection by MAFF.

### 3. Trade Facilitation Index

**Please respond** to the following survey questions on the extent to which the legal framework facilitates the international trade of fertilizer. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import fertilizer be submitted in advance of the consignment's arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Customs declaration and supporting documents can be submitted in person in the morning on the day of consignment's arrival.
2. Can the documents required to import fertilizer be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input type="checkbox"/> Some documents <input checked="" type="checkbox"/> No documents	ASYCUDA is computerized but the customs declaration form must be printed and hand delivered.
3. Do Customs and other agencies utilize a risk management system to screen shipment of fertilizer for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Customs classifies goods according to color categories which indicate risk levels. Fertilizer is considered prohibited and classified as the color red, meaning that it must be inspected. All fertilizer is treated the same.
a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	No formalized process for this.
5. Are all required physical inspections of shipments of fertilizer (by Customs and any other relevant agencies) carried out at the same place and time?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Coordinated between Customs and CamControl at the border. Inspections at warehouse are required prior to clearance, involving other agencies.
6. Are consignments of imported fertilizer allowed to enter the country (and remain in storage) while samples undergo laboratory analysis?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	No sampling or testing at the border and infrequent sampling at company warehouses.

### C. License and Document Preparation for Export of Chemical Fertilizer (NOT APPLICABLE)

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, and other government ministries. List each necessary document separately, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer's declaration, packing list, road manifesto, commercial invoice, export permit, customs export declaration, inspection results, terminal handling receipts, or bill of lading.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (VND) <i>Doc. fees</i>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
<b>Total time and cost for document preparation</b>			<b>days</b>	<b>VND</b>
• Which documents can be obtained simultaneously?				
Comments:				

### D. Registering a New Fertilizer Product

Please describe the full sequence of procedures necessary for the company described in the case study to register a new fertilizer product and receive approval to begin marketing the product. If registration of new fertilizer products is NOT legally required, skip this section. This may include application, content verification, environmental report, technical review, field testing, approval by national committee, and listing of the fertilizer product. Please include references to applicable laws and regulations and any necessary explanatory details or additional assumptions required. Add boxes for additional procedures as needed.

Check here if registration of new fertilizer products is NOT legally required:

Application		
<b>Time</b> 7 days	<b>Cost</b> 1 USD	<b>Agency</b> Department of Agricultural Legislation (DAL), MAFF
<b>Details</b>		
According to Article 52 of the Law on Management of Pesticides and Fertilizers (2008) products must be registered with MAFF before they are legally allowed to enter the market. Article 54 offers a list of standard requirements for the registration of fertilizers. In practice, the company should go visit DAL in person to get up-to-date information about the application process. DAL provides the company with a registration form and a copy of the fertilizer registration process in the document titled, "Procedure and standard requirement for fertilizer registration". The following supporting documents along with the application form are to be provided in hard copy and on CD to DAL by the applicant:		

- MOC company registration document (copy);
- Documents from the manufacturer in country of origin , includes the following:
  - Authorization letter from manufacturer” for the applicant to import and/or distribute the fertilizer;
  - Specifications of the fertilizer and a manual specifying what crops the fertilizer can be used for;
  - Quarantee of analysis of nutrient elements and the analytical methodologies used, including
  - “Certificate of Analysis”
  - “Certificate of Origin”
- Data on bio-efficacy issued by the country of origin and the report of bio-efficacy test in an experimental field;
- “Product Registration Certificate from competent authority in exporting country”
- Example/details of package and label in Khmer and leaflet;
- The company can get information from a DAL official directly. General information is mentioned in Article 57 (Label requirements) and 58 (Packaging requirements) of the Law on The Management of Pesticides and Fertilizers);
- Sample of fertilizer

The application and supporting documents are submitted along with a sample of the product to DAL and are reviewed for accuracy and completeness. According to the “Procedure and standard requirement for fertilizer registration”, this review is to take 7 days. If information is complete, testing and analysis of the fertilizer sample will begin.

### Confirmatory Analysis

**Time** 45 days

**Cost** 135 USD

**Agency**

#### Details

According to Article 55 of the 2008 Law, all types of fertilizer that apply for registration are analyzed to verify the guaranteed analysis of nutrients or other composition at the National Agricultural Laboratory (NAL) or other laboratories officially recognized by MAFF. No other accredited laboratory was mentioned by private sector respondents. Government sources confirmed that there are no procedures in place for a private lab to apply for accreditation or regulations for accrediting a lab should one apply.

Procedures for testing chemical fertilizer:

#### A) ‘Confirmatory Analysis’

- A letter from MAFF is issued to the Director of GDA that says that the Ministry is informing the Director of GDA about a “Registration Application on the Efficacy of Fertilizer”. They provide:
  - Company name
  - Trade name of product and logo
  - Total of items to be tested, i.e. 2
  - Weight of sample (1/2 k/item)
  - Tells the lab what to test: “for analysis of NPK”
  - Other information, if needed.
- Next GDA prepares a new document if they approve for the testing of NPK, and then sends it to NAL. NAL is the only recognized lab to conduct confirmatory analysis in Cambodia.
- NAL gets sample and documents (2) above from DAL, which officially gives them permission to do the sample testing.
- NAL tests elements against the specification in application (takes one week if they have < or = 10 samples). The company can get the results of this test if they call or come in to request them.
- Issue results of experiments in a document called “Fertilizer Test Report”. This document goes from NAL to GDA. Then GDA sends all (3) documents to the Director of DAL.

- At same time as the NAL analysis, DAL conducts lab tests of trace elements.
- These tests take about 3 weeks.
- According to the “Procedure and standard requirement for fertilizer registration”, this analysis is to take 30-45 days.

#### B) ‘Bio-efficacy test’

Field testing is required by the Law on the Management of Fertilizer and Pesticide if the applicant does not have enough data for registration assessment (Article 56). According to all respondents, no field tests carried out by MAFF in practice. Procedures for bio-efficacy testing for fertilizer were not available from relevant government offices interviewed, if procedures exist. The law allows for third parties to conduct fertilizer bio-efficacy tests under Article 56 if they are recognized by MAFF. No specialists are currently accredited or permitted and there are no regulations in place for accrediting a third party should one be able to apply. According to the “Procedure and standard requirement for fertilizer registration”, confirmatory analysis is to take 3-6 months.

#### Environmental Report – N/A

Time	days	Cost	Agency
<b>Details</b>			

#### Review and Issuance of Registration Certificate

Time	30 days	Cost	38 USD	Agency	DAL/MAFF
<b>Details</b>					

Once results from the NAL and DAL laboratories are available, a specialist of fertilizers at DAL reviews the results. According to the “Procedure and standard requirement for fertilizer registration”, 30 days are allowable for review. DAL prepares a Report of Evaluation and gives it to Minister of MAFF for approval. According to the “Procedure and standard requirement for fertilizer registration”, the decision is due within 15 days of receipt of Report of Evaluation. If approved by the Minister, the chemical fertilizer registration certificate is prepared by DAL. The certificate is then reviewed by the Deputy Director of DAL, the Director of DAL, and other high level officers of DAL. If approved, then the certificate goes to the Secretary General of MAFF or his designee for final approval. Once approved, the company gets the “Fertilizer Registration Certificate”. The certificate is issued in accordance with the provisions of the Law on Management of Pesticide and Fertilizer, and is valid for 3 years.

Contents of Fertilizer Registration Certificate:

- Registrant name
- Address of Registrant
- Registration number
- Type of registration
- Type of fertilizer
- Trade name
- Trade mark
- Primary nutrients
- Physical properties
- Chemical properties
- For use on (type of crop)
- Manufactured/Formulated/Repackage Company/Country

Fertilizers are given provisional registration or full registration. Provisional registration of a fertilizer can transfer to a full registration within 1 year. Provisional registration does not permit the registrant to

operate in the trade of fertilizer (Article 59). Full registration of fertilizer is valid for 3 years. All respondents said they held full registration.

The Fertilizer Registration Certificate can be used by other companies if are authorized by the registrant. With the registration-holders permission, a company can use the registration certificate to import as long as they also have the import license, warehouse license and distributor license. The company is able to import cargo directly from manufacturer listed in the Fertilizer Registration Certificate and pay a commission to Fertilizer Registration Certificate holder.

**Listing in National Catalog or Gazette (only if required to market new fertilizer product) – N/A**

Time	days	Cost	Agency
<b>Details</b>			

**Please respond** to the following questions on new fertilizer product registration. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Is there an official catalogue listing all registered fertilizers?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	In print at MAFF. Difficult if not impossible to access.
2. Does the authority in charge of fertilizer registration accept testing data from the manufacturer?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
3. Does the authority in charge of fertilizer registration follow international standards to test and review fertilizer?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Reported that companies never get report of lab tests from NAL or DAL after confirmatory analysis is complete.
4. Do current regulations allow for a faster or facilitated registration process for fertilizer products that have already been registered or field-tested in another country?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. If YES, with which country(s) and what is the facilitated process?		
5. Is your country party to a regional agreement with respect to common procedures for fertilizer registration? If YES, please answer the questions below.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. Please list the other countries party to the regional agreement.		
b. Are common procedures effectively implemented in practice?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
c. Are new fertilizer products registered in your country automatically accepted in other countries party to the agreement, and vice versa?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

## LMI SUMMARY SURVEY – PESTICIDE

### Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

<b>Pesticide Supplier</b>	<ul style="list-style-type: none"> <li>• <b>Engages in the import, export, storage, and sale of pesticide.</b> Does not manufacture or repackage pesticide.</li> <li>• Registers a new pesticide product that has not previously been registered in the country.</li> <li>• Operates in Phnom Penh.</li> <li>• Domestic, non-state-owned enterprise.</li> </ul>	
<b>Import Product – Pesticide</b>	<ul style="list-style-type: none"> <li>• Pesticide imported in a standard 40-ft container, packaged in 20-liter containers, with 500 such containers per 40-ft container, valued at US\$30,000.<sup>3</sup></li> <li>• The shipment is imported from Cambodia’s <b>largest trading partner globally</b> through the main point of entry for pesticide imports. The point of entry may be a seaport or an inland border post.</li> </ul>	
	<b>Most commonly used point of entry in Cambodia for import of pesticide:</b>	Phnom Penh Port
<b>Export Product – Pesticide</b>	<ul style="list-style-type: none"> <li>• Pesticide exported in a standard 40-ft container, packaged in 20-litre containers, with 500 such containers per 40-ft container, valued at US\$30,000.</li> <li>• The shipment is exported to Cambodia’s <b>largest trading partner in the Lower Mekong region</b> through the main point of exit for pesticide exports. The point of exit may be a seaport or an inland border post.</li> </ul>	
	<b>Most commonly used point of exit in Cambodia for export of pesticide:</b>	No exports

**Procedure:** Any interaction of the **pesticide** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **pesticide** supplier are not counted as procedures. All procedures that are legally or in practice required for the **pesticide** supplier to operate within its respective normal business functions are counted.

**Time:** Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

**Costs:** All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **pesticide** supplier is required to use such services by law.

**Agency:** Indicate name of agency.

<sup>3</sup> Note that respondents often do not ship as outlined in standard inquiry. For example, Sianmyang brings in 20 foot containers of mixed products, including liquid and dry pesticides from China. Depending on the product, the packaging can be ½ to 200 liters.

## A. Licenses and Permissions for Pesticide Supplier

**Please describe** every procedure required for the pesticide supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as a pesticide importer or exporter. For example, this may include **licenses to import pesticide, re-export or transit licenses, export licenses, storage licenses, general trade licenses, health and safety licenses, and environmental impact assessments or licenses**. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

**Please include** references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure I Warehouse Registration		
<b>Time</b> 35 days	<b>Cost</b> 20 USD	<b>Agency</b> DAL, MAFF
<b>Details</b>		
<p>In the past, to engage in agricultural businesses regulated by MAFF the company was required by Sub-decree No. 69 to first obtain business registration with MAFF. This applied to seed, fertilizer and pesticide traders. The newer Law on Management of Pesticides and Fertilizers from 2008 (“2008 Law”) does not require registration with MAFF, but does require new registration and licensing procedures in its place. These include obtaining a warehouse license and distribution license prior to importing fertilizer or pesticide.</p> <p>The Warehouse Registration Certificate is required prior to application for a License to import chemical fertilizer. Warehouse registration is described in the Law on Management of Fertilizer and Pesticide’s Article 68. It states that the warehouse license is required for any person or legal entity that stores fertilizers for distribution in Cambodia. In practice, the government is requiring the warehouse license prior to import. A regulation has been issued (but is not available in English) that describes what is needed to apply for the warehouse license. After documents are reviewed and approved, MAFF issues permission via a Mission Order for warehouse inspection to proceed, issued by MAFF.</p> <p>Warehouse inspection process:</p> <ul style="list-style-type: none"> <li>• DAL/judicial police inspect the warehouse location and facilities:</li> <li>• From application to inspection takes about 2 weeks. The inspector spends one day on-site to checking technical matters of the facilities to ensure fertilizer quality can be ensured, and conducts an impact assessment to ensure that the warehouse location is not close to any schools, waterways, residential areas, etc.</li> <li>• DAL then issues document to get approval to commune chief and village chief.</li> <li>• The commune authority must also approve of warehouse:</li> <li>• The commune authority checks warehouse ownership information, among other checks, to decide if they approve the warehouse for fertilizer.</li> <li>• Typically, approval from the commune authority takes about 1 week after DAL inspection has concluded.</li> <li>• The applicant gets a document indicating approval from the commune chief and brings it to DAL.</li> </ul> <p>There is no official cost for warehouse inspection. DAL then issues a report to Department Director for review. Once approved, DAL issues the Warehouse Registration Certificate. The registration is valid for 1 year. Unofficial costs were reported as \$1500.</p>		

The company can register a new warehouse or provide information about the use of an existing warehouse that is already registered.

### Procedure 2 Pesticide Product Registration

<b>Time</b>	223 days - <i>Simultaneous with Warehouse Registration</i>	<b>Cost</b>	198 USD	<b>Agency</b>	Department of Agricultural Legislation (DAL) as coordinating agency
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#### Details

Pesticide registration and import is subject to the Law on the Management of Pesticides and Fertilizers from 2008 (“2008 Law”), and regulations issued under it. Before anyone can import a pesticide into Cambodia legally, they must first receive a “product registration certificate”. The process of receiving a product registration certificate has three main steps, described below. These are:

- Application;
- Content Verification; and
- Field testing.

The full product registration certificate is valid for three years once given, and is reportedly easier to renew than to get initially, as field testing is not required on renewal. The law (In Article 15 and 17) retains a distinction from earlier Sub-Decree 69 about “provisional, conditional and full” registration procedures, but all respondents only had full registrations, and it seems this staged procedure may have gone out of use.

Respondents did not note any difference in formal procedure between registering a wholly new pesticide to the Cambodian market, from simply registering any pesticide. The time and expense amounts given are for one single product. As applicants often apply to register multiple products simultaneously, there may be some bulk discount pricing. The DAL has a “one window service” and coordinates the various MAFF approvals and testing needed. Some private sector respondents noted that they still had to work actively within MAFF to make sure their files made progress. Please reference “Application” in Section D for full details on application requirements, testing requirements, approval and review processes in Cambodia.

The process is complex and opaque enough that the private sector consensus was that it could only be completed effectively with people on the inside of MAFF, especially DAL, helping to move along the paperwork. Following review of all the test results, Minister or his Secretary General must issue an “Agreement in Principle” to authorize the DAL to issue the Pesticide Registration Certificate.

The product registration process for importers seeking to distribute differs somewhat from importers who are only importing for their own use. The latter also need to submit business plans, including their expected consumption and uses. Financial information is not required as part of these plans.

Total costs are reported to be between \$200 and \$700 per active ingredient, including field testing.

### Procedure 3 Import License

<b>Time</b>	45 days	<b>Cost</b>	50 USD	<b>Agency</b>	MAFF
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#### Details

After a pesticide product is registered, it is not possible to import any product until an Import License has been issued. This license is valid for one year, and includes a set amount of pesticide that the importer may bring into the country during the next 12 months. Because this license sets a fixed quota for each importer for each product registered, respondents often referred to this as the “quota”. It is

to be distinguished from the import/export permit, required under Article 29 of the 2008 Law, which is a per shipment permit requirement.

The legal basis of the quota system is not clear from the face of the 2008 Law, where it is not explicitly required. As it was not possible to find English translations of the regulations issued under the 2008 Law, it may be that the quota system is more defined there, perhaps as a sub-set of the general requirement under Article 27 that no one can trade in pesticides without a permit, or under Article 29 governing import/export permits. It is, however, possible that the quota system is based in administrative practice, rather than written regulation. Be that as it may, it is very well established practice and forms a basic part of how imports are regulated. No import permits are given unless there is adequate quota to support them. If the quota is not used in the 12 months, any balance will be forfeited. If additional quota is needed, it must be applied for and approved.

According to government sources, the prices for import quotas are based on the joint MAFF/Ministry of Economy and Finance Prakas #1014 from December 28, 2012. This is not available in English online. Reportedly, MAFF has a table of prices per ton on the wall of their office, though we were not able to see it during the fieldwork period. Reportedly, the following fees apply:

- Below 50 tons: 50,000 Riel = \$12.50
- 100-5000 tons: 100,000 Riel = \$25
- 5001-10,000: 200,000 Riel = \$50 (Typical size used for official cost for this section)
- 10,001-20,000 tons: 400,000 Riel = \$100
- 20,001-50,000: 600,000 Riel = \$150
- 50,001-100,000: 1,000,000 Riel = \$250
- Over 100,000: 1,000,000 Riel plus charge per quantity indicated for smaller quantities.

Applicants apply for the quota they think they can use, based on their predictions. This is typically given to them in full for pesticides. Respondents did not have the impression that quotas were being used to allocate market share for pesticides, although some suspected this might be done with fertilizer quotas. See Fertilizer Summary.

Article 30 provides for a special process to license import of pesticides for one's own public or private end use. This appears to be mostly a large plantation exception, and creates an exemption to allow import of very toxic pesticides for a specific crop use.

Unofficial cost reportedly \$3000.

#### Procedure 4 Distribution License

<b>Time</b>	30 days – <i>Simultaneous with Import License</i>	<b>Cost</b>	300 USD	<b>Agency</b>	MAFF
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#### Details

Under Article 33 of the 2008 Law, no one can distribute pesticides to their own branches of wholesalers or retailers without a distribution permit. This is reportedly a one year long license, which is now required to be able to distribute any goods from the warehouse after goods have been imported. Respondents said that it was required to apply for it at the same time as the import quota. MAFF requires companies to provide their customer list, and other customer information to receive this permit. This procedure is governed by MAFF Prakas 119 from April 11, 2013. The Distribution License is valid for 3 years. The distribution license and warehouse license are not checked at the border for import or export of fertilizer.

Unofficial fee for this license is reportedly \$2000.

<b>Total Number of Procedures:</b> 4	
<b>Total Time:</b> 268 days	<b>Cost:</b> 568 USD

## B. Import of Pesticide

Please provide details on the procedures, time, cost, and documentation for the import of pesticide as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the “Comments” sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

### 1. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, environmental agencies, and other government ministries. List each necessary document separately, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer’s declaration, packing list, road manifesto, commercial invoice, import permit or customs import declaration, inspection results, terminal handling receipts, or bill of lading.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. Fees</i>
1. Notice to MAFF of Pending Shipment	Importer	MAFF	7	0
2. Customs Permit	GD of Customs and Excise	Customs at the Border	2	40
3. Customs Declaration	GD of Customs and Excise	GD of Customs and Excise	1 hour	4
4. VAT documents	Ministry of Commerce	MAFF	1 hour	0
5. Business Registration Certificate	Ministry of Commerce	MAFF	1 hour	0
6. Bill of Lading	Supplier	Shipping Company	3	40
7. Invoice	Supplier	Customs	1 hour	0
8. Packing List	Supplier	Customs	1 hour	0
9. Quality Assurance Certificate from Factory	Southern Plant Protection Chemical Testing Center	Customs	1	57
10. Terminal Handling Receipts	Importer	Shipping Company	1 hour	130
<b>Total time and cost for document preparation</b>			<b>7 days</b>	<b>214 USD</b>
<ul style="list-style-type: none"> <li>Which documents can be obtained simultaneously? Invoice, Packing list, Bill of Lading, Quality Assurance Certificate. VAT and copy of Business Registration Certificate can be done simultaneously as part of business registration with MOC. MAFF notification is done 7 days in</li> </ul>				

advance of shipment arrival. All other documents can be prepared between MAFF notification and shipment arrival.

Comments:

A permit is required to import under Article 29 of the 2008 Law, which also requires the importer to inform MAFF to do the “cut stock” inspection either during import or before distribution any imported product.

Import permission from GDCE is required for every shipment. There are 2 different procedures for obtaining the permit which depend on the number of border crossings a trader imports seed from.

3. **SINGLE LOCATION OF IMPORT:** If an importer wants to import shipments through a single border crossing, GDCE issues the import permit for the border crossing requested. The company must bring the original Trade License to the customs office at that specific location. Therefore, imports are limited to that location. Companies typically obtain permission from Customs at the border within an hour and can receive their shipment on the same day. Customs track each shipment by logging the shipment information on a document attached to the original license.
4. **MULTIPLE LOCATIONS OF IMPORT:** This type of permit is more common. If an importer wants to import shipments through multiple border crossings, they need a permit for multiple locations from GDCE. GDCE in Phnom Penh keeps the original copy of the trade license. For each shipment, the company must go in person to Phnom Penh’s Customs office to apply for permission. Supporting documents to provide with permission request are: customs declaration, commercial invoice, packing list, and bill of lading. After document review, GDCE issues permission to import in the form of a document called “Customs Permit”. The company then takes the permit to the location of import to receive the shipment along with the original license (they later return the original license to Customs in Phnom Penh). Getting the permit in advance of shipment arrival is required as it takes 2-3 days between application and receipt of the Customs Permit. The validity of the permit is 1 month, and the official cost is zero. Unofficial cost is \$160.

Customs tracks the quantity of imports per shipment according to the quantity (“quota”) permitted in the Trade License. The company can import until it has reached its quantity limit for the 12 month period of the Trade License. At that time, the company must apply for a new Trade License. Customs sends periodic reports to MAFF telling them quantities imported against total quota. This tracking system is commonly referred to as ‘cut-stock’. MAFF border inspection agents were drastically curtailed several years ago, and now are only present at two airports and two land crossings. This in practice seems to mean that MAFF inspection of every pesticide shipment now takes place at the warehouse. 100% of shipments are sampled during the cut-stock warehouse inspection. The fees for this testing are specified in the fees prakas. Though the cut stock inspection technically happens after the border is crossed, the importer is prohibited from further distribution until this inspection is completed. Because of this, this study includes the later warehouse inspection as part of the import process.

## 2. Customs clearance

**Please describe** the typical customs clearance procedures, including any relevant cargo inspections. For inspections, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the Comments box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of pesticide to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver pesticide to temporary storage)	2 days	Port Customs
2. Lodgment of customs declaration and customs documentary control		Port Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		
a. Customs tax/duty valuation inspection	2 hours	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	1 hour (plus 7 days for post-clearance inspection)	Customs and CamControl; MAFF and Judicial Police
c. Health and safety/environmental inspections	-	
d. Security inspections and pre-shipment inspection	-	
e. Other inspections, please specify:	-	
4. Payment of duties/taxes	1 hour	Customs
5. Release of shipment of pesticide and removal from the seaport or land border post premises	2 hours	Customs
6. <b>Average TOTAL</b> time for customs clearance (from arrival of shipment of pesticide to cargo release)	11 days	
7. <b>Minimum and maximum TOTAL</b> time for customs clearance (from arrival of shipment of pesticide to cargo release)	3, 11 days	
8. Which activities above are carried out simultaneously?	Arrival of shipment and customs documentary control can take place simultaneously.	
Comments:		
Import Cost (USD)		
1. Administrative charges for customs clearance	142	
2. Customs brokers charges	120	
3. Inspection fees		
4. Other, please specify:		
5. TOTAL cost for all the above	262	
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of pesticide?	Yes; \$500	
Comments: Activity N.5 could be long as it is needed to go through CamControl and Immigration police.		

## 5. Trade Facilitation Index

**Please respond** to the following survey questions on the extent to which the legal framework facilitates the international trade of pesticide. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import pesticide be submitted in advance of the consignment's arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	
2. Can the documents required to import pesticide be	<input type="checkbox"/> All documents	

submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> Some documents <input checked="" type="checkbox"/> No documents	
3. Do Customs and other agencies utilize a risk management system to screen shipments of pesticide for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Risk criteria is assessed by color of red, yellow, blue and green where green is the best and red is the worse (criteria is determined eg. source of goods, items of import, history of traders)
a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. Are all required physical inspections of shipments of pesticide (by Customs and any other relevant agencies) carried out at the same place and time?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Coordinated between Customs and CamControl at the border. Inspections at warehouse are required prior to clearance, involving other agencies.
6. Are consignments of imported pesticide allowed to enter the country (and remain in storage) while samples undergo laboratory analysis or inspections are undertaken?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	No sampling or testing at the border and infrequent sampling at company warehouses.

### C. License and Document Preparation for Export of Pesticide (NOT APPLICABLE)

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, environmental agencies, and other government ministries. List each necessary document separately, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer's declaration, packing list, road manifesto, commercial invoice, export permit, customs export declaration, inspection results, terminal handling receipts, or bill of lading.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1.				
2.				
3.				
4.				

5.				
6.				
7.				
8.				
<b>Total time and cost for document preparation</b>			<b>days</b>	<b>USD</b>
• Which documents can be obtained simultaneously?				
Comments:				

#### D. Registering a New Pesticide Product

**Please describe** the full sequence of procedures necessary for the company described in the case study to register a new pesticide product and receive approval to begin marketing the product. If registration of new pesticide products is NOT legally required, skip this section. This may include application, content verification, environmental report, technical review, field testing, approval by national committee, and listing of the pesticide product. **Please include** references to applicable laws and regulations and any necessary explanatory details or additional assumptions required. Add boxes for additional procedures as needed.

**Check here** if registration of new pesticide products is NOT legally required:

Application			
<b>Time</b>	14 days	<b>Cost</b>	0
<b>Agency</b>	DAL, MAFF		
<b>Details</b>			
Respondents did not note any difference in formal procedure between registering a wholly new pesticide to the Cambodian market, from simply registering any pesticide.			
Pesticide registration and import is subject to the Law on the Management of Pesticides and Fertilizers from 2008 (“2008 Law”), and regulations issued under it. Before anyone can import a pesticide into Cambodia legally, they must first receive a “product registration certificate”. The process of receiving a product registration certificate has three main steps, described below. These are application, content verification, and field testing.			
The law requires applicants seeking to register a pesticide to submit an application package to DAL complying with “standard requirements”, including a variety of information about the company and the pesticide proposed for registration. The package usually takes a few days to prepare (minimum 2 days), and must include:			
<ol style="list-style-type: none"> <li>1. A sample of the pesticide to be tested, sufficient for both lab and field testing;</li> <li>2. A letter of analysis from the manufacturer including ingredients (often called Certificate of Analysis);</li> <li>3. A letter of product registration from the competent authority in the exporting company, certifying the manufacturer;</li> <li>4. An authorization from the manufacturer to import called an “Appointment Letter”;</li> <li>5. The proposed actual label in Khmer;</li> <li>6. A manual specifying what crops the fertilizer can be used for, and how to use it;</li> <li>7. A Material Safety Data Sheet from the manufacturer in international form;</li> <li>8. Other data about the pesticide residue, toxicity, and safety for humans, animals and the environment. (Article 10 and 11). In practice both hard copy and CD’s may be required to be submitted;</li> <li>9. It is possible that applicants must also submit a copy of their MOC certificate of incorporation,</li> </ol>			

certified by City Hall (which costs \$5 and takes two days);  
10. Certificate of Origin was also reported as necessary from exporting country.

This application package will then be initially reviewed by completeness by DAL. Review typically takes 12 days. After this is complete, DAL, which provides a “single window” service to coordinate various MAFF departments involved in the process, will forward the samples on to the General Department of Agriculture (GDA).

#### Content Verification and Review

<b>Time</b> 45 days	<b>Cost</b> 160 USD	<b>Agency</b> National Agricultural Laboratory (NAL)
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#### Details

Content verification can take 15-60 days, typically around 30 days. Cost: Per sample cost with 2 active ingredients estimated to be \$160. Additional unofficial payment of \$250 per sample.

At this stage MAFF’s National Agricultural Laboratory (NAL) conducts lab tests to verify the contents of the sample supplied, reviewing it against the manufacturer’s information on the composition of the pesticide and other technical information provided in the application. This includes checking that the percent of the active ingredient stated is correct, and testing performance and absorbance.

The official charge depends on machine used for testing, with fees ranging from \$60 - \$108 per active ingredient, and most pesticides having 1-3 active ingredients. Required minimum amount of time required by NAL to do testing alone is one week.

Test results are typically not provided to applicants, and applicants do not have access to the NAL test methodology. Because of this, some respondents were uncertain of the length of time required for lab tests as opposed to field tests. The lab tests themselves only take a couple of weeks to conduct. While some private sector respondents were confident that tests were in fact conducted, others questioned whether lab or field tests were conducted at all. It is possible that official test costs are not sufficient to cover the actual costs of testing. Respondents also noted that although NAL facilities might not be sufficient to test all products presented to them, lab results from other countries are not accepted, at least formally.

Article 13 of the 2008 Law requires laboratory testing of each active ingredient of pesticides at NAL or another laboratory accredited under Article 87 of the 2008 Law. There are no regulations to establish a process for accrediting private laboratories, and none have been approved.

#### Environmental Report - N/A

<b>Time</b> days	<b>Cost</b>	<b>Agency</b>
<b>Details</b> There is no environmental report. In the past Ministry of Environment was more involved, must not any longer.		

#### Field Testing

<b>Time</b> 150 days	<b>Cost</b> 0 (Unknown)	<b>Agency</b> MAFF
<b>Number of Seasons</b> 1	<b>Number of Testing Locations</b> 1-2	

#### Details

Article 14 of the 2008 Law requires field testing for bio-efficacy of pesticides. Article 18 required that field data also be collected about toxicity and residue limits.

Article 14 requires field testing at a MAFF agricultural experiment station or by a researcher accredited under Article 87 of the 2008 Law. There are no regulations to establish a process for accrediting private research and none have been approved. MAFF has two field testing locations, one in Kandal Province and one in Kampong Cham Province. These are the State monopoly field test points.

As a general rule, only one crop cycle is required in one or two locations, and fast growing crops will be used. Takes 3 to 6 months for field testing alone. Time also depends on the crops for which registration is sought.

The product registration process for importers seeking to distribute differs somewhat from importers who are only importing for their own use. The latter also need to submit business plans, including their expected consumption and uses. Financial information is not required as part of these plans.

As applicants often apply to register multiple products simultaneously, there may be some bulk discount pricing. The DAL has a “one window service” and coordinates the various MAFF approvals and testing needed. Some private sector respondents noted that they still had to work actively within MAFF to make sure their files made progress.

#### Review and Issue Registration Certificate

<b>Time</b>	14 days	<b>Cost</b>	38 USD	<b>Agency</b>
<b>Details</b>				
There is no approval required by national committee. Once the application, content verification, and field testing results are complete and approved, the applicant is issued a product registration certificate. The full product registration certificate is valid for three years, and is reportedly easier to renew than to get initially, as field testing is not required on renewal. The law (In Article 15 and 17) retains a distinction from earlier Sub-Decree 69 about “provisional, conditional and full” registration procedures, but all respondents only had full registrations, and it seems this staged procedure may have gone out of use.				

#### Listing in National Catalog or Gazette (only if required to market new pesticide product) – N/A

<b>Time</b>	days	<b>Cost</b>		<b>Agency</b>
<b>Details</b> No law requiring listing a pesticide in the national catalogue.				

**Please respond** to the following questions on new pesticide product registration. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Is there an official catalogue listing all registered pesticides?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	MAFF issued a list of permitted and banned pesticides on December 15 2003 in Prakas No. 598. See <a href="http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/cambodia/Chemicals.pdf">http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/cambodia/Chemicals.pdf</a> pages 44- 49. The lists of who has received permission to import or export what pesticides and the amount are kept strictly confidential.
2. Does the authority in charge of pesticide registration accept testing data from the	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Testing data from the manufacturer is used and reviewed by the NAL when conducting lab tests, but is not accepted.

manufacturer?		
3. Does the authority in charge of pesticide registration follow international standards to test and review pesticide?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	It is unclear what standards are used to test and review pesticides. The GDA has received substantial support from JICA to build its lab capacity, but no respondents were aware of what formal testing procedures were followed and these were not provided.
4. Do current regulations allow for a faster or facilitated registration process for pesticide products that have already been registered or field-tested in another country?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	While some respondents expect that ASEAN agreements will soon govern pesticide registration requirements, the basis for this belief is not clear.
a. If YES, with which country(s) and what is the facilitated process?		
5. Is your country party to a regional agreement with respect to common procedures for pesticide registration? If YES, please answer the questions below.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. Please list the other countries party to the regional agreement.		
b. Are common procedures effectively implemented in practice?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
c. Are new pesticide products registered in your country automatically accepted in other countries party to the agreement, and vice versa?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

## LMI SUMMARY SURVEY – FISH FRY

### Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

Fish Fry Supplier	<ul style="list-style-type: none"> <li>Engages in the import, export, storage, and sale of the most widely traded species of fish fry in the country.</li> <li>Operates in Phnom Penh.</li> <li>Domestic, non-state-owned enterprise.</li> </ul>	
	<b>Most widely traded species of fish fry (i.e. pangasius, tilapia, grouper):</b>	Clarias, Pangasius , Grouper, Sea Bass
Import Product – Fish Fry	<ul style="list-style-type: none"> <li>Fish fry of 3 cm imported in a standard container, 20,000 pieces sealed in plastic bags with chilled water and oxygen (500 pieces per bag), packed into boxes, 40 boxes per container at a total weight of 460kg, and valued at US\$2,000.</li> <li>The shipment is imported from <b>Cambodia’s largest trading partner globally for fish fry</b> through the main point of entry for fish fry. The point of entry may be an airport, seaport, or an inland or river border post.</li> </ul>	
	<b>Most commonly used point of entry in Cambodia for import of fish fry:</b>	Land borders with Vietnam
Export Product – Fish Fry	<ul style="list-style-type: none"> <li>Fish fry of 3 cm exported in a standard container, 20,000 pieces sealed in plastic bags with chilled water and oxygen (500 pieces per bag), packed into boxes, 40 boxes per container at a total weight of 460kg, and valued at US\$2,000.</li> <li>The shipment is exported to <b>Cambodia’s largest trading partner in the Lower Mekong region</b> through the main point of exit for fish fry. The point of exit may be an airport, seaport, or an inland or river border post.</li> </ul>	
	<b>Most commonly used point of exit in Cambodia for export of fish fry:</b>	No exports

**Procedure:** Any interaction of the **fish fry** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **fish fry** supplier are not counted as procedures. All procedures that are legally or in practice required for the **fish fry** supplier to operate within its respective normal business functions are counted.

**Time:** Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

**Costs:** All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **fish fry** supplier is required to use such services by law.

**Agency:** Indicate name of agency.

## A. Licenses and Permissions for Fish Fry Supplier

**Please describe** every procedure required for the fish fry supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as an importer or exporter of fish fry. For example, this may include **licenses to import fish fry, procedures to qualify to import fish fry, licenses to export fish fry, fish seed supplier certificates, general trade licenses, and health and safety licenses**. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

**Please include** references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

<b>Procedure 1 Permit for Aquaculture Operation</b>			
<b>Time</b>	30 days	<b>Cost</b>	0
<b>Agency</b>	Department of Aquaculture Development, Fisheries Administration (FiA )		
<b>Details</b>			
<p>The Cambodian Fisheries Law deals with aquaculture as an afterthought, and provides little guidance on its regulation. There is only one short chapter dealing with Aquaculture Management (Chapter 10) and there is only one paragraph in this chapter (Article 58) that deals with importing fish for aquaculture. Although Article 58 provides that importing can only take place with permission of the head of the FiA and after quality control and analysis of a specimen by the FiA laboratory, practice may differ from this. Article 67 of the Fisheries Law governs commercial imports of fishery products in general, and requires a license by the head of the FiA for any commercial imports.</p> <p>No regulations have been issued under the Fisheries Law to govern imports for aquaculture, but an administrative practice has developed, described in more detail, below. As part of this practice, it appears that anyone wanting to import fry legally must first have permission from FiA to conduct aquaculture operations. This permission would presumably be given under Article 53 for inland operations, Article 54 for mariculture or Article 55 for ornamental fish. These articles provide for minimum sizes below which no permission is needed (for instance, for inland ponds smaller than 5000 square meters). We could not determine if importers using ponds smaller than this would be exempt from the practical requirement of getting an aquaculture operations permit.</p>			

<b>Procedure 2 Import License</b>			
<b>Time</b>	30 days	<b>Cost</b>	246 USD
<b>Agency</b>	FiA, MAFF		
<b>Details</b>			
<p>Although there are no implementing regulations governing the granting of import licenses of fish fry, MAFF and FiA have developed a practice that mirrors that of the more closely regulated pesticide and fertilizer import trade. It is a case by case, non-formalized process, in part because the market is seen as too small to be worth the bother to regulate in detail. The FiA is contemplating regulating the process, but has not yet done so. Under the current unwritten practice, quotas are given to selected firms, providing them a set tonnage of different species they can import or export for a one or two year period. This quota goes under the somewhat peculiar name of “Request for Authorization (Principle) for Transportation of Imported and Exported Fisheries Catches and Products”. The Fisheries Law regulates fish transportation strictly (Articles 64-67), and the quota’s focus on transportation, as opposed to actual import or export, seems in line with the fish transport emphasis of the law.</p> <p>In practice, this umbrella quota does not remove the requirement of getting a separate transport permit</p>			

for each individual shipment, described below. It is, instead, a general authorization to move defined quantities of particular species within the time frame allotted.

The administrative practice is that in order to get a quota, an applicant must submit an application for import/export to the FiA. This application include a variety of documents, including a business plan, company profile, investment guidelines, location of the aquaculture facility and various company filings with MOC and MEF, as well as identification and residence papers of the person filing the application. To find out how to apply correctly, the applicant must visit the FIA in person and receive oral instructions. It costs around \$250 per year, though the basis for calculation is unclear.

This application is filed with the FiA, and must first be reviewed and approved there, before being sent to a review committee at MAFF. Approval requires approximately 12 sign offs, including Ministerial approval, as shown through the signature of a Secretary General. There are no written standards provided for any of these approvals. Neither MAFF nor FiA would disclose how many quotas have been issued and to whom. This information appears not to circulate well even within FiA. Our impression is that there are only a few of them granted. The team was unable to meet with any quota holders. The quota holders reportedly then often sub-license their quotas to third parties who arrange actual imports (Unofficial fee for a 2 year sub-license is reportedly \$1000). Some survey respondents who presented themselves as quota holders, may in fact have been sub-licensees.

Although the Fisheries Law clearly gives FiA import licensing power under Articles 58 and 67, this power seems to have been re-claimed by MAFF as the FiA's supervising ministry. However, some smaller quotas or perhaps sub-licenses of quotas may be given by or approved by FiA, rather than going through the whole MAFF process. It was difficult to determine when quota grants would be subject to full MAFF approval, and when the power to give quotas is delegated to FiA.

<b>Total Number of Procedures: 2</b>	
<b>Time</b> 60 days	<b>Cost</b> 246 USD

## B. Import of Fish Fry

**Please provide details** on the procedures, time, cost, and documentation for the import of fish fry as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the "Comments" sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

### I. License and Document Preparation

**Please include all applicable documentation required for customs clearance** by customs authorities, border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as certificate of health, certificate of origin, traceability form, certificate of registration, certificate of conformity, packing list, air waybill, commercial invoice, import permit, customs import declaration, inspection results, or terminal handling receipts.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
I. Transportation Permit	FIA	Any supervising agency for review	3	25

		during transport, typically Customs		
2. Fish Pathology Quality Control Certificate	Source Country	Any supervising agency for review during transport, typically Customs	1 hour	0
3. Invoice	Exporter	Customs	1 hour	0
4. Truck Bill	Exporter	Transportation Company	1	35
5. Packing List	Supplier	Customs	1 hour	0
<b>Total time and cost for document preparation</b>			<b>4 days</b>	<b>60 USD</b>
<ul style="list-style-type: none"> <li>Which documents can be obtained simultaneously? Invoice, Packing list, Fish Pathology Quality Control Certificate (all from Exporter) are done simultaneously</li> </ul>				
<p>Comments:</p> <p>In addition to the more formalized quota and sub-license procedure, some enterprises that are registered with MOC and licensed by the FiA as an aquaculture enterprise may from time to time receive a transport license to import a set number of fry from the “white zone” at a fixed land border. The trade then takes place in the area between the two borders, typically the Vietnam/Cambodian border. These authorizations are only given when there is a shortage of fish fry from local hatcheries and are given directly by the FiA, not MAFF. However, given the rapid growth of aquaculture in Cambodia and the fact that State-owned hatcheries can only provide 13% of the market, while 55% of fish fry are imported, the shortages seem chronic. They appear chronic enough to permit some entrepreneurs to import fry frequently in a loosely regulated and lightly documented, quasi-legal proceeding. This authorization is describe in more detail in the Transport Permit section. It is highlighted here separately as it represents what is, in effect, separate, recurring license process. It was not possible to get a sense of how widespread these small importers are, but they could play an important role in overall market function.</p> <p>Transport Permit: The transport permit is a generic permit required for any fish transport. For imported fish, transportation permits are required for more than 10 KG of fish. While Article 67 (1) of the Fisheries Law authorizes commercial import of fisheries products only with a license issued by the head of the FiA, at least for fish fry, in practice, it seems that no separate, shipment level import permit is needed once a quota has been granted. Instead, the transport permit serves as the import permit. One respondent reported that each permit is limited to 70-100,000 fish fry/fingerlings.</p> <p>It appears that quota holders and their sub-licensees may be able to have transport authorized from a source outside of Cambodia directly to a hatchery in Cambodia. The less formal “white zone” traders seem to be given transport authorization only from the Cambodian side of the border.</p> <p>Transport permits are only available in the central FiA headquarters and in person. The standard transportation permit specifies the name, gender, age, address, occupation and nationality of the person doing the transport. Presumably, the applicant must provide sufficient supporting identification. The transportation certificate specifies the place where the fish were caught, their departure point, destination, means of transport, transport route, and departure time. Every shipment of imported fry must have its own transportation permit. Failure to have a transportation permit can lead to substantial delays and fish fry mortality. We were given conflicting reports about the time these permits are valid, ranging from 7 to 15 days. According to Article 65 of the Fisheries Law, a “premium” must be paid for each shipment transported based on joint MAFF/MEF regulation. The team was not able to find this regulation online in English on MAFF’s website.</p>				

Exporting Country Health Certificate: Article 67 of Fisheries Law requires that fishery product imports can only take place if the competent authority in the exporting country first provides a fish pathology quality control certificate, stating that the fry are not infected by disease. Responsible counterparts were not able to provide details about what exactly was required. This may be because in practice, this certificate is reportedly rarely if ever enforced for fry imports, hence it is noted as both legally required and not applicable in the summary column.

Customs declaration: this standard document for more exports or imports was not reportedly required for fry import.

## 2. Customs clearance

**Please describe** the typical customs clearance procedures, including any relevant cargo inspections or quarantine. For inspections or quarantine, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the “Comments” box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of fish fry to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver fish fry to temporary storage)	1 hour	Customs
2. Lodgment of customs declaration and customs documentary control	1 hour	Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		
a. Customs tax/duty valuation inspection	0	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	0	Visual/physical check performed at border by the authority present at the border (Customs, CamControl) Maybe FIA
c. Health and safety inspection	0	
d. Security inspections and pre-shipment inspection	0	
e. Other inspections, please specify:	0	
4. Payment of duties/taxes	0	
5. Release of shipment of fish fry and removal from the airport, seaport or land/river border post premises	1 hour	Customs
6. <b>Average TOTAL</b> time for customs clearance (from arrival of shipment of fish fry to cargo release)	1 hour	
7. <b>Minimum and maximum TOTAL</b> time for customs clearance (from arrival of shipment of fish fry to cargo release)	30 mins, 1 hour at land crossings	
8. Which activities above are carried out simultaneously?	There is no customs declaration required for fish fry imported at land borders. Arrival and customs documentary control is simultaneous with goods release.	

**Comments:**

FiA officials are not allowed at any border checking points. The FiA will sometimes send mobile teams near borders if there are many fish entering, but this seems to be the exception to the rule. If there is a near border inspection, FiA inspectors will only confirm the species, and take random samples to send to the FiA lab. There is no official charge for these inspections, though unofficial payments, especially to provincial FiA officers were noted by some respondents as common.

Fish fry is a low value business, typically operating at a small scale in Cambodia. Some respondents noted that the limited interest in inspecting fish fry by FiA officers, may be linked to the little opportunity fish fry offers for informal payments. Unlike other inputs studied, the small scale and highly perishable nature of the product also meant that importers typically do not hire shipping agents to get their shipments through, but instead manage the entire trade and transport themselves.

In practice, CamControl reportedly does not do any quality checks for fish fry and packages carrying fry often pass through unopened. There are no means at the border to check fish health on import and there are no border quarantines. No taxes or duties are charged on fish fry imports.

Respondents had very different opinions on the quality of fish fry being imported from Vietnam. Impressions ranged from consistently good quality from good hatcheries, to frequently poor quality “third grade” fry, that should only be sold for fish food.

It was not determined if the transport permit must be submitted to Customs as condition of their clearing fish fry. If fish fry follows the model used for the other quota inputs studied, Customs is meant to track the “cut stock” as part of clearance and inform MAFF/FiA.

<b>Import Cost (USD) (Exchange Rate: 1 USD = 4065 Riel)</b>	
1. Administrative charges for customs clearance	25
2. Customs brokers charges	0
3. Inspection fees	25
4. Other, please specify:	
5. <b>TOTAL</b> cost for all the above	50
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of fish fry?	Yes

**Comments:**

There seem to be fairly standard road costs assessed against those importing fish fry. These charges are not assessed against people transporting fry that has not been imported. The cost depends on the route and the number of provinces crossed. Payments will be made to the economic police, local police, provincial customs inspectors and perhaps provincial FiA officials. If there are more inspectors, the cost can increase by the cost of extra meals. These are costs after the border, but as they are standard and clearly come from border agents informing others to stop and check the importers, they are put in here as import costs and total roughly 100 USD, typically.

### 3. Trade Facilitation Index

**Please respond** to the following survey questions on the extent to which the legal framework facilitates the international trade of fish fry. Please include references to applicable laws and regulations and any necessary explanatory comments.

<b>Question</b>	<b>Response</b>	<b>Comments</b>
1. Can the documents required to import fish fry be submitted in advance of the consignment's arrival at	<input type="checkbox"/> All documents <input type="checkbox"/> Some documents	

Customs? <i>Please specify which documents.</i>	<input checked="" type="checkbox"/> No documents	
2. Can the documents required to import fish fry be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input type="checkbox"/> Some documents <input checked="" type="checkbox"/> No documents	
3. Do Customs and other agencies utilize a risk management system to screen shipments of fish fry for physical inspection?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. If YES, is the risk management system electronic?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. Are all required physical inspections of shipments of fish fry (by Customs and any other relevant agencies) carried out at the same place and time?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Customs and CamControl are simultaneous. FiA inspections, if conducted, will be later once fry is at the importer's aquaculture facilities, as FiA is no longer permitted at the border.
6. Are consignments of imported fish fry allowed to enter the country (and remain in quarantine) while samples undergo testing or analysis?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

### C. Export of Fish Fry - License and Document Preparation (NOT APPLICABLE)

#### 3. License and Document Preparation

**Please include all applicable documentation required for customs clearance** by customs authorities, airport, port or border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as certificate of health, certificate of origin, traceability form, certificate of registration, certificate of conformity, packing list, air waybill, commercial invoice, export permit, customs export declaration, inspection results, or terminal handling receipts.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

Total time and cost for document preparation	days	USD
<ul style="list-style-type: none"> <li>Which documents can be obtained simultaneously?</li> </ul>		
Comments: Multiple FiA and other respondents confirmed that there is no legal commercial export of fish fry from Cambodia. There have been a few small exports of fish fry and shrimp for research purposes, but these are not relevant for survey purposes. One respondent reported a small amount of occasional exports in plastic bags to China, but this was only informal and handled by the purchaser.		

### Legal Framework for Health Certificates for Export - (NOT APPLICABLE)

**Please respond** to the following survey questions on the extent to which the legal framework enables an efficient system for providing health certificates that facilitates the export of fish fry. Please include references to applicable laws and regulations and any necessary explanatory comments.

*According to FiA interviews, EU funded auditors found there is no clear competent authority for issuing fish health certificates, should Cambodia wish to export fish to the EU. Under Sub-decree 16 from 2003, the Department of Animal Health and Production (DAHP) reportedly claims authority to issue all animal health certificates for export – and includes fish in this definition. The more recent Fisheries Law did not address the issue adequately, and there remains a jurisdictional conflict between the FiA and the DAHP over which agency should issue fish health certificates for export. The current understanding is that FiA is responsible for health certificates for fish for human consumption, and DAHP for fish for aquaculture. This is related to the broader issue of quarantine – a jurisdictional area also claimed by DAHP for fish.*

Question	Response	Comments
1. Does the agency issuing health certificates for fish fry exports (i.e. Department of Fisheries) follow international best practices for testing procedures, such as those provided by the World Organization for Animal Health (OIE), Best Aquaculture Practice (BAP), or GlobalGAP?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
2. Does the issuing agency provide information to exporters on destination country health certificate requirements (e.g. list of diseases to be tested for, most recent date of testing for diseases)?	<input type="checkbox"/> By request only <input type="checkbox"/> Published in print <input type="checkbox"/> Published online ( <i>list website</i> ) <input type="checkbox"/> Other ( <i>please describe</i> )	
3. Does the issuing agency provide information on the procedures for obtaining a health certificate for export (e.g. documents and fee schedules for sample collection, testing, inspection, and issuance of certificate)?	<input type="checkbox"/> By request only <input type="checkbox"/> Published in print <input type="checkbox"/> Published online ( <i>list website</i> ) <input type="checkbox"/> Other ( <i>please describe</i> )	
4. Can exporters request a health certificate on the internet?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
5. Can exporters make an electronic payment for a health certificate?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
6. Can inspections to obtain a health certificate for export be conducted at:		

a. The exporter's storage facility?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
b. All points of exit from the country (including land, air, and sea ports)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
c. Other (please specify):		<p>According to FiA interviews , EU funded auditors found there is no clear competent authority for issuing fish health certificates, should Cambodia wish to export fish to the EU. Under Sub-decree 16 from 2003, the Department of Animal Health and Production (DAHP) reportedly claims authority to issue all animal health certificates for export – and includes fish in this definition. The more recent Fisheries Law did not address the issue adequately, and there remains a jurisdictional conflict between the FiA and the DAHP over which agency should issue fish health certificates for export. The current understanding is that FiA is responsible for health certificates for fish for human consumption, and DAHP for fish for aquaculture. This is related to the broader issue of quarantines – a jurisdictional area also claimed by</p>

		<p>DAHP for fish. Should Cambodia wish to become a credible exporter of fish fry at some point, one clear, competent authority will need to given needed powers of quarantine, inspection and certification. For now, however, at least for fish fry, this point does not have enough economic merit to need resolution.</p>
<p>7. Does the issuing agency notify exporters of the reason(s) for rejecting an application for a health certificate?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	