

Legal Document

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I, PREAH KARUNA PREAH BAT SAMDECH PREAH BAROMNEATH NORODOM SIHAMONI SAMANPHUM CHEAT SASNA RAKHATYA KHEMARARATREAS PUTHINTREAMOHAKHSAT KHEMREACHNEA SAMOHUOPHEAS KAMPUCHEA EKREACH RAT BORANAKSANTE SOPHAK MONGKOLEA SEREY VEBOLEA KHEMARA SREY PIREAS PREAH CHAU KRONG KAMPUCHEA THIPDEY

-Having seen the constitution of Cambodia

-Having seen the Royal Decree No. NS/RD/0704 /124 dated July 15 2004 on the appointment of the Government of Cambodia

-Having seen the Royal Kram No. 02/NS/94 dated July 20, 1994 on the promulgation of law on organization and functioning of the Council of Ministers

-Having seen the Royal Kram No. NS/RD /0196/ 13 dated on January 24, 1996 on the promulgation of law on the formation of the Ministry of Agriculture, Forestry, and Fishery

-Having seen the statement of Samdech Akka Moha Sena Padei Techo Hun Sen, the Prime minister of the Kingdom of Cambodia and Minister of the Ministry of Agriculture, Forestry, and Fisheries

IT IS HEREBY PROMULGATED.

Law on crop seed management and right of seed breeder was passed on January 08, 2008 in the 7th session of the National Assembly of the Third Legislature in which the Senate entirely endorsed on January 29, 2008 the form and legal concepts of this law without making any changes in the plenary session of the Senate of the Second Legislature with full content as follows:

LAW

ON
CROP SEED MANAGEMENT
AND
RIGHT OF SEED BREEDER

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**CHAPTER 1:
GENERAL PROVISION**

Article 1

This law is intended to manage and control breeding, release, modification, listing, distribution, seed export, and protection of new seeds in the Kingdom of Cambodia.

Article 2

This law is meant to ensure the management, encouragement, and sustainable development of seeds for the social, economic, and environmental benefits.

Article 3

This law has the scope of implementing all seeds, including the existing seeds and new seeds, except the management stated in order laws concerned.

Article 4

The provision of the right to protect new seeds is under the jurisdiction of the Ministry of Industry, Mines, and Energy.

The management of all types of seeds is under the general jurisdiction of the Ministry of Agriculture, Forestry and Fishery.

Article 5

Important glossary used in this law is defined in the appendixes of this law.

CHAPTER 2: THE PROTECTION OF NEW SEEDS OF CROPS

SECTION 1: CONDITIONS FOR GRANTING THE RIGHT TO SEED BREEDER

Article 6

New seeds of crops deserve protection shall meet the following criteria:

- Newness
- Difference
- Uniformity
- Stability.

Article 7

Seeds are considered new as long as they have not been sold or circulated in the market. However, with the agreement from the seed breeder, the new seeds in the Kingdom of

Cambodia shall be sold or circulated in the market, not exceeding the period of one year, the period of six years for the vines and woods, and the period of four years for all other crops, with come from outside the Kingdom of Cambodia, starting from the day of applying for the right of protection.

Article 8

Seeds are considered different as long as they have the absolute difference from the other seeds, which are generally recognized by the date of applying for the right or the priority right.

Article 9

Seeds are regarded as uniformity as long as they can ensure their sufficient uniformity in the relevant nature, though those seeds are produced through either sexes or neuters.

Article 10

Seeds are considered stable as long as their necessary nature does not vary in all the stage of growth cycle and each generation.

SECTION 2:

SCOPE AND VALIDITY OF THE RIGHT OF SEED BREEDER

Article 11

Natural person or legal person who has bred or discovered and developed new seeds and has the intention to protect the copyright of the new seeds shall submit a proposal to the Ministry of Industry, Mines, and Energy. The Ministry of Agriculture, Forestry and Fishery shall study it and evaluated the technical outcomes in compliance with the provision of this law.

The certificate for the right of new seeds shall be awarded by the Ministry of Industry, Mines, and Energy after the result of evaluation and technical study by the Ministry of Agriculture, Forestry, and Fishery.

Article 12

The Ministry of Industry, Mines, and Energy, in charge of registering the protection of new seeds, has the following roles:

1. Providing the protection of right of the breeder of new seeds
2. Transferring ownership
3. Declaring annulment of termination
4. Accepting forms of registering, changing, or deleting the names of new seeds
5. Issuing the license of order
6. Recording the contract of license.

Article 13

An applicant for the protection of the new seeds shall:

- a. be a Khmer citizen or foreign citizen who has residency in the Kingdom of Cambodia or
- b. have a permanent residence in signatory state of the Convention of International Federal Convention on the Protection of New seeds or in any state with the memorandum of understanding with the Kingdom of Cambodia.

Article 14

The owner of new seeds shall have the right to sell or transfer his or her ownership. Selling or transfer made to the natural person or legal person shall be written or signed by the party concerned and recorded at the Ministry of Industry, Mines, and Energy by having to give notice to the Ministry of Agriculture, Forestry and Fishery.

Article 15

Talking seeds or seed segments protected in the process of production or reproduction, shall be defined in order to expand the cross-breed, supplies, sale, or distribution in the market, export, import and stock shall be permitted by the owner.

The owner can allow the use of his or her seeds with the conditions or other limitations.

As stipulated in the paragraph 1 of this article, the business and the uses of products collected from the new seeds grown without permission shall seek permission from the owner. The owner has proper opportunities to use his or her right. When the owner knows the uses and business of the products, but the products are not registered, and the owner does not use his or her right, he or she will lose the right of complaints.

Right of possession of the new seeds includes, but not limited to, the seeds below:

- The seeds which have been invented by taking other seeds listed in the protection
- The seeds which are completely different from the protected seeds.
- The production uses the protected seeds.

Article 16

Right of protection of new seeds does not include for the following cases:

1. using seeds for the purpose of experiment
2. growing seeds for personal consumption, not for the purpose of business
3. using seed for the purpose of breeding other new seeds , except the paragraph 4 of article 15 of this law.

Based on the legal protection of interest and limitation of the owner's right of the new seeds, the Ministry of Industry, Mines, and Energy shall cooperate with the Ministry of Agriculture, Forestry, and Fishery to issue the regulations that limits the owner's right of protection of new seeds in order to allow farmers to produce and use the products as their own property from the yields of the listed seeds.

Article 17

As stated in the paragraph 4 of the article 15, the owner of the new seeds shall lose the right to part of protected seeds or crops, when the owner sells or circulates them in the market in the Kingdom of Cambodia. The right above shall not be lost in case that seeds or part of protected seeds have been expanded further or exported for expansion in the country that does not provide them with protection, except for the final use.

Article 18

While using his or her right, the owner of new seeds has the responsibility to give sample of seeds that can be grown and that have the characteristics as stated in the application form for the right of protection as required by the Competent Authority.

With the intention of retaining new seeds, the owner is also obliged to give information on the new seeds and make it easy for the Competent Authority for inspection.

Article 19

The validity of the right of protection of new seeds lasts twenty, except the crops with the same characteristics as vines, woods which last twenty-five years after the right of protection of the new seeds granted.

SECTION 3:

THE COMPLETION OF ANNULMENT AND TERMINATION

Article 20

The right of protection of new seeds shall be terminated before the expiry date of validity in case that the owner gives up the right by giving a written notice to the registrar of the Ministry of Industry, Mines, and Energy.

The date of completion shall be stated in a notice or if there is no clear date of application for completion in the notice, the date when the registrar received the notice is applied.

Article 21

The registrar shall declare the annulment of the right of the owner of the seeds if it is found that:

1. the conditions stipulated in Article 7 or Article 8 of this law has not been fulfilled.
- 2 .the conditions stipulated in Article 9 or Article 10 of this law has not been fulfilled based on the information and document provided by the seed breeder
- 3 .the right to possession of new seeds has been given to the person who was not entitled to it.

Article 22

The registrar shall terminate the right of the owner of the new seeds in the following cases:

1. the conditions stipulated in Article 9 or Article 10 of this law cannot be fulfilled anymore
2. the owner of the new seeds fails to meet the requirements of the registrar such as :
 - a. failing to give information, documents, or seeds needed for verification
 - b. failing to pay fees for keeping the right in effect, or
 - c. failing to give proper, new names to the seeds after the existing names of the seeds, which obtained the right of protection, have been removed.

SECTION 4: APPLICATION AND PRIORITY RIGHT

Article 23

An applicant for the new seeds shall submit the application to the registrar using the given model form.

An applicant shall state the necessary information and documents or seeds in accordance with the date and place set by the registrar.

The registrar shall set the date of accepting the form after the fee payment has been made.

The model form, documents, or seeds shall be set by the declaration of the Ministry of Industry, Mines and Energy.

Article 24

An applicant can use the priority right of the first overseas application form for the same seeds in any country, which is the contracting party of the International Federal Convention on the protection of the new seeds.

In case of having many forms from many countries, the priority right will be given only to the first application.

An applicant shall state the priority right clearly in the submitted to the registrar, and the priority right shall last twelve months, starting from the date of the first application.

Article 25

To use his or her priority right, the applicant shall give a copy of the first form, which is legally endorsed as the original one by the office that accepts the first form in the period of three months, starting from the date of application in Kingdom of Cambodia.

The registrar can give proper additional time for information, documents, or seeds upon request.

If the registrar sees that the required conditions in paragraph 1 of this article are not properly met, the claim on the priority right will be considered not being made.

**SECTION 5:
NAMING THE SEEDS AND USES**

Article 26

An applicant shall name the seeds in compliance with the provision of this section.

The names of the new seeds shall be regarded inappropriate in the following cases:

- a. cannot recognize the seeds
- b. have the same sign, except the sign that can help recognize the seeds
- c. make the public misunderstand or confused with the characteristics or value or the identity of the seeds or the identity of the seed breeder
- d. have similar names of the existing seeds of the same type in Cambodia or the state of contracting party
- e. have similar names of the seeds that obtained the right earlier.

Only the names used in the application form or registered in the state of contracting party shall be used for the application or registration in Cambodia. If the names have cultural inappropriate meanings in Kingdom of Cambodia, the registrar shall be required to give new names.

Article 27

The person who does business in the new seeds that have obtained the right of protection in the Kingdom of Cambodia shall use the names of seeds registered, though the right of protection has been invalid, except that any right obtained earlier prevents such uses.

Business sign, business name, or approximate certification can be attached with the names of the new seeds that were protected when they were traded.

Article 28

The registrar shall eliminate the names of the registered seeds if those names should not have been registered. In this case, the owner shall request other new proper names for registration.

Article 29

Prohibition:

- trade new seeds, which have obtained the right of protection in the Kingdom of Cambodia and have not used the registered names.
- trade new seeds, which have obtained the right of protection in the Kingdom of Cambodia and other varieties of the same kind intentionally.

**SECTION 6:
EXAMINATION OF THE APPLICATION FORM AND PBLICATION**

Article 30

The registrar shall examine the form in order to decide that it has complied with the conditions of newness, difference, uniformity, and stability. When those conditions have not been satisfied, the registrar shall reject the form.

In an attempt to determine the difference, uniformity, stability, the registrar shall submit the form to the Ministry of Agriculture, Forestry, and Fishery to study and evaluate the technical outcomes.

When the evaluation of the technical results proves positive and the request for names of the seeds is approved for registration, the registrar shall award a certificate for the right of protection of new seeds and shall publish it in the official bulletin.

When the examination indicates that the request for names of the seeds cannot be approved for registration, the registrar shall request the applicant to give other names, not exceeding the period of three months. In case the applicant fails to meet the condition, the form shall be rejected.

As the certificate for the right of protection of new seeds has been awarded, the owner has the right to claim appropriate compensation for the activities as stated in paragraph 1 of Article 15 of this law in the period of publication of the form until the granting of right.

Article 31

The Ministry of Industry, Mines, Energy shall publish necessary information concerned with the protection of new seeds in the official bulletin.

SECTION 7: OPPOSITION AND RECOURSE

Article 32

A person concerned can file opposition against the protection of new seeds to the registrar in the period of three month after the result of the examination has been published in the official bulletin.

Article 33

A person who is not satisfied with the decision made by the registrar on the granting of the right of protection of new seeds can lodge recourse against that decision to the Ministry on Industry, Mines, and Energy.

SECTION 8: LICENSE AND LICENSE OF ORDER

Article 34

An applicant for the protection of fricht or the owner of new seeds can grant a physical person or a legal person a license of monopoly or a license of non-monopoly relevant to all the rights or nay right granted in compliance with this law.

Article 35

A physical person or a legal person can submit a request to the Minister of Ministry of Industry, Mines, and Energy and the Minister of Ministry of Agriculture, Forestry, and Fishery for a license of order for the use of new seeds on the grounds of necessity in order to protect the public interests in the Kingdom of Cambodia. The holder of a license of order in conformity with this article shall pay proper compensation to the owner of new seeds.

SECTION 9: ORDER AND FEE PAYMENT

Article 36

The order of the implementation of Chapter 2 of this law shall be determined by the declaration made by the Minister of Ministry of Industry, Mines, and Energy and the Minister of Ministry of Agriculture, Forestry, and Fishery.

Article 37

A physical person or a legal person who has applied for a certificate for the right of protection of new seeds shall pay administration fee for registration and fee for annual validity of the right of protection of new seeds at the Ministry of Industry, Mines, and Energy.

A physical person or a legal person who has requested a technical evaluation of new seeds shall pay the technical service charge at the Ministry of Agriculture, Forestry, and Fishery.

The administration fee concerned with the registration, fee for annual validity of the right of protection of new seeds, and technical service charge as stipulated in paragraph 1 and paragraph 2 shall be determined by the joint declaration made by the Minister of Ministry of Economy and Finance, the Minister of Ministry of Industry, Mines, and Energy, and the Minister of Ministry of Agriculture, Forestry, and Fishery.

SECTION 10: AGENTS

Article 38

A request shall be submitted by a seed breeder or a representative agent.

In case that the permanent residence or the business address of the applicant is located in the Kingdom of Cambodia, the applicant shall have a representative agent whose permanent residence or job is in the Kingdom of Cambodia.

A representative agent who has made a request for the registration of new seeds in the Kingdom of Cambodia shall be comprised of sufficient characteristics and shall meet the conditions as stated in the joint declaration made by the Minister of Ministry of Agriculture, Forestry, and Fisher, and the Minister of Ministry of Industry, Mines, and Energy.

CHAPTER 3: SEED MANAGEMENT

SECTION 1: LIST OF THE NATIONAL SEEDS

Article 39

The Ministry of Agriculture, Forestry, and Fishery shall organize a list of the national seeds, including both existing seeds and new seeds.

Article 40

The existing seeds can be registered in the list of the national seeds based on the conditions as follows:

1. have specific names in order to avoid confusion with other registered varieties or misunderstanding of the nature of the seeds.
2. keep the original names of the seeds, in case that the seeds are important from abroad
3. have difference from the registered seeds
- 4 .have adequate uniformity in the stable characteristics and identification of seeds
5. have clear data of seed testing conducted by the laboratory of the specialized unit, the institute of public research, or the private sector which provides the technical service of the seeds and which is recognized by the Ministry of Agriculture, Forestry, and Fishery.

SECTION 2: CERTIFICATE OF SEED QUALITY

Article 41

A physical person or a legal person who has the purpose of producing seeds for sales shall apply for a certificate for seed quality at the Ministry of Agriculture, Forestry, and Fishery.

The sample form and the procedures of awarding a certificate for seed quality shall be determined by a declaration made by the Minister of Ministry of Agriculture, Forestry, and Fishery.

The service charge for issuing a certificate for seed quality shall be set by the joint declaration made by the Minister of Ministry of Agriculture, Forestry, and Fishery and the Minister of Ministry of Economy and Finance.

SECTION 3: SEEDS TRADE

Article 42

Seeds trade shall have a license from the Ministry of Agriculture, Forestry, and Fishery.

Ownership transfer made to another person with a license for seeds trade shall have an agreement from the Ministry of Agriculture, Forestry, and Fishery.

Article 43

The seed laboratory under the seeds trade shall have an agronomist recognized by the Ministry of Agriculture, Forestry, and Fishery.

Article 44

Prohibition the circulation of the seeds in the market, which:

- 1 .have not been packaged, have not packaged properly, or have faked the package cover
2. have expired
3. have not had correct information on the package cover or sign
4. have no sign in accordance with falsification of a sign or have a damaged sign.

The information stated on the package cover or sign shall be determined by a declaration made by the Ministry of Agriculture, Forestry, and Fishery.

SECTION 4: INSPECTION OF SEED QUALITY

Article 45

Seeds which are allowed to be traded in the Kingdom of Cambodia shall be quality seeds and shall go through experiment or trial farming done by the specialized unit, the institute of public research, or the private sector providing technical service on seeds which is recognized by the Ministry of Agriculture, Forestry, and Fishery.

Article 46

Seed testing, sampling, classification, definition of seed quality standard and procedures of inspection of seed quality shall be set by a declaration made by the Minister of Ministry of Agriculture, Forestry, and Fishery.

Article 47

The result of seed testing, which has not met the conditions of seed quality standard shall be reclassified under the inspection and evaluation of the Ministry of Agriculture, Forestry, and Fishery.

Those seeds cannot be sold in the market.

Article 48

The seed producer and the seed seller shall be responsible to the user of his or her seed quality as the information stated on the package cover or sign.

Article 49

In case that the user of seed quality has doubt about the seed quality fraud, he or she can request for a written certification from the Ministry of Agriculture, Forestry, and Fishery.

Complaints concerned with seed quality shall be filed in thirty days after purchasing, but before sowing or growing. The complaints relevant to the characteristics or change in gene shall be made from the time the seed quality is bought until sometime before it is harvested.

Procedures of dealing with the complaints shall be determined by a declaration made by the Minister of Ministry of Agriculture, Forestry, Fishery.

Article 50

The Ministry of Agriculture, Forestry, and Fishery enjoys the right to postpone, withdraw, or revoke a patent and a certification for seed quality in the following cases:

1. the result of the research indicates possible serious impacts on human health, animals, and environment because of the effects of seed quality use.
2. the seeds, which have been traded, have different quality from those stated in the certificate for seed quality or on the package cover or sign
3. the holder of the patent and the certificate for seed quality does not comply with the conditions set by the Ministry of Agriculture, Forestry, and Fishery.

CHAPTER 4:

IMPORT, EXPORT, AND TRANSIT

SECTION 1:

IMPORT AND EXPORT

Article 51

Export and import of seed, including seed testing, study, and experimentation shall be permitted by the Ministry of Agriculture, Forestry, and Fishery.

Ownership transfer made to another person with a license for export and import shall have an agreement in advance from the Ministry of Agriculture, Forestry, and Fishery.

Article 52

A natural person or a legal person who has imported seeds shall fulfill the conditions as follows:

1. shall report the goods accurately
2. shall hold a certificate for seed quality issued by the authority of the importing country
3. shall have an import license issued by the Ministry of Agriculture, Forestry, and Fishery
4. shall inform the Ministry of Agriculture, Forestry, and Fishery at least ten days of working days before the seeds arrive at the Cambodian border entrance.
5. shall meet the conditions of phytosanitation of Kingdom of Cambodia.

Article 53

The import of hazardous seeds into the Kingdom of Cambodia shall be severely prohibited.

The list of hazardous seeds shall be decided by the Minister of Ministry of Agriculture, Forestry, and Fishery.

Article 54

The Ministry of Agriculture, Forestry, and Fishery shall remove the license and halt the import and export of the seeds in case that those seeds do not comply with the standard of seed quality.

Article 55

The produce, which has been imported for industries, uses, or other purposes, shall not be allowed.

Article 56

A natural person or a legal person who imports seeds shall satisfy the following conditions:

1. shall report the goods accurately
2. shall hold an export license issued by the Ministry of Agriculture, Forestry, and Fishery
3. shall notify the nearest agent of phytosanitation at least one day working days before the seeds arrive at the Cambodian border entrance
4. shall hold a certificate for seed quality
5. shall meet the conditions of phytosanitation of the importing country

Article 57

In case of necessity and for the national or public interests, the Minister of Ministry of Agriculture, Forestry, and Fishery has the right to cause a provisional or complete halt to the export of seeds out of the Kingdom of Cambodia.

SECTION 2:

TRANSIT

Article 58

A natural person or a legal person transporting seeds through the Kingdom of Cambodia shall meet the following conditions:

1. shall report the goods accurately
2. shall have a certificate for seed quality issued by the authority of the exporting country
3. shall notify the Ministry of Agriculture, Forestry, and Fishery at least five days of working days before seeds arrive at the import passage by certifying the date and the export passage
4. shall insure the quality and safety of the package cover, the method of storing seeds, and the hygiene of transporting method
5. shall not carry pests of phytosanitation and other evil hazardous components, which can be spread along the transits.

Article 59

During the transit, if the safety seal has been removed and the container or the package has been damaged, the seed owner or the representative shall be responsible for reporting immediately to the nearest agent of phytosanitation and the authority concerned to take proper actions.

Article 60

The agent of phytosanitation shall inspect hygiene of the transporting method, both the outer part of the product-storing method and the certificate for seed quality of the exporting country as well as the relevant papers and shall facilitate the fast continued transportation.

CHAPTER 5:

THE NATIONAL FUND FOR SEED DEVELOPMENT

Article 61

The Royal Government of Cambodia can establish fund called “**The National Fund for Seed Development**” which is an institution of public administration for the support of research and seed development in an attempt to enhance the agricultural productivity.

The National Fund for Seed Development shall be under the technical support of the Ministry of Agriculture, Forestry, and Fishery.

Article 62

The National Fund for Seed Development has sources of income from:

1. donated budget or other contributions of the Royal Government for the support of research and seed development.
2. donors, association, non-governmental organizations, international organizations, and various partners in development
3. transitional fines for seed offence
4. other service charge for seeds

The budget and income of the National Fund for Seed Development shall be paid into the account of the National Fund for Seed Development.

Article 63

The National Fund for Seed Development can be used for the following activities:

1. technological research into seed selection
2. experimentation or seed testing and seed breeding
3. educational promotion and technological training on seeds
4. participation as members of the regional or international organizations in the sector of seeds.

The Royal Government can determine the principles of motivating a natural person or a legal person who has made an achievement in creation, renovation, and bringing in genetic resources as well as effort to conserve, produce, breed, experiment, test, and select; distribution and seed processing.

Chapter 6: SEED INSPECTOR

Article 64

The seed inspection agent of the Ministry of Agriculture, Forestry, and Fishery is competent and plays a role as an officer and a justice police officer.

Forms and procedures of rehabilitation shall be determined by a joint declaration made by the Minister of Justice and the Minister of Ministry of Agriculture, Forestry, and Fishery as stated in Article 82 of the Criminal Code of the Kingdom of Cambodia.

Article 65

The seed inspection agent has obligations and right as follows:

1. shall monitor and constantly supervise all Kingdom of Cambodia
2. shall inspect all location of business in all types of seed, warehouse of stocks, factories, enterprises, including farms concerned or suspected of committing offence against this law.

3. shall confiscate the seed samples suspected of breaking this law for experimentation
4. shall require business people to show the relevant licenses or other documents concerned with seeds trade
5. shall provisionally seize all kind of licenses or other relevant documents if the holders of those licenses have committed offences against this law
6. shall have, in case of actual offences, the right to ban or close facility for transportation or facility for storing seeds for supervision and provisional confiscation of objects of offences and facility for making reports to the prosecutor.

Article 66

The agent of phytosanitation had the obligation and right to perform his or her duty at the checkpoint posts of the international passages, the international border passages, the bilateral border passages, the border-area passaged, and seaport passaged throughout the Kingdom of Cambodia.

Article 67

All levels of local authorities, forces, institution of customs and excise, institutions of airports and seaports, and other authorities concerned, help cooperate with the preventive research and crackdown on seed offences or provisionally maintain the objects of seed offences when there is requests made by the seed inspection agent.

Article 68

During the mission, the seed inspection agent shall wear uniform with a sing and shall have a mission letter.

The uniform and sign of the seed inspection agent shall be determined by the Sub-decree.

CHAPTER 7: LEGAL PENALTY

SECTION 1: OFFENCES AGAINST THE PROTECTONS OF NEW SEEDS

Article 69

For all conflicts occurring concerning the application of chapter 2 and orders, the complaint shall be filed to the registrar of new seeds.

The registrar shall give an opportunity to the plaintiff for a hearing before himself or herself before applying the discretionary power provided to the plaintiff by this law and orders.

Article 70

The owner of the new seeds shall lodge a complaint to the court to have the building repaired in accordance with the legal procedures as follows:

- bring civil action or request a provisional warrant to ban the conduct or the continued violation of the right of seed breeder
- request penalty, confiscation, destruction of seeds which have been produced against the right of seed breeder, and
- request damages in cash

Article 71

Any person who gives untrue information in the form applied for the new seed protection shall be penalized and fined from 1,000,000 (one million) riels to 5,000,000 (five million) riels or sentenced from one month to six months in prison or shall face both kinds of punishment above.

In case of repetition, he or she shall face double punishments.

Article 72

Any person who violates the right of new seed protection on purpose as stated in Article 15 of Chapter 2 of this law shall be punished and fined from 5,000,000 (five million) riels to 20,000,000 (twenty million) riels or sentenced from one year to five years in prison or shall face both kinds of punishments above. In case of repetition, he or she shall face double punishments.

Article 73

If a person is punished in accordance with the provision of this section, the court can issue the order to confiscate the seeds as the state property or to destroy the seeds that violate the objects of evidence and equipment used to commit the offence.

SECTION 2:

OFFENCE OF SEEDS TRADE

Article 74

The penalties for offence of seeds trade are transitional punishment, detain of property, confiscation of property, destruction of property, requirement of repairing the damage, removal or postponement of a patent license, a license for import and export of seed, a certificate for seed quality, and sentence to imprisonment.

Transitional punishment for seed offences, detain of property, removal or postponement of a patent license, a license for import and export of seed, and a certificate for seed quality are the authorities of the Ministry of Agriculture, Forestry, and Fishery.

If the offender does not comply with decision made by the authority as stated in Paragraph 2 of this article, the Ministry of Agriculture, Forestry, and Fishery shall send the complaint to the court.

The confiscation and destruction of property, the repair of the damage, fining, and sentence to imprisonment are the authorities of the court.

Article 75

The form of the transitional punishment and the market price of the basic seeds for implementing the transitional punishment shall be determined by the declaration made by the Minister of Ministry of Agriculture, Forestry, and Fishery.

Article 76

Fines used as incentives to encourage those who have succeeded in cracking down on offences and limitation of the National Fund for Seed development shall be set by the joint declaration made by the Minister of Ministry of Agriculture, Forestry and Fishery and the Minister of Ministry of Economy and Finance.

Article 77

Any holder of a patent license and a for import and export of seeds who has transferred the ownership to another person without an agreement in advance from the Ministry of Agriculture, Forestry, and Fishery shall be penalized by suspending that license for the period of one year.

In case of repetition, he or she shall completely be deprived of a patent license or a license of import and export of seeds and shall be faced with the transitional punishment in compliance with Article 78 of this law.

Article 78

Any person has committed the following offences shall be fined and required to pay a transitional fine of from 500,000 (five hundred thousand) riels to 5,000,000 (five million) riels:

1. not regularizing the registered seeds in accordance with this law under the provision in the period of six month after this law has come into effect
2. not having agronomists recognized by the Ministry of Agriculture, Forestry, and Fishery working in their seed laboratory
3. export, import, and transit of seeds conducted by:
 - not reporting the goods accurately
 - not notifying the Ministry of Agriculture, Forestry, and fishery
 - not reporting immediately to the agent of phytosanitation during transit when the safety seal has been removed, the container or the package has been damaged in order to take proper action
 - not meeting the conditions of phytosanitation
 - not packaging properly or damaging packaging material or sing.

In case of repetition, he or she shall suffer a double transitional fine, or the case shall be sent to the court.

Article 79

Any person who has committed the following offence shall be punished by a double transitional fine of the market price of the actual objects of evidence:

1. seeds trading or import seeds for the purpose of experimentation without a license issued by the Ministry of Agriculture, Forestry, and quality
2. seeds trading without a certificate for seed quality
3. uses the imported products for industries, consumption, or other purposes, like using or processing them for seeds
4. export and import seeds by:
 - not having a license issued by Ministry of Agriculture, Forestry, and Fishery
 - not having a certificate for seed quality
5. trade by not having a certificate for seed quality issued by the authority of the exporting country
6. trade or circulate on the market on the seeds which:
 - have no quality as the information stated on the package covers or sings
 - are expired
 - have no properly-designed sings

In case of repetition, he or she shall face a double transitional fine and shall be deprived of a patent license, an export and import license, or a certificate for seed quality, or the case shall be sent to the court.

Article 80

Any person who has committed the following offence shall be sentenced to from one month to one year and shall pay from 5,000,000 (five million) riels to 10,000,000 (ten million) in fines or shall face both kinds of punishments and shall be deprived of a license, a certificate for seed quality, by destroying all the properties or confiscating them as the state properties:

1. import evil hazardous seeds into the kingdom of Cambodia
2. export seeds against the state prohibition when Cambodia badly need them
3. falsify the seed quality.

In case of repetition, he or she shall suffer a double punishment, without considering the responsibility to the Civil Code, for impacts on the public health or damage to environment.

SECTION 3:

OFFENCES COMMITTED BY LAW ENFORCEMENT OFFICIALS

Article 81

Any inspection agent or any official who is careless or does not comply with the provision of this law shall face an administration punishment and / or charge before the court.

Any inspection agent or any official who colludes with an offender or help facilitate the conduct of the offence shall be penalized like the offender.

**CHAPTER 8:
TRANSITIONAL PROVISION**

Article 82

The seeds which receive the certificate for seed quality and a patent license under various provisions shall be regularized in compliance with this law in the period of six months starting from the date of this law made effective.

**CHAPTER 9:
FINAL PROVISION**

Article 83

Any provisions which are contrary to this law shall be abrogated.

Article 84

This law shall be declared to be urgent.

Royal Palace, Phnom Penh, 13 May 2008

ROYAL SIGNATURE AND SEAL

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NORODOM SIHAMONI

Having submitted to the King for signature

THE PRIME MINISTER

SIGNATURE

SAMDECH AKKA MOHA SENA PADEI TECO HUN SEN

Having submitted to Samdech Akka Moha Sena Padei Techo Hun Sen
The Prime Minister of the Kingdom of Cambodia
Minister of Agriculture, Forestry, and Fishery

SIGNATURE **No: 495**^{២.៧}

For copying and distribution

CHAN SARUN

Phnom Penh, 20 May 2008

Deputy Secretary-General of the Royal Government

[signature and seal]

KHUN CHIN KEN

APPENDIX TERMINOLOGY

A. Seed Processing

Refers to evaporation, cleaning, processing, and packing of seeds for sales.

B. Transit

Refers to the transportation of seeds through the Kingdom of Cambodia. This transit excludes the goods selection, stop to unload the goods into the warehouse, opening the packages, and change in method of transportation.

C. Seed Inspection

Refers to the seed inspection and analysis of samples, the research, exploration, and crackdown on offences.

D. Seed Testing

Refers to an activity of experimentation and monitoring in the experimentation field and analysis of seed quality in the laboratory.

E. Release

Means the liberation of seeds for public use after being agreed by the committee of technical evaluation.

F. Container

refers to the equipment use to store goods for transportation.

G. Seed Quality

Refers to the technical criteria of seeds such as the level of moisture, cleaning, purity and quality of seeds, etc.

H. Seed Marketing

Refers to the buying and selling, distribution, and the storing of seeds.

I. Registration Department

Refers to the department of the industrial ownership of the Ministry of Industry, Mines, and Energy.

J. Gene

Refers to a group of chromosomes which is reproductive units and is able to send hereditary information from one generation to another or from parents to children.

K. Variety

Refers to all types of seeds or other groups of seeds that have the same characteristics and that prove different from other plants of the same type with one characteristics or more, and those characteristics can still be kept and used as seeds or bred by other organs.

L. Seed

Refers to gamete (egg) which have parts of embryos, nutrients, and the covers for protecting seeds or an organ which is used for sowing or growing or growing for crop production, although the reproductive organs (such as seeds for food crops, industrial crops, oil crops, animal foods or flowers and other crops for ornaments) and seedlings, roots, parts of grafted organs of plants through micro-breeding and other organs bred through organ.

M. Existing Variety

Refers to seeds being used and trade generally without anyone's ownership.

N. New Variety

Refers to seeds recently discovered and developed by plant breeders or seed breeders and broadly monopolized for the specific period determined by this law.

O. Contracting Party

Refers to a country or an international organization which is the party of the International Federal Convention on the Protection of New Seed called UPOV.

P. Registrar

Refers to the department of registration of the Ministry of Industry, Mines, and Energy.

Q. Phytosanitary Condition

Refers to a condition that demands the phytosanitary authority of each country to prevent the spread of pests into Cambodia through the activity of goods import as the object of the phytosanitary inspection.

R. Certificate for New Plant Variety Protection

Refers to a certificate of a seed breeder who gives a natural person or a legal person the ownership of new seeds and issued by the Ministry of Industry, Mines, and Energy.

S. Certificate for Seed Quality

Refers to a certificate for seed quality with allows a natural person or legal person to trade in seeds and which is issued by the Ministry of Agriculture, Forestry, and Fishery.

T. Pest

Refers to all animals and plants, both alive and dead, in the phase of development which can cause seeds to have diseases and unwanted weeds.

U. Safety Seal

Refers to lead-clad package to ensure the safety of the goods in the container or without affecting the originality.

V. Standard

Refers to a model pattern which is set by this law to determine the seed quality.

W. Seed Inspector

Refers to a unit in charge of the management and inspection of seed quality with a clear organizational structure including department of agronomy and farmland improvement and office of agronomy and farmland improvement in both provinces and towns.

X. Seed Business

Refers to production, processing, seed breeding, export and import, and seed circulation.

Y. Plant Breeder

Refers to a natural person or legal person who conserves, develops, or breeds, tests, selects, and liberates see and plants for the purpose of improvement of crops and sustainable farming.

List Measures/Standards

Name	Description	Status	Measures/Standards	Measure Class
Requirement to register existing seeds	All existing seeds must be registered in the list of national seeds provided that the seeds met conditions set forth in Art. 40 (1), (2), (3), (4), & (5) of the Law	Active	Measure	Goods
Licensing requirement to trade, import, and export for all seeds	Trading, exporting, and importing (including testing, studying, and experimenting) on all seeds in Cambodia must have import and export license from MAFF and transferring	Active	Measure	Goods

Name	Description	Status	Measures/Standards	Measure Class
	ownership of the license must have an agreement in advance from MAFF			
Mandatory packaging requirements for all seeds	It is prohibited from circulating in the market any seeds that have not been packaged, have been improperly packaged, have been faked package, or have expired	Active	Measure	Goods
Mandatory labelling requirements for all seeds	It is prohibited from circulating in the market any seeds that have incorrect information on the packaging or labelling, don't have a label in accordance with false labelling measures, or a damaged label	Active	Measure	Goods
Mandatory testing requirements for all seeds	Seeds that are allowed to be traded in or imported into Cambodia must be quality seeds, which have gone through experiment or trial overseas by a specialized unit, the institute of public research, or private sector specialized in seeds that are recognized by MAFF. Seeds that fail to meet conditions of seed quality standard shall be reclassified after inspection by MAFF and cannot be sold in the market	Active	Measure	Goods
Mandatory inspection requirements for all seeds	Seeds that are allowed to be traded in or imported into Cambodia must be quality seeds. Seeds that fail to meet conditions of seed quality standard shall be reclassified after inspection by MAFF and cannot be sold in the market	Active	Measure	Goods
Mandatory certification requirements on import and export for all seeds	Seeds that are imported into and exported from or transited through Cambodia must have a certificate of seed quality issued by the authority of the exporting country for importing and transiting, or issued by MAFF for exporting and meeting the phytosanitary conditions of Cambodia or the importing country	Active	Measure	Goods
Prohibitions to import hazardous seeds	It is strictly prohibited to import all hazardous seeds into Cambodia, the list of hazardous seeds shall be decided and published by MAFF	Active	Measure	Goods
Temporary or complete ban to export all seeds	In case of necessity and for national interest or public interest MAFF may temporarily or completely ban export of all seeds from Cambodia	Active	Measure	Goods
Conformity assessment	According to Article 54, import and export of the seeds that do not comply with the standard of seed quality shall	Active	Measure	Goods

Name	Description	Status	Measures/Standards	Measure Class
related to SPS n.e.s	be suspended of the license and halted.			