

KINGDOM OF CAMBODIA
Nation Religion King

3

Ministry of Agriculture, Forestry and Fisheries

3

INSTRUCTIVE CIRCULAR

IMPLEMENTATION OF SUB-DECREE No. 69 អនក្រឹត្យ ចេញ ថ្ងៃ ទី ២៨ ខែ តុលា ១៩៩៨ DATED
OCTOBER 28, 1998 CONCERNING THE STANDARDS AND MANAGEMENT OF
AGRICULTURAL MATERIALS

October 21, 2002

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3

No. 345 ស្តីអំពីស្តង់ដារ

INSTRUCTIVE CIRCULAR IN
IMPLEMENTATION OF SUB-DECREE No. 96 អនក្រឹត្យ អន DATED
OCTOBER 28, 1998 CONCERNING THE STANDARDS AND MANAGEMENT OF
AGRICULTURAL MATERIALS

With a strong desire to promote the agricultural sector, which is a core structure of the national economy and an essential priority of the economic development policy aimed at expanding agricultural production, ensuring sustainability, food safety and the supply of raw materials for the processing industry, and creating exports, the government has determined and set out a subsequent policy of encouraging agricultural produce through the provision of land occupancy and land possession, concessional land, encouragement of export and reduction in export duties for agricultural produce and for the importing of means and materials to serve the agricultural sector. Furthermore, in view of a situation of anarchy in the production, importing, marketing and sale of fake and poor quality agricultural materials, and of prohibited agricultural practices, which has adversely affected social well-being and the social and natural environment, the Royal Government issued Sub-decree No. 69 អនក្រឹត្យ អន dated October 28, 1998 on the Standards and Management of Agricultural Materials with the intention of creating an appropriate standard and mechanism for the management of agricultural materials.

To effectively and efficiently implement the government's aforementioned sub-decree aimed at eliminating or reducing the above anarchic phenomena, the Ministry of Agriculture, Forestry and Fisheries (MAFF) hereby would like to set out instructions as follows:

I. The Business of Agricultural Materials

Natural persons or legal entities who intend to produce, process, store, supply, repack, export, import, wholesale or retail agricultural materials, chemicals, seeds, hybrid seeds, animal medicines and food, and food nutrients must obtain a business license from the MAFF.

I.1 Application for Business License

A. For a 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 the MAFF's Department of Agro-legislation by submitting the following:

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| 1. Application with stamps (sample provided) | 2 copies |
| 2. Applicant's CV with a 4x6 photo and certified by the commune council | 2 copies |

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|--|----------|
| 3. ID card (photocopy) | 2 copies |
| 4. Business contract (sample provided) | 2 copies |
| 5. Location certificate issued by the commune council | 2 copies |
| 6. Storage location license issued by the Ministry of Environment (for agricultural chemicals) | 2 copies |
| 7-.Registration certificate issued by the Ministry of Commerce | 2 copies |

B. For a business involving the wholesaling or retailing of agricultural materials, the natural person or legal entity is required to apply for a license at the Provincial/Municipal Department of Agriculture, Forestry and Fisheries (PDAFF) by submitting the following:

- | | |
|---|----------|
| 1. Application with stamps (sample provided) | 2 copies |
| 2. Applicant's CV with a 4x6 photo and certified by the commune council | 2 copies |
| 3. ID card (photocopy) | 2 copies |
| 4. Business contract (sample provided) | 2 copies |
| 5. Storage location license issued by the Provincial/Municipal Environment Department (for agricultural chemicals only) | 2 copies |

I.2 Responsibility for Issuing a Business License

- A. The MAFF shall grant a business license, or reject an application for a business license, for producing, processing, storing, supplying or repacking, and exporting or importing agricultural materials within 15 working days from the date the MAFF has formally received complete and correct documents.
- B. The Provincial Department of Agriculture, Forestry and Fisheries (PDAFF) shall grant a business license, or reject an application for a business license, to a wholesaler or retailer of agricultural materials within 7 working days from the date the PDAFF has formally received complete and correct documents.

II. Registration of Agricultural Materials

Agricultural materials including agricultural chemicals, chemical fertilizers, certified seeds, hybrid seeds, animal food or food nutrients that can be produced, imported for business, sold and used in the Kingdom of Cambodia provided that such materials have already been registered with the MAFF.

Agricultural materials that have a different formula or trade names must be registered separately. The natural person or legal entity who wishes to produce certified seeds or hybrid seeds that have already been registered must comply with the techniques instructed for the production and storage of the said seeds.

II.1 Application for Registration of Agricultural Materials

The natural person or legal entity must apply for registration of agricultural materials at the MAFF's "Department of Agro-legislation" by submitting the following:

- | | |
|--|----------|
| 1. Application for registration (sample provided) | 2 copies |
| 2. Copy of business license (if any) | 2 copies |
| 3. Product technical specifications in Khmer and English | 2 copies |
| 4. Quality assurance or quality certificate issued by the manufacturer | 2 copies |
| 5. Sample of material package and label in Khmer | 2 sheets |

6. Sample of the product for analysis or experimentation

2 units

II.2 Responsibility for Issuing a Registration Certificate for Agricultural Materials

- A. The MAFF shall grant a registration certificate for agricultural materials, necessary for the sale and use, to a natural person or legal entity within 10 working days from the date MAFF has formally received complete and correct documents.
- B. The MAFF has the right to reject the registration of any agricultural materials that it sees as:
- Hazardous to the health of humans and animals or the environment
 - Being on the prohibited list of MAFF
 - Inferior or misrepresented quality and the type or quantity of active ingredients differing from the type or quantity of active ingredients specified on the label or in the technical specifications
 - Without the proper package and label and proper information in Khmer as determined by the MAFF
 - Ineffective and unsafe for use or useless for farmers
 - Genetically Modified Organisms (GMO)
 - Product imported without the authorization of the MAFF.

II.3 Agricultural Chemicals

For agricultural chemicals that may be hazardous and may severely damage human and animal health as well as the social and natural environment, there are separate procedures and requirements for registration as follows:

1. Temporary registration: Such registration shall be required for any agricultural chemical specified in the MAFF *Prakas* (Decree) permitting temporary use and that is being circulated in the marketplace. The MAFF shall grant a temporary registration with a one-year validity provided that the agricultural chemical has an appropriate document confirming the adequacy, effectiveness and safety of the product. This registration shall be changed to an official one in one year provided that the applicant has satisfied all the technical requirements of the MAFF. A one-year extension may be granted for good reason.

After obtaining a temporary registration, the owner of the agricultural chemical can make a request for the import or production of a quantity determined by MAFF in order to carry out a market survey.

2. Registration requirements: Such registration shall be required for any agricultural chemicals that have been requested for registration for the first time but such additional documents as required by MAFF must be provided. This registration shall be changed to an official one in one year provided that the applicant has satisfied all the technical requirements of the MAFF. A one-year extension may be granted for good reason.
3. Official registration: This registration shall be required for any agricultural chemicals for which the applicant has fulfilled all the technical requirements of the MAFF.

A registration certificate and registration number shall be issued by the MAFF. A registration certificate shall be valid for three years if there is no confiscation or

repeal. The renewal of registration shall be granted after the MAFF has received an application and additional documents. Failure to apply for renewal of registration when the validity has expired, the import and sale of such agricultural chemicals shall not be allowed.

Three months prior to expiry of the validity of the official registration certificate the individual or company owning the product must apply for a new registration at MAFF's Department of Agro-legislation as follows:

- | | |
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| - Application for registration renewal (sample provided) | 2 copies |
| - Sample of the product for analysis | 2 copies |
| - Previous registration certificate | 1 copy |

4. Permission for laboratory use: This is permission for the import of any agricultural chemicals that have not yet been registered in order to be used only for research study.

III. Export and Import of Agricultural Materials

A natural person or legal entity may be granted a license to import or export a material item provided that he/she has received a business license and that the agriculture material to be imported or exported has been duly registered at the MAFF in advance.

III.1 Application for an Import and Export License

1. The application for an import license shall consist of the following documents:
- | | |
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| - Application (sample provided) | 2 copies |
| - Photocopy of business license | 2 copies |
| - Photocopy of registration certificate | 2 copies |
| - Certificate of hygiene of the product issued by the export country | 2 copies |
2. The application for an export license shall consist of the following documents:
- | | |
|---|----------|
| - Application (sample provided) | 2 copies |
| - Photocopy of business license | 2 copies |
| - Photocopy of registration certificate | 2 copies |

III.2 Responsibility for Granting Import and Export License

The 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.

The quantity of agricultural chemicals allowed to be imported shall be determined by the MAFF based on the conditions of storage and capacity of the warehouse and local requirements, and in order to avoid environmental impacts should there be a need to destroy any expired agricultural chemicals.

The import and export of seeds and hybrid seeds shall be subject to phytosanitary inspection regulation.

The import and export license is valid for a period of one year commencing from the date of issuance of the license.

IV. The Confiscation or Repeal of a Business License or Registration Certificate for Agricultural Materials

IV.1 The Confiscation or Repeal of a Business License for Agricultural Materials

The MAFF has the right to confiscate or repeal a business license in the event that:

- The license holder fails to comply with his/her business contract or has violated the Instructive Circular herewith or other provisions as stipulated in the Sub-decree on the *Standards and Management of Agricultural Materials*.
- There is a change in business address and the owner fails to notify the MAFF in advance or within a maximum of 10 working days after the change.

IV.2 The Confiscation or Repeal of a Registration Certificate for Agricultural Materials

The MAFF has the right to confiscate or repeal a registration certificate for agricultural materials in the event that:

- Results of the research show a serious impact on human and animal health and the environment resulting from the use of such agricultural materials over a long period of time.
- The agricultural materials imported and sold differ from the ones that have been registered in quality, packaging, label, etc.
- The holder of the registration certificate fails to comply with his/her business contract or has violated the Instructive Circular herewith or other provisions as stipulated in Sub-decree No. 69 *អនក្រឹត្យ* concerning the Standards and Management of Agricultural Materials.

IV.3 Complaint

License holders have the right to file a complaint to the MAFF for any decision to confiscate or repeal their business license or registration certificate within a period of 30 days after receipt of the decision.

V. Packaging and Labeling

V.1 Agricultural Chemicals

- The materials used for packaging agricultural chemicals must meet international standards and be in a secure condition, aimed at ensuring safe lifting, holding and storage, and at preventing *quality deterioration, shrinkage, weight change* or other damage.
- The repackaging or transferring of agricultural chemicals from its original package to a new one is prohibited. Where necessary, the repackaging or transferring of agricultural chemicals from their original package to a new one can be done only with the authorization of the MAFF.

1. The materials used for repackaging that has been permitted must meet the standard for packaging as stated in Point V.1, Paragraph 1, of the Instructive Circular herewith.
 2. The agricultural chemicals to be repackaged have already been registered with the MAFF.
- The transferring or sharing of agricultural chemicals and putting them into food or drink packages is forbidden.
 - Labels used on agricultural chemical packages must be clearly posted or imprinted in Khmer that is easy to understand and in accordance with the following requirements:
 1. Generic name and brand name (Product Name)
 2. Type of pesticide
 3. Country of origin
 4. Active ingredients and contents
 5. Type of formulation
 6. Net contents
 7. Lot number
 8. Manufacturing date and expiration date
 9. Registration number
 10. Directions for use
 - Target crop
 - Target insects, diseases and weeds
 - Dose rates
 - Compatibility
 - Methods and timing of application
 - Pre-harvest intervals
 - First-aid instructions
 11. Write in large letters "Keep out of reach of children"
 12. Method of storage
 13. Pictograms
 14. Antidote
 - For a label on an agricultural chemical package of which the contents is less than 500 ml or 500 g, a leaflet containing detailed information on the product must be provided, either affixed or tied to the product, or kept separately from the product.
 - Color and print message on the label:
 1. The message on the label must be written in black ink on white paper.
 2. Red color can be used for important phrases such as: title, danger, precaution and warning signs.
 3. A red mark and a skull and cross-bone warning sign are used for serious dangers, a yellow mark and a cross sign for moderate dangers and a blue mark for minor dangers.
 4. Vertical, side or overlapping style message should be avoided.

V.2 Chemical Fertilizer

- Solid Chemical Fertilizer:
 1. Packaging Materials:

Chemical fertilizers produced locally for sale must be packed in good packaging material that is secure and weatherproof in order to ensure quality and convenient for transport, storage and use.

2. Labeling:

Chemical fertilizers imported or made locally must be labeled, providing sufficient and clear information in Khmer that is readable and indelible and must indicate:

- Percentage of nutrient ingredients (N-P-K) and other substances;
- Registration number;
- Name of country of manufacture; and
- Weight.

3. Repackaging:

The repackaging of chemical fertilizers in smaller bags for sale can be done only if there is a letter of permission from the MAFF. The chemical fertilizers to be repackaged must be packed in a transparent plastic bag and closed properly, ensuring secure carrying and transport. Packages must have a label written in Khmer, printed on a piece of paper containing the following information:

- Name and address of the person/company who has done the repackaging
- Name and nutrient composition
- Weight
- Date of repackaging

- Liquid Chemical Fertilizers:

1. Packaging:

Liquid chemical fertilizers must be packed in packaging material of such a nature as to prevent quality deterioration, shrinkages, weight change, or other damage, and that can be printed on or have labels affixed to it.

2. Labeling:

Must indicate the following:

- Product name
- Content of nutrients
- Name of country of origin
- Net contents
- Lot number
- Registration number
- Manufacturing date and expiration date
- Directions for use
 - ◆ Target crops
 - ◆ Dose rate
 - ◆ Methods and timing of application
- Remarks
 - ◆ Write in large letter "Keep out of reach of children"
 - ◆ Storage
 - ◆ Compatibility

V.3 Seeds and Hybrid Seeds

1. Packaging Materials:

Packaging material must be securely and tightly closed for packing or containing seeds or hybrid seeds in order to maintain quality.

2. Labeling:

Labels must be clearly written in Khmer - easy to read and understand - and affixed or stapled to the package and must provide the following information:

1. Name and address of the producer
2. Type of seeds
3. Name of seeds (generic and botanical name)
4. Classification of seeds (certified seeds, basic seeds or hybrid seeds, etc.)
5. Date/year of harvest
6. Certificate number or lot number
7. Percentage of purity
8. Percentage of germination
9. Percentage of humidity
10. Net weight and gross weight
11. Country of origin in the case of imported seeds
12. On the label there must be a warning sign "Not for human or animal consumption" if the seeds are mixed with agricultural chemicals, in which case the name of the agricultural chemicals must be shown, or "Cannot be used for seed reproduction" if the seeds are hybrid.

V.4 Animal Food and Nutrients

1. Packaging:

Animal food that is imported or produced locally for sale must be packed in sound, weatherproof materials in order to ensure quality and facilitate transport, storage and use.

2. Labeling:

Animal food that is imported or produced locally must be labeled with adequate and clear information in Khmer, readable and indelible, indicating the following:

- Product name
- Nutrient composition and other substances
- Registration number
- Name of country of manufacture
- Lot number
- Directions for use
- Directions for storing
- Manufacturing date and expiry date
- Net weight

VI. Disposal and Destruction of Banned Waste, Packaging Material and Agricultural Chemicals

- Any disposal and destruction of waste or packaging material or agricultural chemicals that have been banned from use by merchants require the authorization of the MAFF in agreement with the Ministry of Environment.
- The methods used for disposal and destruction of banned waste, packaging material or agricultural chemicals must be implemented in accordance with MAFF guidelines and in agreement with the Ministry of Environment.
- Any cost of disposal and destruction of banned waste, packaging material or agricultural chemicals shall be the responsibility of the merchants.

VII. Storage and Display of Agricultural Chemicals

VII.1 Storage of Agricultural Chemicals

- The methods and requirements for storage of agricultural chemicals shall be implemented as follows:

A. Storage Methods:

1. Agricultural chemicals must be kept in their original package.
2. Agricultural chemicals should not be mixed up and should follow the guideline: "First In First Out".
3. Agricultural chemicals must be kept in a place that can be locked up properly.
4. Agricultural chemicals must be kept away from food, drink and water.
5. Agricultural chemicals should not be kept on a dirt or brick floor but should be kept on a wooden floor.
6. The floor for keeping agricultural chemicals must be clean and tidy with space between each row.
7. There should be no object at the entrance or in the corridor that can cause obstruction in case of an emergency.

B. Requirements for Storage:

1. Agricultural chemicals should not be stored in a high temperature environment or in sunlight.
2. The warehouse must be dry.
3. There must be adequate ventilation.

- The location of the warehouse for agricultural chemicals must be approved by the MAFF with the agreement of the Ministry of Environment.

VII.2 Display of Agricultural Chemicals

- Agricultural chemicals must be displayed in an orderly, safe manner in order to avoid any preventable breakages.
- The sign "Danger" should be displayed in the shop.
- It is prohibited to display agricultural chemicals for sale near or next to food, medicines or other equipment.

VIII. Not for Sale

VIII.1 Agricultural Chemicals

It is prohibited to sell any agricultural chemicals that:

1. Are fake.
2. Are below standard.
3. Have past the expiration date or are of bad quality.
4. Have not been registered or have been registered but do not show a registration number on the label.
5. Have been registered on the condition that it is for use in experimentation.

VIII.2 Chemical Fertilizer

It is prohibited to sell any chemical fertilizer that is:

- 1- Fake.
- 2- Of poor quality.
- 3- Not specific.
- 4- Has not been registered or has been registered but does not show a registration number on the label.

Note:

Poor quality chemical fertilizers can be sold only with the approval of the MAFF. If this is the case, additional information on the type and quantity of the chemical fertilizers must be provided. Such fertilizers must be repacked with the phrase "Poor Quality Fertilizer" and content of ingredients (N-P-K) on the sack.

VIII.3 Seeds and Hybrid Seeds

It is prohibited to sell the following:

1. Seeds that contain Genetically Modified Organisms (GMO).
2. Seeds and hybrid seeds that are below a minimum standard quality.
3. Certified seeds that have not been registered or have been registered but do not show a registration number on the label.

VIII.4 Animal Food and Nutrients

It is prohibited to sell any animal food or nutrients that:

1. Are fake.
2. Are below standard quality.
3. Are of poor quality.
4. Have past the expiration date.
5. Have not been registered or have been registered but do not show a registration number on the label.

IX. Advertising Agricultural Chemical

Advertisements in any form must be authorized by the MAFF. The natural person or legal entity who has fully registered an agricultural chemical item and wishes to advertise that item must submit a passage or transparency picture or photograph of the agricultural chemical to the MAFF for review and approval prior to advertisement.

X. Obligations of Merchants

1. Properly follow and abide by MAFF regulations and instructions.
2. Facilitate inspections by MAFF officials.
3. Keep a book for recording on a regular basis agricultural products coming in and going out.
4. The business license and registration certificate must be displayed in the establishment where agricultural materials are sold.

XI. Responsibility for Controlling and Inspection

- The MAFF is responsible for controlling and inspecting all business operations relating to agricultural materials in the Kingdom of Cambodia.
- The Provincial/Municipal Department of Agriculture, Forestry and Fisheries (PDAFF) is responsible for controlling, instructing and inspecting all business operations relating to agricultural materials in its respective province/municipality.

- Inspectors shall be responsible for:
 1. Inspecting the inside and outside of any establishment and its surroundings, warehouses, vehicles and farms relating to any agricultural materials business that is suspected of breaching provisions of Sub-decree No. 69 អនក្រឹត្យ.២៧ concerning the Standards and Management of Agricultural Materials in collaboration with the commune administration, local authorities or relevant agencies.
 2. Seeing to it that merchants show record books of incoming and outgoing stocks or other documents relating to the agricultural materials business.
 3. Taking a sample of the agricultural materials product that is suspected of breaching quality standard for analysis.

- The MAFF shall be responsible for meting out administrative punishments as follows:
 1. Giving a written warning to and temporarily keeping the suspicious object and filing a complaint with a court of law for any natural person or legal entity who carries out an agricultural materials business relating to:
 - Chemical fertilizers, whether they are imported or produced locally, that have not been registered with the MAFF.
 - Any agricultural chemical that is produced, mixed, repacked, imported, wholesaled or retailed without a registration certificate or that is not specified in the MAFF Prakas (Decree) on the authorization of temporary use.
 - Animal food and nutrients that are produced locally, imported, exported and sold that are not compliant with what has already been registered.
 2. Issuing a written warning to and entailing an amendment to the contract within 7 days for any:
 - Natural person or legal entity that intends to produce, import or export without a license from the MAFF.
 - Repackaging of chemical fertilizers in smaller sacks for sale without a license from the MAFF.
 - Agricultural chemicals that are being circulated in the marketplace in the Kingdom of Cambodia but are not specified in the MAFF Prakas.
 - Agricultural chemicals that are stated on the MAFF approved list but have not been registered.
 - Agricultural chemicals that are in Category 1 according to the Categories set by the WHO.
 - Agricultural chemicals that have already been registered but adopt a new formula or trade name.

- Agricultural chemicals that are fake and of poor quality, and have active ingredients different from those stated on the label.
- Agricultural chemicals that are specified in a special registration.

In the event that a repeat offense is committed, the suspicious items shall be confiscated while legal proceedings are undertaken with a court of law.

3. Giving a written warning to and temporarily confiscating the suspicious items and then filing a legal proceeding to a court of law for any natural person or legal entity who conducts any of the following agricultural materials businesses:
 - Chemical fertilizers produced, imported, or sold in Cambodia whose ingredient composition is different from that of the registered quality assurance.
 - Fake chemical fertilizers.
 - Methods and requirements for storage of agricultural chemicals that are inconsistent with those indicated in the Instructive Circular herewith.
 - The location for storing agricultural chemicals that are not approved by the MAFF and the Ministry of Environment.
 - The procedures and requirements for production, import, export and trade of animal medicines that are not in compliance with the joint Prakas of the MAFF and the Ministry of Health.
 - Animal food and nutrients put on sale without a package and label in Khmer as determined by the Instructive Circular herewith.

In case a repeat offense is committed, the offender shall have his/her license withdrawn permanently.

4. Giving a written warning and entailing an amendment to the contract within 15 days for any natural person or legal entity who conducts any of the following businesses:
 - Chemical fertilizers with no label in Khmer or with an unreadable label as described in the Instructive Circular herewith.
 - Agricultural chemicals that are packed in packaging material different from the standard specified in the Instructive Circular herewith.
 - Agricultural chemicals that are repacked without permission from the MAFF.
 - Seeds that are put on sale without a package and label as stated in the Instructive Circular herewith.
 - Animal medicines that do not measure up to the quality standard as described by the joint Prakas of the MAFF and the Ministry of Health.
 - Animal medicines and food and nutrients that are fake and below standard or have expired.

In case a repeat offense is committed, the offender shall have his/her license temporarily suspended.

5. Giving a written warning to and entailing an amendment to the contract within 7 days for any natural person or legal entity who:
 - Disposes of or destroys its waste or agricultural chemical packages without permission from the MAFF and without approval from the Ministry of Environment.
 - Advertises agricultural chemicals, regardless of any means, without permission from the MAFF.
 - Put on sale seeds and hybrid seeds in the Kingdom of Cambodia not complying with the quality standard as determined by MAFF.

In case of a repeat offense the offender shall have his/her license temporarily suspended.

6. Giving a written warning to and entailing an amendment to the contract within 7 days for any natural person or legal entity who:
 - Produces certified seeds or hybrid seeds for business without registration with the MAFF and without following the technology instructed for the production and storage of the said seeds.
 - Imports seeds and hybrid seeds without a license from the MAFF.

After receiving the Instructive Circular herewith, all relevant departments under the supervision of the MAFF and all heads of provincial/municipal departments of agriculture, forestry and fisheries must collaborate with their respective local authorities to publicize and implement this Instructive Circular effectively from the date of signature.

Phnom Penh, October 21, 2002

Minister
(Signature and stamp)

CHAN SARUN

cc:

- Office of the Council of Ministers
- Ministry of Interior
- Ministry of Economy and Finance
- Ministry of Environment
- Ministry of Commerce
- Ministry of Justice
- Ministry of Information
- Ministry of Health
- Ministry of Industry, Mines and Energy
- Ministry of Public Works and Transport
- Council for the Development of Cambodia
- Council for the Rehabilitation and Development of Agriculture and Rural Areas
- All provincial/municipal halls
- All units under the supervision of the MAFF
- Records - Archives