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Additional Questions and Replies

The Government of the Kingdom of Cambodia has submitted the following replies to questions raised with the request that it be circulated to members of the Working Party.

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II. ECONOMY, ECONOMIC POLICIES AND FOREIGN TRADE

1. Economy

(b) Current economic situation

Question 1

The response to question 2 of WT/ACC/KHM/6 indicates that nearly three-quarters of all tax revenue (half of government revenue) is collected on imports. As imports do not constitute three-quarter of Cambodia's economic activity, this seems somewhat unbalanced, and would appear to indicate that tax collections on domestic trade are not as complete as those on imports.

What steps is Cambodia taking to increase tax collections on domestic goods and restore balance to its taxation system?

Answer:

One third of border revenues come from the importation of petroleum products that are not produced in Cambodia. Cambodia's taxation rules vary according to a particular taxpayer's "Regime". There are three regimes of taxation, Real Regime, Simplified Regime and Estimated Regime. But the applicable regimes are only Real Regime and Estimated Regime. All legal entities, and individual businesses that have their annual turnover exceeds 500 million Riels in case of the supply of goods 250 million Riels in case of the supply of services and 125 million Riels in case of taxable turnover resulting from the government contracts, are subject to Real Regime Tax System¹. The smaller taxpayers that have their annual turnover below the above threshold level are subject to Estimated Regime Tax system. The VAT is applicable to Real Regime Taxpayers who are making supplies of goods or services, and the import of goods into the Kingdom of Cambodia.

VAT is applied without discrimination between imported and locally produced goods. Please also see replies to questions 38 and 39.

2. Economic policies

(d) Foreign and domestic investment policies

Question 2

TRIMs and Export Subsidies. Cambodia notes (replies 7, 8) that it is a least developed country and that according to article 27.2 of the agreement on subsidies and countervailing measures (SCM) it is exempted from the paragraph 1(A) of the Article 3 of the SCM (Prohibition of subsidies contingent upon export performance). Notwithstanding the foregoing we seek clarification of the response to question 7 which asked Cambodia to detail their export subsidies. We seek clarification of the following:

Can Cambodia provide a copy of the appendix matrix of the sub-decree No. 88 outlining the projects that get a corporate tax exemption of up to 8 years?

¹ Article 1 of the VAT Sub-decree No 114 ANKR BK dated 24 December 1999.

Answer:

A copy of criteria matrix for investment incentives, which are appended to the Sub-Decree No. 88 (Schedule 3), have been already submitted to the WTO Secretariat for consultations. Please see reference in the doc. WT/ACC/KHM/3/Add.3 dated 16 May 2001.

Question 3

Clarify how points 4 to 9 should be read: Does it mean that there are 100 per cent import duties exemption on an export oriented project with a minimum of 80 per cent of the production exported; Project located in a designated special promotion zone; The tourism industry; Labour intensive industries; and Physical infrastructure and Energy industry.

Answer:

In accordance with Article 14 of the Law on Investment, 100 per cent import duties exemption (on construction materials, means of production, equipment, intermediate goods, raw materials and spare parts) is given to: (1) investment projects that are export oriented with a minimum of 80 per cent of the production exported; (2) projects located in a designated special promotion zone; (3) projects in the tourism industry; (4) projects that are labour intensive, related to processing and agro-industries; and (5) projects in physical infrastructure and energy industry.

Question 4

If this what is meant what does 100 per cent import duty exemption on the tourism industry. Labour intensive industries and physical infrastructure and energy industries mean? Does it mean exemption on capital equipment or imports relating to a project in these industries?

Answer:

For those activities, import duties exemption is given on imports of construction materials, means of production, equipment, intermediate goods, raw materials and spare parts.

Question 5

What is meant by projects located in the special promotion zone. Can we have a copy of the development priority list issued by the Council?

Answer:

Projects located in the special promotion zone refer to project located physically in zones to be identified by the Government. Currently, the Government works on the draft law on export processing zones. Potential areas identified for development of such zones include Sihanoukville seaport, Poipet, Koh Kong, Pailin, and a few other along the Cambodia-Vietnam borders. Therefore, there is no development priority list issued yet by the Council.

Question 6

What is meant by labour intensive industries, processing industries and agro-industry. Could Cambodia provide examples?

Answer:

In Cambodia, labour intensive industries are considered to include industries such as garment, footwear, and toys factories. Processing industries and agro-industries include industries that process or provide value-added processing like food canning, edible and industrial oils milling or refining, etc.

Question 7

What is meant by physical infrastructure and Energy Industries, Could Cambodia provide examples?

Answer:

Examples of physical infrastructure and energy industries in Cambodia include road, bridge, airport, seaport, power generation, water supply and sanitation, etc.

Question 8

In the response to Question 10 of WT/ACC/KHM/6 and in Annex I, Cambodia notes that foreign investors cannot invest in alcohol production unless approval is received from relevant Ministries.

Please provide a description of the approval process and the criteria used to determine whether or not approval will be granted.

Answer:

The approval process and the criteria for approval are the same as investments in other sectors not subject to restrictions and are contained in the Sub-Decree No. 88 ANK-BK dated 29 December 1997 (a copy of which was submitted to the WTO Secretariat for consultations), Schedule 3 (Criteria Matrix for Incentives and Chart of the approval process).

Question 9

Annex I also indicates that foreign investment in rice milling is subject to local equity participation.

Please describe the extent to which local equity participation is required.

Answer:

There is no specific local participation required by law. Local equity participation is open for negotiation and mutual arrangement among and between the foreign and local investors.

Question 10

Annex I also indicates that investment in the livestock and forestry sectors are restricted to foreign investors unless they partner with small-scale enterprises or a local partner.

Please provide a description of the criteria and the approval process that governs the conditions of approving the partnership in both cases.

Answer:

The criteria and the approval process are the same as other investments and are contained in the Sub-Decree No. 88 ANK-BK dated 29 December 1997 (a copy of which was submitted to the WTO Secretariat for consultations), Schedule 3 (Criteria Matrix for Incentives and Chart of the approval process).

(f) Privatization

Question 11

The Agricultural Inputs Company whose main activities are the importation and sale of fertilizer, insecticide and agricultural equipment (Page 46; Annex II, Table 2) is listed as one of the enterprises, which is to be retained as a Stated-Owned Enterprise when privatization is completed (Reply 12). Can Cambodia provide more details on the Company's Activities?

Answer:

The Agriculture Inputs Company was established by Anukret No12, dated 18 February 1999 as a State- Owned Enterprise. The company is governed by a board of directors comprising of 5 directors from Ministry of Agriculture Forestry and Fisheries, Ministry of Economy and Finance, and Ministry of Commerce. Its activities include the following:

- Import, purchase, sale agricultural inputs such as fertilizers, pesticides, seeds, and other equipment used as means of agricultural production.
- Warehousing and managing the distribution of donated fertilizers and agricultural inputs, following the principles of guardian ministries, at appropriate service costs.
- Administering countrywide statistical data of export, import and distribution of agricultural inputs.
- Participating in national and international training programs, workshop and conferences.
- Participating and coordinating in research to develop the application of agricultural inputs.

However, since the establishment of this company, there was no importation of agricultural inputs, but in 2002 the government has plan to import fertilizers, DAP and UREA in the amount of 5,000 tonnes and 10,000 tonnes, respectively. The imports of agricultural inputs have been done through private companies.

III. FRAMEWORK FOR MAKING AND ENFORCING POLICIES AFFECTING FOREIGN TRADE IN GOODS AND TRADE IN SERVICES

Question 12

- (1) It is said that smuggling is rampant in Cambodia from neighbour countries, especially in the Cambodian motorcycle market. As a result, it is difficult for them to import and sell the products with the required import duty paid because of the difference in price with smuggled products.**
- (2) In this connection, it is said that inappropriate implementation of laws and regulations is one of the major reasons to promote such smuggling.**
- (3) We hope that Cambodia will uniformly and appropriately implement its laws and regulation and strengthen its control of smuggling, with a view to establishing fair and impartial foreign trade regime.**

- (4) **Furthermore, we hope that Cambodia will strengthen its control importation and sales of illegally copied products by developing the laws and regulations relating to intellectual property rights, and by properly and steadily implementing them. We also very interested in the actual situation on developing laws and regulations regarding border measures. Further information should be provided.**

Answer:

- (1) Cambodia has launched a major anti-smuggling initiative under the provisions of Government Order No. 02 issued by the Council of Ministers on December 19, 2001. This Government Order directs the military, the police and local authorities to co-operate with and assist the Customs and Excise Department in anti-smuggling operations. An Inter-Ministerial Commission has been set up under the direction of the Minister of Economy and Finance to plan, co-ordinate, and to monitor this initiative.
- (2) Steps are being taken through the Technical Co-operation Assistance Plan (TCAP) to strengthen the capacity of the Customs and Excise Department and to improve its level of integrity. For instance, the new anti-smuggling initiative provides generous financial rewards to Customs officials who participate in successful anti-smuggling operations. Under the TCAP the enforcement strategy has been developed. Technical assistance is being sought to equip enforcement teams with appropriate tools and facilities.
- (3) As noted above, with the support and technical assistance provided by the TCAP, the Customs Reform and Modernization Program is addressing these issues.
- (4) A new draft Law on Customs is under preparation and would be submitted to the Council of Ministers (please see the revised document on the Agenda for Enacting Laws for WTO Conformity). This new law will link to the Intellectual Property rights legislation to provide customs with the authority to enforce their provisions in terms of imported goods.

Question 13

Customs Administration and Valuation. We note Cambodia is in the process of formulating a comprehensive Customs code and welcome the customs reform and modernization program (WT/ACC/KHM/6, ANNEX IV). We also note the undertaking (Replies 20, 45) to submit the draft Customs code for review by the Working Party. Can Cambodia indicate when the draft code will be ready for circulation to Members?

Answer:

The draft Law on Customs will be submitted to members for review when completed.

Question 14

While it is pleasing to see Cambodia's prioritised Legislative implementation agenda (WT/ACC/SPEC/KHM/3), it is of some concern that a very basic Legislative code for the effective operation of the Legal and Judicial system- The Civil procedure code - has been placed so low on the Legislative agenda, particularly given that this law underpins the enforcement of other laws. (According to the Legislative agenda the Civil procedure code is not expected to go before the Parliament until March 2004 and to be approved in December 2004). Cambodia is requested to give this matter reconsideration and advise on intentions to expedite work in this area.

Answer:

The draft Civil Procedure Code is under advance stage of preparation and would be submitted to the Council of Ministers soon, except for provisions for compulsory execution against immovable properties and foreclosure of securities rights. The provisions on compulsory execution against immovable properties and foreclosure of securities rights will be drafted in 2002-2003. For more details, please see the revised document on the Agenda for Enacting Laws for WTO Conformity.

Cambodia has received technical assistance from JICA and has a dedicated team working on the draft and consultation process. Cambodia appreciates the concern expressed, but nonetheless the process of debates among various stakeholders of this fundamental legislation is time consuming and our human resources in this complex legal field limited. Cambodia is committed to maintain the timetable and believes that the substantive contents of this legislation should not be compromised.

Question 15

It will be critical for the efficiency of Cambodia's WTO accession that it provides relevant legal texts as soon as possible.

We appreciate the laws supplied to date, and we look forward to receiving additional legislation, in particular in the areas of transparency and due process, trading rights, free or special trade areas, TRIPS, the custom code, the new custom tariff, TBT/SPS, and import licensing.

Answer:

Cambodia will endeavour to submit additional legislation as it becomes available. For details, please see the revised document on the Agenda for Enacting Laws for WTO Conformity.

IV. POLICIES AFFECTING TRADE IN GOODS

1. Import Regulation

(a) Registration requirements for engaging importing

Question 16

The responses to questions 21-24 of WT/ACC/KHM/6 provide information on the requirements for a firm to amend its commercial registration by submitting an application to the Ministry of Commerce to amend its Memorandum and Articles of Association to provide for importing and exporting. It appears that registration with the Ministry of Commerce by foreign company, to engage in import-export trade, requires only that a company official appear in person and deposit the required proper documentation (including photos) with the Ministry.

Is this correct? Under what circumstances would this application be rejected?

Heading 3 – Registration to the Commercial Register – in Annex 7B of WT/ACC/KHM/2 states that the Ministry Commerce shall enrol the company in the commercial register and notify the applicant within one month from receiving such documents.

What process necessitates a delay of up to one month? How long does enrolment normally take?

Answer:

It is correct. Application is rejected when it is submitted without the proper required documentation. Since the submission of the WT/ACC/KHM/2, the enrolment procedures have been streamlined to about 2 weeks.

Question 17

Annex I describes restrictions against foreign investors in the alcohol, rice milling, livestock and forestry industries.

Are activity licenses or any or any other sort of special permit required to engage in trade in these products?

Answer:

No licenses are required for trade in the alcohol, rice milling, and livestock industries. In accordance with Article 4 Chapter 2 of Sub-Decree No. 05 dated 07 February 2000 of the Royal Government of Cambodia, only license on forestry concessionaires, whether domestic or foreign, is required in trade in forestry products.

(b) Characteristics of national tariff**Question 18**

We note that the updated 2001 Customs Tariff is to be submitted to Members and we look forward to its circulation in electronic format, can Cambodia please provide a summary of the changes and a list identifying Tariff items where the applied Tariff in 2001 is different from that applied in 2000?

Answer:

The new tariff has been restructured from 12 to 4 bands. The new tariff restructure is shown in the table below:

Structure of Cambodia's Bound and Applied Rates for Part I (Agriculture) and Part II (others)

Bound Rate	7%	15%	30%	40%	50%	60%	90%	100%	Total Tariff Lines
Number of Lines	620	1,797	1,886	2,058	66	238	54	104	6,823
Number of Tariff Lines/Applied Rates	0%	28	185	67	10			7	297
	7%	592	657	1,058	403		46	2	2,758
	15%		955	761	192	10	17	1	1,936
	35%				1,453	56	175	53	95

Source: Ministry of Economy and Finance of Cambodia

Question 19

Annex I of WT/ACC/KHM/6 indicates that Cambodia's tariff restructuring program provides for "the reduction of the maximum customs tariff rate from 120 per cent to 35 per cent in 2000," and that "the long-term goal is to have an unweighted tariff rate of less than 15 per cent in the year 2002/2003."

Will Cambodia provide, in electronic format, a copy of the newly restructured applied tariffs?

How will Cambodia proceed to establish its “unweighted tariff rate of less than 15 per cent in the year 2002/2003,” e.g, will revised applied tariff schedules be established in December 2002 and 2003? What is the projected maximum rate for 2003?

Answer:

The newly restructured applied tariff has been submitted to the WTO Secretariat for consultations. By selectively reducing tariff rates, in line with the PRGF, the target will be achieved by the end of 2002. Every effort will be made to ensure the reductions are as much as possible revenue neutral. There are no plans to reduce the maximum rate below the current 35 per cent level.

(c) Tariff quotas, tariff exemptions

Question 20

The response to question 33 indicated at that Cambodia is still considering the possibility of implementing TRQs.

We would like to emphasize that inclusion of tariff rate quotas would immensely complicate Cambodia’s accession negotiations and would involve complex administrative requirements for establishing access conditions, TRQ allocation and TRQ administration.

Answer:

Cambodia takes note of the comments on the TRQ administration.

(e) Quantitative import restrictions, including prohibitions, quotas and licensing systems

Question 21

Licensing Procedure. We note that Cambodia is updating the Questionnaire on import licensing procedures (Replies 38 and 39). It will be important for the Working Party to have this information as soon as possible. Can Cambodia indicate when this might be made available ?

Answer:

Cambodia is pleased to submit the revised import licensing questionnaire as a separate document of the Working Party.

Question 22

We look forward to receiving Cambodia’s completed import licensing questionnaire and list of items prohibited from importation.

Answer:

Please refer to the answer to question 21 and find the attached list of pesticides banned for use in the Kingdom of Cambodia appears as Annex I.

(h) Custom valuation**Question 23**

We would like to know where Cambodia implements laws and regulation relating to customs valuation, and clarification in a uniform manner all over the regions in Cambodia. We also appreciate if Cambodia could provide further information on relevant laws and regulations.

Answer:

Other than for low value imports, customs valuation decisions are made at Headquarters of Customs and Excise Department. This is to ensure consistency in the valuation of goods and to reduce customs valuation fraud. A Pre-shipment Inspection Service is used for most imported goods with an FOB value of US\$4,000 and above. While valuation provisions under the current legislation are not fully WTO compliant, the new Law on Customs will meet the WTO Valuation Agreement requirements.

Question 24

Throughout the responses in section (h) of WT/ACC/KHM/6, Cambodia states that it will seek a transitional period to bring its customs administration and valuation rules into compliance with the Valuation Agreement.

While we agree that some aspects of the Agreement may be implemented over time, Cambodia should be move to adopt the Valuation Agreement without delay in as many areas as possible during the accession period.

There are critical provisions, central to the issue of market access and the maintenance of a stable, predictable trade regime that we believe should be in place at the time of Cambodia's accession to the WTO.

Answer:

Cambodia currently applies minimum values to sensitive products to provide consistency of treatment and to deter valuation fraud. We recognize that this practice is not fully in compliance with the Agreement. However, we will require a transitional period for application of the valuation provisions in order to protect the revenue. Moving to transaction value at the time of joining the WTO would place the revenue at grave risk. The challenges faced in implementing the provisions include the low level of voluntary compliance by importers, lack of sound transparent accounting systems, and limited capacity of the Customs and Excise Department to administer transaction valuation provisions. We will need time to educate importers in the new valuation provisions and in the requirements for customs record keeping and accounting systems. Considerable time will be required as well to develop our internal administrative procedures such as a post clearance audit program, and to educate staff.

As part of its WTO Customs Valuation Agreement Implementation Action Plan, the Customs and Excise Department will be seeking technical assistance in preparing its transition plan. Please refer to the Action Plan, which is submitted as a separate document of the Working Party. In particular, the transitional period will only be sought for the application of the hierarchy of valuation techniques, and not for the other provisions of the Valuation Agreement. Matters relating to transparency, confidentiality, appeal rights, sureties for the release of merchandise and the adoption of the Interpretative Notes will be implemented at the time of accession. In addition, the new Law on Customs will be fully compliant with the WTO Agreement.

In the Action Plan, we propose to phase out the use of minimum values and to introduce transaction value based on the transition strategy over a five-year period, in accordance with Annex III of the Agreement. It should be noted that this is a preliminary strategy, which is subject to the availability of technical assistance.

Question 25

For example, the response to question 50 states that “for the purpose of customs valuation of imported goods valued under the PSI threshold of US\$4,000, Cambodia uses data on reference prices provided by the PSI firm.” This is a practice strictly prohibited by the valuation Agreement.

Cambodia should eliminate the use of reference prices (as documented in the responses to questions 42 and 43 of WT/ACC/KHM/6) prior to date of accession.

Answer:

Cambodia uses the reference database only as a guide for appraising valuation declarations. We believe the use of such a reference base is an appropriate tool for assisting in the appraisal of the value of imported goods in accordance with the Customs Valuation Agreement. The valuation reference database will not be used to establish actual transaction values, but will be used as a reference for establishing the reasonableness of values and for risk assessment purposes, in compliance with the Agreement.

Question 26

The response to question 20 states that Cambodia will submit its Customs Code to the Working Party for review as soon as possible. Cambodia also states that the draft Customs Code will implement the provisions of the Valuation Agreement regarding valuation hierarchy, prohibited basis of appraisal, confidentiality and transparency, sureties for the release of merchandise, and the adoption of the Interpretative Notes.

We do not believe that we can agree to transitions in these critical areas until we have a better idea of the regulations that Cambodia is prepared to adopt to ensure implementation.

We recommend again that Cambodia share the text of this law with interested delegations very soon to assist in ensuring that the law eventually enacted is consistent with the Valuation Agreement.

We also suggest that Cambodia complete the Customs Valuation questionnaire based on the draft Customs Code and other relevant legislation.

Answer:

Cambodia will only be seeking a transition period for the application of the valuation hierarchy. We intend to implement all other requirements at the time of accession. The draft Law on Customs will be provided following its submission to the Council of Ministers. Please also refer to the Action Plan submitted.

Question 27

We will be prepared to consider Cambodia's request for a transition period but would hope that the length and breadth of coverage of the transition period would be limited. Accordingly, we

look forward to Cambodia providing a timetable detailing the steps it will take to ensure effective transparent and fair administration of its laws in accordance with its future obligations under the Agreement on implementation of Article VII of GATT 1994.

Answer:

Please see answer to question 24.

Question 28

The response to question 53 appears to indicate that Cambodia does not fully implement the transparency and due process provisions of the Customs Valuation Agreement. The information provided in Annex 4 of WT/ACC/KHM/2, that changes to legislation and regulations are notified through the media and provided only to the 30-50 largest importers, appears to contradict the assurance in the response Cambodia regularly publishes in the Royal Government Official Gazette all changes of legislation and regulations in a transparent and non-discriminatory manner.

Please clarify this apparent contradiction and clearly describe Cambodia's current law and practice in terms of the publication of laws and regulation that effect trade.

Please indicate the composition and method of selection of the Working Committee which receive from importer on decisions by the PSI firms. Is the PSI firm currently required to give its initial rulings on valuation to imports in writing upon request? Will Cambodia's PSI firm be bound by the provisions of the Customs Code when it is enacted?

Answer:

Article 93 of its Constitution provides in effect that laws are to be published in the Official Gazette and brought to the knowledge and attention of the population. Such laws and regulations are required to be published as a matter of a legal requirement before they enter into force. For the last 2 years, the Office of the Council of Ministers has resumed the publication and dissemination of the Official Gazette on a regular basis. While the Customs and Excise Department may provide the legislation and regulations to 30-50 largest importers for the purpose of facilitation to ensure that they are fully up-to-date on these legal developments, these texts are nonetheless published in the Official Gazette for the general public on a non-discriminatory and transparent basis.

The new Law on Customs will receive extensive publicity through seminars, publications, and other information sources such as the Departmental Web page.

The PSI Dispute Settlement Working Group membership includes the Deputy Director of the Customs and Excise Department (Chair), senior representatives from SGS, and other senior CED officials. The members were appointed by a Prakas issued by the Minister of Economy and Finance. The PSI firm issues its valuation decisions through a Clean Report of Findings to the importer. The PSI firm will be bound by the provisions of the new Law on Customs.

Question 29

We note that WT/ACC/KHM/10 states that Cambodia's draft Customs Code, which is intended to implement various aspects of Cambodia's WTO obligations under the GATT 1994 and the WTO Agreements on Customs Valuation and Rules of origin, was under review by the Ministry of Economy and Finance at the end of 2001. Submission the Council of Ministers is expected in

March 2002 and to the Parliament in December 2002, with a projected enactment date of July 2003.

Could Cambodia give us an update on this schedule?

Will Cambodia begin to establish the institutions required under the law and train its customs personnel to implement it prior to final enactment?

Does the text of the Code include the Interpretative Notes to the Customs Valuation Agreement?

What sort of regulations will be necessary to fully implement the Code? Are these currently under development?

Answer:

It is expected that the draft law will be submitted to the Council of Ministers very soon. The projected enactment date of this Law by the National Assembly is July 2003.

With the assistance of the New Zealand Customs Service, the Customs and Excise Department will be developing a comprehensive plan to implement the WTO Valuation Agreement, including training of staff and the trade, implementing institutional reforms and specific programs such as a post clearance audit program.

The regulations will be developed once drafting of the Law is completed. Please also refer to the Action Plan submitted

Question 30

We understand that Sub-Decree number 64, issued in mid-2001, contains measures to rationalise the presence of Government Agencies at border checkpoints. Can Cambodia provide a read-out on the progress in implementing Sub-Decree 64 at all border checkpoints? What further measures will be undertaken to streamline Customs operations generally?

Answer:

Overall, Sub-Decree 64 is being implemented successfully at border checkpoints. The Customs Department and CAMCONTROL, Ministry of Commerce, are taking the lead position in the clearance process, while other governmental agencies are removing from routine involvement in clearance operations. Joint Committees were established with clear mandate and responsibilities in all border checkpoints.

The Customs Department is reviewing all customs' clearance procedures and processes with a view to simplification and modernization, and the application of risk management techniques. In addition, there are plans to automate the customs clearance processes that will lead to further efficiency gains. The new Law on Customs will provide the legislative basis for this initiative.

(j) Pre- shipment inspection

Question 31

Can Cambodia provide details, including any legislation and/or administrative regulations of their PSI regime?

Answer:

A copy of Prakas No 599 SHV.PRK dated August 31, 2000 on “The Implementation of Pre-shipment Inspection Services” is being submitted along with the relevant regulations.

Question 32

We understand a dispute settlement mechanism under the PSI system was introduced for importers on 2001. We welcome this move and would be interested in information on its caseload and Cambodia's view on its effectiveness in resolving PSI problems.

Answer:

The Dispute Settlement Working Group has been operating since early 2001. No formal cases have been brought to the Working Group for resolution by importers, but specific matters are regularly discussed and resolved by the Group. Importers tend to raise their concerns with either the Department or the PSI company who then bring the matter to the Group for resolution. Steps will be taken to encourage importers to make formal representation of any complaints or disputes to the Working Group.

Question 33

Cambodia states that it will use the services of a Pre-shipment Inspection firm and that pursuant to contract with that firm, the provisions of the WTO Agreement on Pre-shipment Inspection will apply.

We note that use of PSI firms does not relieve Cambodia, or the firms, from the obligation to observe other WTO provisions as well, e.g. the GATT 1994 and the WTO Agreements on Customs Valuation, Rules of origin, Import Licensing Procedures, Technical Barriers to Trade and Sanitary and Phytosanitary Measures.

In reviewing Cambodia’s Customs Reform Program, we note that Cambodia intends to expand use of the SGS valuation database. While such databases can be used in risk management system, they should not be used to establish actual transaction values. To use such systems in this manner is a violation of the Customs Valuation Agreement.

Answer:

As noted earlier, the current PSI contract states that the firm shall perform its services in compliance with the provisions of the WTO Agreement on Pre-shipment Inspection. The valuation reference database will be not used to establish actual transaction values but will be used as a reference for establishing the reasonableness of values and for risk assessment purposes, in compliance with the Customs Valuation Agreement.

Question 34

The response to question 57 indicates that Cambodia will establish a customs fee structure for its PSI firm consistent with Article VIII “upon the expiration of the PSI contract”.

WT/ACC/KHM/3 indicates that the contract was established in August 2000, and that it will expire in two years. Can Cambodia commit to revise its PSI fee structure by August 2002?

Answer:

If the existing PSI contract is renewed beyond 31 October 2002, which is the actual termination date of the existing contract, the PSI fee structure will be reviewed to ensure that the fees are limited to the approximate cost of services rendered.

Question 35

PSI firms that provide customs services mandatory for importation and exportation should operate in a manner consistent with WTO requirements. If this is not the case, then Members do not receive the benefit of WTO protections for their exports.

Please confirm that Cambodia will assure that its PSI firm, from the date of accession, is bound by the same obligations that apply to Cambodia in the WTO, and in particular by the provisions of these Agreements.

Answer:

PSI services will be carried out in a manner consistent with Cambodia's WTO obligations.

(k) Application of internal taxes on imports

Question 36

Since special tax rates, which is one of the Cambodian internal taxes, has risen at the same time of Cambodian tariff reduction last year, there has been some products whose sales price has sharply increased, for example, automobiles. We would like to seek clarification regarding current situation in this regard, and especially how Cambodia make its tax regime consistent with the national treatment obligation of GATT Article III. We also hope that Cambodia will provide more detail information on its laws relating its tax regimes.

Answer:

As part of the tariff restructuring implemented in July 2001, the maximum rate of duty was reduced to 35 per cent from 120 per cent and the number of tariff bands was reduced from 12 to 4 in accordance with the recommendations by the IMF. Excise taxes were raised on some items to offset the reduction in customs duty rates to keep the changes revenue neutral. As a result of the tariff restructuring, there was a slight increase in the overall tax on certain imported cars. However, there is no automobile manufacturing industry in Cambodia. The overall tax burden remained virtually the same on all other products.

Question 37

Reply 62 advised that steps were being undertaken to extend the 3 percent tax applied solely to imported alcohol and tobacco to like domestic goods from 1 January 2002. Can Cambodia confirm that the tax has been brought into conformity with GATT Article III?

Answer:

3 per cent tax on alcohol and tobacco has been extended to domestically produced products since the beginning of 2002. Cambodia confirms that the tax has been brought into the conformity with GATT Article III.

Question 38

The VAT system was introduced in 1999 for some 1,000 large enterprises in Phnom Penh and broadened to include five other provinces (Reply 64). Can Cambodia submit an action plan detailing the time frames for extending the VAT System to the remaining provinces and bringing it into conformity with the National Treatment Provisions of the WTO Agreements?

Answer:

Small taxpayers (estimated taxpayers) or remaining provinces with annual turnover below the threshold are not required to pay VAT, but they are subject to pay a 2 per cent turnover tax. The rationale behind the small taxpayers scheme is that the VAT system involves an increase of administration costs and compliance costs for the taxpayers, while the revenue collections may be smaller than the costs for small taxpayers. We do not have an action plan or timeframe for extending the VAT system to the remaining provinces yet.

Question 39

Cambodia should respond substantively to our questions concerning its VAT tax application. In question 61 of WT/ACC/KHM/6, we asked “Please provide specific and detailed responses to question 89 of WT/ACC/KHM/3. Question 89 asked, “Please describe in detail the regime for VAT currently applied in Cambodia including whether it is applied equally to imports from all third countries. Are VAT exemptions applied with full respect for the national treatment and MFN principle?”.

We seek Cambodia’s description, for the record, in accession documents, of the provisions of its VAT regime, as requested above. Please include a list of all VAT exemptions.

We are not prepared to agree that Cambodia’s regime is consistent with WTO without this information, in the Working Party record.

We urge Cambodia to provide this information.

Answer:

VAT was introduced on 1 January 1999 on 1,000 large and medium taxpayers (Real Regime). The number of VAT taxpayers has increased rapidly to approximately 2,900 taxpayers in 2002. This increase was the result of broadening the VAT base in other 5 provinces and the inclusion of new taxpayers in Phnom Penh capital in 2001 as well as an increase of business activities resulting from economic growth. In 2002, an additional 5 provinces were added as a result of existing taxpayers generating annual turnover over the threshold limit.

VAT Rate:

A 10 per cent single rate applies for domestic and importation (National treatment). There has never been a different VAT rate on imports depending on the country of origin of the imports. Export of goods and services and international transports are subject to a 0 per cent (Zero) rate.

Thus, there are two rates of VAT²:

² Article 64 of the Law on Taxation promulgated by Royal Kram No. KSRKM 0297/03 dated 24 February 1999.

- 0 per cent, this rate applies only to goods exported from the Kingdom of Cambodia and services consumed outside Cambodia. Exports are defined as including international transportation of passengers and goods.
- 10 per cent, this standard rate applies to all supplies other than exports and non-taxable supplies.

The supplies of goods or services by Estimated Regime Taxpayers are subject to the Turnover Tax at a single rate of 2 per cent³.

The Farmers selling their own farming products are not subject to any taxes. But the enterprises selling the products purchased from the farmers are subject to VAT or Turnover Tax according to the turnover threshold level. The turnover realized by the farmer is not exceeding 10 million Riels per year.

Criteria for Real Regime System:

The VAT applies only on taxpayers in the Real Regime falling under the following criteria:

- Any corporation, investment enterprise, importer and exporter;
- Other enterprise that has, within 3 consecutive calendar months, a taxable turnover exceeding 125 million Riel for the supply of goods, 60 million Riel for the supply of services, and 30 million Riel for a government contract value; or alternatively an annual turnover of 500 million Riels for supply of goods, 250 million for supply of services, and 125 million Riels for government contract value;
- Others may register voluntarily if they deem to be in their best interest.

Non-taxable Supplies (exemption from VAT)

- Public postal services;
- Hospital, clinic, medical, and dental services and the sale of medical and dental goods incidental to the performance of such services;
- Service of transport of passengers by wholly state owned public transportation system;
- Insurance services;
- Primary financial services;
- Imports of articles for personal use those are exempt from customs duties;
- Non-profit activities in the public interest;
- Imports or the purchases of goods for use in the exercise of their official function of foreign diplomatic and consular missions, international organizations and agencies of technical cooperation of other governments.

In addition, the VAT exemption covers imports and supply of:

1. All kind of fertilizer for use in the agriculture;
2. All kind of plant seeds;
3. Parts of cut branches of tree for growing;
4. Animal medicines for the health and prevent the animals from diseases;
5. Animal foods and additional animal foods including vitamins;
6. Animal breeding stock including wild animal;
7. Small tractors and their spare parts for family use;
8. Animal foods grinding machines;

³ Article 645 of the Law on Taxation promulgated by Royal Kram No. KSRKM 0297/03 dated 24 February 1999.

9. Equipment for growing seeds and hatching eggs;
10. Pump of the pumping machine.

This exemption has been made through Prakas No 303 MEF.TD dated 23 June 2001. This exemption decreases the Tax Department revenue (Local Supply) for around 1 Billion riels per year. The money forgone from VAT exemption on imported goods can be seen from the table below:

Money forgone from VAT Exemption in 2001:

July 2001*	412,160,126 Riel
August 2001	477,807,894 Riel
September 2001	332,984,723 Riel
October 2001	357,088,072 Riel
November 2001	230,653,405 Riel
December 2001	247,828,146 Riel
Total	2,058,522,366 Riel

* July 2001 is the beginning date of the implementation of VAT Exemption

Money forgone from VAT Exemption in the first five months of 2002

January 2002	191,488,028 Riel
February 2002	193,147,049 Riel
March 2002	308,349,322 Riel
April 2002	277,714,884 Riel
May 2002	581,999,637 Riel
Total	1,552,699,520 Riel

Source: Ministry of Economy and Finance, Cambodia

TAXABLE VALUE OF VAT:

- Import = CIF + Customs duty + Excise tax if any.
- Supply of Goods or Services = the price of goods or services that the supplier charges the customers.
- The making of a gift or a sale at a lower price at a fair market value.

As to the application of VAT exemptions to imports and locally produced agricultural products, Cambodia is reviewing this issue and will provide a full answer at a later stage.

Question 40

The response to question 62 indicates that by January 2002. Cambodia expected to have extended its 3 percent tax on alcohol and tobacco to domestic products as well as to imports.

Has this occurred? If not, when will Cambodia bring this discriminatory tad into conformity with Article III of the GATT?

Answer:

The 3 per cent tax on alcohol and tobacco has been extended to domestic products since the beginning of 2002. Cambodia has already brought the 3 per cent tax on alcohol and tobacco in the conformity with Article III of the GATT.

Question 41

The response to question 63 indicate that Cambodia does not levy VAT on domestically produced raw agricultural products but does collect the tax on similar imported goods, except for a specific list.

This is a violation of Article II. Cambodia should either equalize the tax or remove it from all similar imported products.

Answer:

Cambodia takes note of the view expressed and would consider this issue as the accession negotiations proceed. Please also see reply to question 39.

(l) Rules of origin

Question 42

WT/ACC/HM/10 states that Cambodia intend to implement is new Customs Code in July 2002, and that a law on rules of Origin will be drafted by the Ministry of Commerce with the expectation that it will go to the Parliament in April 2005.

We thank Cambodia for its assurances in the response to question 65 of WT/ACC/KHM/6 that it will sign its law and regulation on rules of origin with the provision of the WTO Agreement and that these laws will be drafted or amended to incorporate the requirements of Article 2(h) and Annex II paragraph 5(d),i.e. that for non-preferential rules of origin respectively, the customs authority will provide upon the request of an export and outline the terms under which it will be provided and that any request for such and assessment would be accepted even before trade in the goods concerned begin.

Answer:

Provisions for the administration of origin provisions will be included in the Law on Customs. We also would like to update that the implementation of the new customs Law is expected as from mid-2003. Please see the revised document on the Agenda for Enacting Laws for WTO Conformity.

(m,n,o) Anti-dumping, countervailing and safeguard regimes

Question 43

We welcome Cambodia's commitment (Reply 67) not to apply safeguard, anti-dumping or countervailing measures without first notifying to the WTO Legislation covering such measures consistent with the WTO Agreement. According to Cambodia's Legislation implementation agenda the law on anti-dumping and on countervailing measures and the law on safeguard measures are not expected to be approved until the second half of 2004. We look forward to the draft Legislation being submitted for review by the Working Party.

Answer:

Cambodia is currently considering this issue and also expects technical assistance from Australia (as pledged) in the drafting of the above 2 laws.

Question 44

According to WT/ACC/KHM/10, Cambodia doesn't expect to have laws on trade remedies consistent with WTO provision and 2004 at the earliest. In question 66, we sought Cambodia's commitment in the Protocol of Accession that it would not apply safeguard, antidumping or countervailing measures without first notifying to the WTO legislation covering such measures consistent with WTO Agreements.

While we appreciate the assurances that Cambodia will apply safeguard, antidumping or countervailing measures consistent with WTO Agreements, including their procedural aspects, when it becomes a WTO member, we renew our request, in anticipation that Cambodia will accede prior to the development of the appropriate legislation.

Answer:

Cambodia takes note of the comments. Please see also reply to question 43 above.

2. Export Regulation

(c) Quantitative export restrictions, including prohibitions, quotas and licensing systems

Question 45

We remain concerned that Cambodia's restrictions on exports of rice and forestry products are not consistent with Article XI of the GATT.

We would appreciate more information on the conditions under which these restrictions are applied related directly to the GATT and WTO justification for their application.

Answer:

Cambodia has lifted restrictions on rice exports on 26 July 2001 with Prakas-Announcement No. 2290 MoC/M 2001 of the Ministry of Commerce. Restrictions on forestry products are imposed for purely conservation reasons in accordance with Article XX(g) of GATT 1994. In the purpose of environmental protection and forestry conservation, the Royal Government of Cambodia issued a Governmental Prakas on Management Measures to Eliminate the Forestry Anarchy No. 01 PROK dated January 25, 1999 and Sub-Decree on Forestry Concession Management No. 05 dated 07 February 2000.

(f) Export financing, subsidy and promotion policies

Question 46

Notwithstanding Cambodia's invocation of the exemption under Article 27 2(a) of the WTO Agreement on exportation.

Please provide information concerning all measures under the Law on Investment that are contingent on exportation.

Please describe these measures in detail and provide the laws that authorize the measures (legislation –Implementation Agenda. Agenda for enacting Laws for WTO/Conformity)

Answer:

There are no other measures not already mentioned in WT/ACC/KHM/2, 3, and 6. Please also see replies to questions 3 and 74.

Question 47

The response to question 7 in WT/ACC/KHM/6 states that eligible projects approved by Council for the Development of Cambodia (CDC), receive the incentives spelled out in Art. 14 on the Law on Investment, including full exemption from import duties for materials, means of production, equipment, intermediate goods, raw materials and spare parts used by an export-oriented project with a minimum of 80 per cent of its production exported. It also indicates similar benefits for projects located in a designated Special Promotion Zone (SPZ) listed in a development priority list issued by the CDC. Establishment in the Zone is open only to export oriented industries.

Are these benefits granted by the CDC under contract with specific firms, or are they available upon request by any firm meeting the criteria on an ongoing basis?

Answer:

These benefits are granted by the CDC upon request by any firm meeting the criteria on an ongoing basis.

(h) Import duty drawback schemes

Question 48

In response to question 87 of WT/ACC/KHM/6 Cambodia notes that it is considering duty drawback schemes in order to facilitate trade and promote the development of SMEs.

When does Cambodia expect to implement such a program? We seek a description of Cambodia's plan for these schemes as soon as possible, and a commitment to observe the guidelines for such schemes, as laid out in Annex II of the WTO Agreement on Subsidies and Countervailing Measures.

Answer:

While no decision has been reached on the implementation of a drawback scheme, consideration is being given to implementing such a scheme for small and medium sized enterprises to encourage their development. Assurance is given that any drawback scheme implemented will be in conformity with Annex II of the Agreement on Subsidies and Countervailing Measures. Cambodia is seeking technical assistance on the drafting of the drawback scheme. Please also see reply to question 74.

3. Internal Policy Affecting Foreign Trade in Goods

(b) Technical regulations and standards, including measures taken at the border with respect to imports

Question 49

We support the request in question 72 of WT/ACC/KHM/6 for Cambodia to provide detailed information about the legislative and administrative arrangements to be put in place to implement the TBT Agreement, including arrangements for the development of standards and

technical regulations, conformity assessment procedures, and participation in the work of international standards setting bodies (or the application of internationally agreed standards where appropriate).

Answer:

In order to comply with the requirements of the TBT Agreement, Cambodia will adopt a Law on Industrial Standards of Cambodia. The draft Law is being drafted by the Ministry of Industry, Mines and Energy, then the draft will be discussed and finalized by the Industrial Standards Technical Committee and submitted to the Council of Ministers for approval. Its adoption by the National Assembly is expected in 2003. A TBT Action Plan is also submitted as a separate document of the Working Party. In the Action Plan Cambodia seeks technical assistance to finalize the draft and to ensure that its provisions fully meets all the requirements laid out under the TBT Agreement.

Question 50

We have a number of questions on the checklist of requirements relating to TBT Agreement (WT/ACC/KHM/8). In particular we would appreciate an explanation of the content of the draft law on industrial standards referred to in item 1 as well as advice on the timing for drafting an passage of this law, a copy of the draft law will need to be made available to the Working Party.

Answer:

See reply to question 49.

Question 51

We also note the statement in item 2 of WT/ACC/KHM/8 regarding Cambodia's proposal to endeavour to implement the TBT Agreement fully upon accession. It will be important to ensure that Cambodia puts in place all necessary legislative and administrative arrangements to ensure implementation upon accession. We also recommend Cambodia identify and provide to the Working Party any technical assistance requirements in this process. Under item 4(E) of the checklist we note that periods of 45 days for new drafts and 30 days for amended drafts Standards are envisaged in the Sub-Decree to the law on standards. We point out the Agreement reached in the TBT Committee to provide a minimum of 60 days for comment in both instances.

Answer:

See reply to the question 49 and TBT Action Plan. Cambodia takes note of the need to revise the comment periods of 45 days for new drafts and 30 days for amended drafts Standards to 60 days in both instances.

Question 52

With regard to items 5 (D and F), we note Cambodia's intention to reference the Standards and Conformity Assessment arrangements under the ASEAN Framework Agreement on Mutual recognition arrangements in the proposed in the Sub-Decree, we would appreciate advice on the nature of the ASEAN Framework Agreement. We would emphasise the need to ensure that Standards and Conformity Assessment Arrangements should be based on internationally agreed, rather than regionally agreed Standards, does Cambodia intend to extend these Arrangements to all WTO Members?

Answer:

Cambodia's reference to the Standards and Conformity Assessment arrangements under the ASEAN Framework Agreement on Mutual recognition arrangements only reflects Cambodia ongoing activities as required under the ASEAN initiatives. In developing national Standards and Conformity Assessment Arrangements Cambodia will base them on internationally agreed Standards and all Arrangements will be extended to all WTO Members. To clarify this answer, please see the paragraph 5 of the Article 3 of the ASEAN Framework Agreement on Mutual Recognition Arrangements edited in December 1998 (see attachment).

Question 53

After reviewing the documents provided for Cambodia's WTO Accession concerning technical barriers to trade, we cannot make any substantive TBT comments without a copy of the Draft Law on the Cambodian National Standards Institute, reference in WT/ACC/KHM/2.

When will Cambodia make a copy available to the Working Party?

Answer:

Cambodia has retitled the draft Law on the Cambodian National Standards Institute to the draft Law on Industrial Standards of Cambodia. Please see the answers to questions 49 and 50 and refer to the relevant parts of TBT Action Plan, in which Cambodia seeks technical assistance to finalize the draft and to ensure that its provisions fully meets all the requirement laid out under the TBT Agreement.

Question 54

In the checklist in WT/ACC/KHM/8, Cambodia makes reference to the Law of Industrial Standards, aimed at compliance with the WTO TBT Agreement. However, it is not expected that this legislation will be enacted until 2003.

When will Cambodia provide a draft Law of Industrial Standards for review?

Answer:

See reply to the question 53.

Question 55

Concerning the response to question 71, it appears to indicate that a Mutual Recognition Agreement is necessary for the acceptance of an equivalent certificate. This is not consistent with the TBT Agreement, which requires the establishment of nondiscriminatory conformity assessment procedures that will allow for the acceptance of equivalent certification. How does Cambodia intend to remedy this situation?

Answer:

Please see the relevant parts of Cambodia's submission in document WT/ACC/KHM/8. Cambodia welcomes and accepts any equivalent certificate from third country certification bodies as long as those certification bodies or testing laboratories are accredited at least by national accreditation body of the countries concerned.

(c) **Sanitary and phytosanitary measures, including measures taken with respect to imports**

Question 56

In the Checklist of requirements relating to the Agreement on SPS Measure (WT/ACC/KHM/9), Cambodia refers to Sub-Decrees on Quarantine and Sanitary inspection of animal and animal products, which are currently being drafted, and are due to be finalised in 2003, according to the document, Cambodia's obligations under the SPS Agreement will be addressed in the new Legislation.

It would be useful if more details on the draft Legislation could be made available to members so that they can make an assessment of its conformity with the SPS Agreement.

In particular we seek more information on how the Legislation will address Cambodia's implementation of annexes B and C of the SPS Agreement.

Answer:

Cambodia is providing the draft Sub-Decree on Plant Quarantine and Animal Quarantine. It will be emphasized that for a least developed country like Cambodia the implementation of SPS measures during the transition period would also depend on the immediate availability of financial and expert support from WTO Members and relevant international organizations. Implementing measures would involve, among other activities, collection, translation into Khmer language and analysis of the relevant international practices, customization to the international practice of new sanitary, veterinary and phytosanitary regulations, upgrade of technological resources for sanitary, veterinary and phytosanitary institutions (laboratories), and training for sanitary/phytosanitary officers.

Question 57

Cambodia is seeking a five-year transition period to implement the SPS Agreement. The checklist details the type of technical assistance Cambodia would like to receive from donor countries in order to make their SPS regime WTO-Consistent.

Answer:

See reply to question 56.

Question 58

Could Cambodia provide a more detailed program of planned reforms to its SPS regime prior to accession and during any transition period?

Answer:

Please refer to replies to questions 56 and 57. See also SPS Action Plan as a separate document of the Working Party.

Question 59

In reviewing WT/ACC/KHM/9, it would appear that Cambodia is moving in the right direction in its efforts to implement the WTO Agreement on SPS, but that it still has a way to go to accomplish this. Concerning item 1 of WT/ACC/KHM/9, please provide a copy of the "new draft of Sub-Decrees" on quarantine and sanitary inspection of animal and animal products.

Answer:

Please refer to reply to question 56.

Question 60

Concerning item 2 and 3 (a) of WT/ACC/KHM/9:

WT/ACC/KHM/10 indicates that the regulations to establish an Inquiry Point for SPS and TBT were adopted by the Council of Ministers in December 2001. Can Cambodia confirm that? If so, when will the inquiry point be functioning?

Is Cambodia in the process of developing legislation that will identify the authority responsible for making notifications to the WTO, and ensure the transparency functions of the SPS and TBT Agreements? If so, when will this legislation likely be completed?

Answer:

Cambodia drafted a Sub-decree to establish separate Inquiry Points for SPS, TBT, Services, and Legal Compliance to the WTO Agreements. Cambodia seeks technical assistance to operationalize them as soon as the assistance is received. These points will be responsible for making notifications to the WTO, and also ensure the transparency functions of the SPS and TBT and GATS Agreements.

Question 61

Concerning item 3 (b), (c), and (d) of WT/ACC/KHM/9, please provide a copy of the "new draft of Sub-Decrees" relating to this points. Please explain what is meant by "these sub-decrees will contain provisions on these matters".

Answer:

The Government has prepared a new draft consolidated Sub-Decree on Plant Quarantine and Animal Quarantine which take into account basic provisions of the SPS Agreement. Its submission to the Council of Ministers for approval is expected in July 2002. What is meant by "these sub-decrees will contain provisions on these matters": Cambodia meant that these sub-decrees will include provisions relating to transparency; notification and access to documentation which involve the following: (1) establish guidance or law requiring publication of proposed measures at an early stage for comment; (2) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and (3) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.

Question 62

Concerning item 5 of WT/ACC/KHM/9:

It is possible for Cambodia to commit to using the appropriate international standards during the five year before which the provisions of the SPS Agreement are applied?

Please outline the steps Cambodia plans to take to adopt the standards outlined in the three international standard setting bodies (CODEX, IPPC, OIE).

Answer:

Cambodia plans to gradually use the appropriate international standards during the five-year period after its WTO accession before the provisions of the SPS Agreement are applied.

Cambodia will need to first adopt the Law on National Industrial Standards which provides the legal framework for adopting the standards outlined in the three international standard setting bodies (CODEX, IPPC, OIE).

(e) State-trading practices

Question 63

We note that the Green Trade Company which is involved in the buying and selling of rice and manages Cambodia's national reserve may receive government funding (Reply 77 and table 2 of annex II). Can Cambodia provide details of this Government Funding? What roles does the Green Trade Company have in rice exports?

Answer:

Annual budget (in 1998-2000) of 1,000,000,000 Riels is allocated by Ministry of Commerce to Green Trade Company (GTC) to buy rice for food security purposes. Before 26 July 2001, the GTC performed a special advisory role in the issuance of export licenses for rice. In particular, upon request of the Ministry of Commerce, the GTC provided its recommendations with regard to the market situation, supply and demand fluctuations, prices. In accordance with the Prakas of the Ministry of Commerce, No. 2290 MoC/M 2001 dated 26 July 2001, export licensing of rice was lifted. Since then the GTC had no role in exports of rice, and its activities are concentrating only on distribution and domestic trade.

Question 64

Can Cambodia confirm that the operations of the enterprises which are to be retained as SOEs, including the Green Trade Company and the Agricultural Inputs Company (Reply 12) are consistent with the provisions of GATT Article XVII and that no new special privileges will be accorded to these and other entities in terms of Article XVII ?

Answer:

Cambodia confirms that the operations of the Green Trade Company and the Agriculture Inputs Company are consistent with provisions of GATT Article XVII and no new special privileges will be accorded to these and other entities in terms of Article XVII.

Question 65

In response to question 11 and questions 77 and 78 of WT/ACC/KHM/6, Cambodia indicates that it has made progress privatizing state-owned enterprises.

Cambodia must list and describe the scope of business and its remaining state-owned enterprises, whether or not it believes they constitute state trading enterprises within the meaning of GATT Article XVII and the Understanding on GATT Article XVII.

Answer:

The answer will be provided later upon its completion.

Question 66

In response to Question 81 and in Annex II of WT/ACC/KHM/6, Cambodia states that the Agricultural Inputs Company will be kept as a state-owned enterprise and that discussions are taking place regarding the status of state owned enterprises in the rubber sector.

- (1) Please provide a description of the Agricultural Inputs Company's role in the production, marketing and /or trading of fertilizers, insecticide and agricultural equipment.**
- (2) Please provide an update on the status of the discussions regarding state-owned enterprises in the rubber sector.**

Answer:

- (1) please refer to reply to question 11.
- (2) Sub-Decrees were approved on 15 March 1999 to transform the seven state-owned estates into public enterprises with economic purpose under the Government's Law on Public Enterprises. Under these sub-decrees, the state still retains the shares of these estates but allows their Board of Directors to have full autonomy in their day-to-day operations, financial transactions and management. The Government is currently assessing the value of each the state-owned enterprises in the rubber sector.

Question 67

As noted in the response to question 82 (see also response to question 77), Cambodia states that the Green Trade Company manages Cambodia's national rice reserve and may receive funding from the government.

Please describe under what circumstances the Greed Trade Company receives government funding. Please describe the role of the Green Trade in the production, marketing and /or trading of rice.

Answer:

Green Trade Company receives funding from the Government to purchase rice during national emergency such as drought or flood and to distribute them to national disaster victims.

Question 68

The trade statistics for Cambodia's import and export of rice presented in Question 84 of WT/ACC/KHM/6 were very helpful.

Could Cambodia please clarify its response to Question 85, where it was asked if any of Cambodia' state-owned agricultural enterprises are involved in the production and importation/exportation of rice?

Answer:

There are no such SOEs in Cambodia.

(g) **Free economic zones**

Question 69

WT/ACC/KHM/10 indicates that a new Law on Export Processing Zones (EPZs) has been drafted and that submission to Council of Ministers is expected in March 2002 and to the Parliament in July 2002.

Please describe the provisions of this law and provide a copy for Working Party review.

Answer:

Cambodia is pleased to provide the draft Law on Export Processing Zones to the Working Party. The draft has been renamed draft Law on Industrial Zones.

(l) **Government Procurement Practices**

Question 70

We would encourage Cambodia to ensure transparency in their Government Procurement Practices and Policy. We would also encourage Cambodia to consider the work being undertaken in the WTO Working Group on transparency in government procurement and how their current policies and practices might accommodate any future WTO rules on transparency in government procurement.

Answer:

Cambodia as an LDC has no intent to join the Government Procurement Agreement. Nonetheless Cambodia takes note of this Member's comment.

4. Policies Affecting Foreign Trade in Agricultural Products

(d) **Export credits, export credit guarantees or insurance programmes**

Question 71

With respect to the response to question 90 on export subsidies:

While Article 9.4 of the Agreement on Agriculture exempts developing countries from undertaking export subsidy commitments during the implementation period, this exemption existed only during the implementation period.

Since the implementation period ended in 2002, Cambodia would not in any case be eligible to introduce export subsidies.

Answer:

Cambodia understands that Least-Developed Countries under the Agreement on Agriculture are not required to undertake any commitments on export subsidies and as such Cambodia reserves its rights as LDC to introduce export subsidies in the future. Furthermore, as we understand, the implementation period for developing countries is 10 years (i.e. until the end of 2004) and may be addressed in the current WTO negotiations on agriculture.

Question 72

In WT/ACC/KHM/3, Cambodia states that it has investment subsidies, which are generally available to the agriculture sector.

Please provide further details on these investment subsidies. Please explain whether there are any other sectors that receive similar investment subsidies.

Answer:

Please see replies to questions 3, 4 and 74.

Question 73

Cambodia has noted in WT/ACC/KHM/3, a few agriculture tax exemption programs such as the Decoupled Income Support and VAT Exemption.

Please provide a list of all tax exemption programs and include the amount of government revenue foregone in a recent representative period.

Answer:

Please see reply to question 39.

Question 74

The response to Question 7 of WT/ACC/KHM/6 notes that "agro-industry" is eligible for subsidies contingent upon export performance.

Could Cambodia clarify what is meant by "agro-industry" in this regard? Does "agro-industry" produce agricultural products subject to the Agreement on Agriculture?

Please explain how these subsidies are consistent with provisions on agricultural export subsidies in that Agreement.

Answer:

Agro-Industry is a sub-sector that processes materials of agricultural origin. In accordance with the Sub-Decree No. 88 ANK-BK dated 29 December 1997 (a copy of which was submitted to the WTO Secretariat for consultations), First Schedule ("Part A: List of investment sectors to which incentives shall apply"), agro-industry (or manufacture and processing of food and related products) include:

1. Beverages. 2. Fats and oils. 3. Sugar confectionery. 4. Meat products. 5. Dairy products.
 6. Preserved fruits and vegetables. 7. Grain mill products. 8. Bakery products. 9. Animal feed products.
- 100 per cent exemption of import duties under the Investment Law (Article 14) on construction materials, means of production, equipment, intermediate goods, raw materials and spare parts used by the local and foreign investment projects in the agro-industry (as well as in other sectors) is linked to export performance (i.e. minimum of 80 per cent of production is exported). Investment projects below 80 per cent export performance threshold enjoy such incentive only in the first year of production. A copy of the Investment Law was submitted to the WTO Secretariat for consultations.

- The above investment incentives (resulting in the revenue foregone by the government) may represent export subsidies in accordance with the Article 9:1(f) of the Agreement on Agriculture with regard to construction materials, equipment and spare parts. However, Cambodia as a least-developed country (LDC) should have the flexibility in this area. In particular, Cambodia should not be required to undertake reduction commitments as provided for in the Article 15:2 of the Agreement on Agriculture. On the other hand, investment incentives with regard to intermediate goods and raw materials can be considered as inputs consumed in the production process, as defined in the Annex II of the Agreement on Subsidies. A remission of import charges on these inputs should not be regarded as subsidy. Because Cambodia is an LDC, it is not yet able to manage a properly functioning duty drawback scheme. This exemption is in actual practice in Cambodia a close approximation to a drawback scheme.
- As to the non-agricultural sectors, which may enjoy the same investment incentives, Cambodia considers that the provisions of the Agreement on Subsidies and Countervailing Measures in favour of LDCs should apply, in particular the Article 27.2.

5. Policies Affecting Foreign Trade in other Sectors

(a) Textiles Regime

Question 75

Concerning the regulation of trade in certain textile and clothing products under bilateral agreements:

When Cambodia becomes a WTO Member, the provisions of the Agreement on Textiles and Clothing will become relevant. We intend that our current bilateral quotas on imports from Cambodia of textiles and clothing products will become the starting point for the further liberalization provided for under the terms of that Agreement.

This has been standard practice in other WTO accession, e.g.; Bulgaria and Oman.

In order to ensure an orderly transfer to this new status, and to guarantee the benefits of ATC trade liberalization for Cambodian exports, we suggest that commitment language be developed for the draft Working Party report that contains the following positions:

"... that the quantitative restrictions on imports maintained by WTO members on textiles and clothing products originating in Cambodia that were in force on the date prior to the date of accession of Cambodia to the WTO should be notified to the Textiles Monitoring Body (TMB) by the Members maintaining such restrictions and would be applied for the purposes of Article 2 of the Agreement on Textiles and Clothing. Thus, for the purposes of Cambodia's accession to the WTO, the phrase "day prior to the date of entry into force of the WTO Agreement: contained in Article 2.1 of the Agreement on Textiles and Clothing shall be deemed to refer to the day prior to the date of accession of Cambodia to the WTO. To these base levels the increase in growth rates provided for in Article 2.13 and 2.14 of the Agreement on Textiles and Clothing shall be applied, as appropriate, on the Agreement on Textiles and Clothing from the date of Cambodia's accession."

Answer:

Cambodia takes note of this request and would like to seek some clarifications in the course of negotiations over the draft Working Party report.

V. TRADE-RELATED INTELLECTUAL PROPERTY

1. General

Question 76

WT/ACC/KHM/10 indicates that the Ministry of Justice is drafting a new Civil Code with a view to submitting it to the Parliament in October 2004.

Will it contain any provisions related to intellectual property protection? If so, will these be of a very general nature, or will they attempt to duplicate the provisions of Cambodia's IPR Laws?

We urge Cambodia not to include parallel provisions on IPR in its Civil Code, as this will undermine its IPR regime.

Answer:

The new Civil Code will not contain provisions specifically indicating intellectual property protection and as such will not duplicate the provisions of Cambodia's specific IPR Laws, which are now being drafted separately under different scheme. Cambodia has no intention to include any parallel provisions on IPR in the Civil Code. The related provisions will be (1) a provision of recognition of controllable intangibles for which provisions for movables shall apply mutatis mutandis except as otherwise provided by any specific laws, and (2) the general provisions of torts which will apply in case of intellectual property infringement. Please refer to Legislation Action Plan.

(c) Membership in international property conventions and regional or bilateral agreements

Question 77

Please list all IPR international organizations that Cambodia is a party to, or plans to join.

Answer:

Membership of Cambodia in international property conventions and regional or bilateral agreements:

- Cambodian became a member of WIPO on 25 July 1995.
- Became a member of the Paris Convention on 22 September 1998.
- Entered into the ASEAN Framework Agreement on Intellectual Property Cooperation on 04 April 1999.
- Preparing to become a member of Bern Conventions after the adoption of Law on Copyright & Related Rights.
- Preparing to become a member of Patent Cooperation Treaty after the adoption of Law on Patent, Utility Model Certificate, and Industrial Design.

2. **Substantive standards of protection, including procedures for the acquisition and maintenance of intellectual property rights**
- (a) **Copyrights and related rights, including rights of performers, producers of phonograms and broadcasting organizations**

Question 78

We thank Cambodia for providing a copy of its draft Law on Copyrights and Related Rights, in WT/ACC/KHM/5, for Working Party review.

We have provided detail commitments and some questions on the draft, and we hope that these help Cambodia in its efforts to establish a TRIPS-consistent regime in IPR, in particular in the critical area of Copyrights.

Answer:

We take note the comments made by this Member on Cambodia's draft Law on Copyrights and Related Rights and will examine those comments carefully before we can incorporate those comments in our draft Law. Please refer to the Plan of Action on Intellectual Property Rights as a separate document of the Working Party.

Question 79

We note that in WT/ACC/KHM/10, Cambodia reports that at the end of 2001, its draft Law on Copyrights and Related Rights was under preparation in the Ministry of Culture and Fine Arts, and that its submission to the Council of Ministers is expected in March 2002 and to the Parliament in June 2002, with a projected date of enactment in November 2002.

Could Cambodia provide a status report on the progress of this legislation?

What steps in Cambodia taking to develop the necessary additional laws to enforce this Law when it is enacted? What types of technical assistance would Cambodia need to fully implement this law upon accession?

Answer:

Please see the Plan of Action on Intellectual Property Rights for the status report on the development of Law on Copyright and Related Rights

- (e) **Patents**

Question 80

We thank Cambodia for providing a copy of its draft Law on Protection of Patent, Utility Models, and Industrial Designs, in WT/ACC/KHM/5, for Working Party review.

We have provided detailed comments and some questions on the draft, and we hope that these help Cambodia in its efforts to establish a TRIPS-consistent regime in IPR, in particular in the critical area of Patents and Industrial Designs.

Answer:

We take note of the comments made on Cambodia's draft Laws in the area of Patents and Industrial Design and will examine those comments carefully before we can incorporate them in our draft Laws.

Question 81

WT/ACC/KHM/10 indicates that the Law on Trademarks and Acts of Unfair Competition, awaiting ratification by the Parliament in December 2001, should have been enacted in January 2002. In addition, the Law on Protection of Patent, Utility Models, and Industrial Designs, sent to the Parliament in October 2001 is slated for enactment in July 2002.

Are these plans on track? Will Cambodia be able to enforce these laws from the date of enactment, or are there other legal or operational requirements for full implementation? Will Cambodia provide copies of these final laws for Working Party review?

Answer:

Yes, these plans are on track. For progressive information, Cambodia wishes to inform the member states that, Law on Marks, Trade Names and Acts of Unfair Competition has already been adopted by the National Assembly on 06 December 2001, ratified by the Senate on 08 January 2002, and promulgated by the King on 07 February 2002.

Further, the draft Law on Patent, Utility Model Certificates and Industrial Design also has been adopted by the Council of Ministers on 12 October 2001. Please refer to Plan of Action on Intellectual Property Rights.

After those IP laws have been enacted, Cambodia will be able to enforce them from the due date of their enactment even though, we still need to have Sub-Decrees to ensure their full implementation. Cambodia is happy to provide the copies of those final laws to the member states for review.

Question 82

We note that Cambodia did not complete the checklist in WT/ACC/KHM/7 for the Law on Copyrights and Related Rights.

Why is this information excluded? Could Cambodia complete the checklist for Copyrights based on its new law?

Answer:

The reason why Cambodia didn't include in the checklist in document WT/ACC/KHM/7 the Law on Copyrights & Related Rights, is mentioned in the initial page of that document. It is simple that by the time that checklist has been completed, Cambodia was still reviewing its draft law on Copyrights & Related Rights. Cambodia has now revised WT/ACC/KHM/7 to include the draft Copyright law. Please refer to Plan of Action on Intellectual Property Rights.

- (c) **Geographical indications, including appellations of origin**
- (f) **Plant variety protection**
- (g) **Layout designs of integrated circuits**
- (h) **Requirements of undisclosed information, including trade secrets and test data**

Question 83

WT/ACC/KHM/10 reports that at the end of last year, Cambodia had requested technical assistance to prepare draft Laws on Geographical Indications Including Appellation of Origin; on Layout Designs of Integrated Circuits, on Protection of Undisclosed Information; and on Plant Variety Protection.

Has this technical assistance commenced? On what basis were the projected dates of submission to the Council of Ministers determined?

Why will it take so long to enact the Law on Protection of Undisclosed Information?

Under what circumstances could the IPR protection provided by these laws be implemented in Cambodia on a more rapid schedule, e.g.; in advance of the dates October 2003-November 2004 projected in WT/ACC/KHM/10.

Answer:

The ability of Cambodia to draft laws in these areas, and the time frame required for the preparation of the drafts depends entirely on the availability of technical assistance. Cambodia has received some indications that technical assistance might be available with regard to geographical indications, but no assistance has yet begun. Cambodia has received no indications that assistance might be forthcoming in the other areas. Cambodia's assessment of the schedule that would be possible if technical assistance was provided. Please refer to the Plan of Action on Intellectual Property Rights.

4. Enforcement

Question 84

The response to question 97 in WT/ACC/KHM/6 and the checklist in WT/ACC/KHM/7 appear to indicate that Cambodia envisions no separate provisions in its customs code or its criminal and civil laws to provide for the enforcement of intellectual property protection.

Please indicate how Cambodia plans to provide civil judicial procedures and remedies, provisional measures; administrative procedures and remedies; border measures; and criminal procedures to implement the enforcement provisions of the WTO Agreement on TRIPS.

Answer:

The Civil Procedure Code will contain procedure to obtain a civil judgment, execution procedure, and procedure for provisional measures. The Law Concerning Marks, Trade Names and Acts of Unfair Competition also include provisions for remedies and provisional measures for the protection of intellectual properties. (See, for example, the Law on Marks, Trade Names and Acts of Unfair Competition, Chapters 8, 9 and 15). We also expect other specific laws relating to intellectual property rights currently under the process of drafting by other Ministries may provide more specific

provisions for remedies and provisional measures for protection of intellectual property rights. Please refer to the Legislation Action Plan.

Border control measures as called for in Part III Section 4 of TRIPS will be included in the draft Law on Customs currently being drafted and are also contained in Chapter 10 of the Law on Marks, Trade Names and Acts of Unfair Competition. Please refer to the Legislation Action Plan.

Question 85

According to document WT/ACC/KHM/3, the government of Cambodia does not intend to prepare a special Sub-Decree to address the amount of damages to be calculated in the case of intellectual property infringement. Instead, such damages will be calculated on a case-by-case basis as the court warrants.

Please let us know in the absence of such a decree what specific factors the court uses to determine damages?

Answer:

We understand your concern expressed in the question. However, the damages in case of intellectual property infringement should be calculated based on the precedents and good judgment of the judges. Intellectual property infringement cases appeared in the court of Cambodia have been very limited, and the specific factors the court should use to determine damages are currently studied and discussed among judges and relevant authorities.

For past normal practice, damages caused by the infringement of IPR are calculated on a case-by-case basis. The court takes into consideration on two factors to calculate damages – value/cost of lost benefits caused by infringed acts, and duration of infringement. The damages will be bigger or greater if the infringed acts have been committed in longer period.

Question 86

Concerning TRIPS Article 47, do judicial and administrative officials have the authority to order infringers to provide right holders with information on third parties involved in the production and distribution of infringing goods and services and their channels of distribution? Under what circumstances is this authority exercised?

Answer:

The draft Civil Code and Civil Procedure Code do not include such provisions which provides judicial and administrative officials the authority to order infringers to provide right holders with such information. An investigating judge has the authority to order infringers to provide such information to the court, not to the right holder, in connection with the criminal procedure relating to the infringement.

While Cambodia's Law on Marks, Trade Name and Acts of Unfair Competition, and the draft Law on Patents, Utility Model Certificates and Industrial Designs don't provide any specific provisions related to this kind of authorization, but in normal practices, the court and administrative officials are able to acquire all kinds of information related to the IPR infringement. Thus, it also includes information on third parties' involvement. This authorization can be exercised in any circumstances of normal court procedures.

Question 87

Concerning TRIPS Article 52, please explain what evidence constitutes prima facie infringement for purposes of this article.

Answer:

In general, any evidence that indicates that an infringement probably has occurred or is occurring would be considered sufficient to trigger provisional measures. Please see the specific language defining *prima facie* evidence in Article 30.a of the Law on Marks, Trade Names and Unfair Competition. Evidence constitutes *prima facie* evidence of infringement if there are reasonable grounds for believing that the goods in question infringe IP rights.

Question 88

Concerning TRIPS Article 43.1, please describe the mechanisms for identifying and protecting confidential information in civil judicial and administrative intellectual property infringement cases.

Answer:

In civil judicial proceedings, the draft Civil Procedure Code Article 115 Paragraph 2 provides that the oral argument can be closed from the public if it is provided by the specific laws, and viewing the case record can be limited according to the draft Civil Procedure Code Article 258.

Article 42 of the Trademarks law, and Article 128 of the draft Patents Law stipulate the protection of Confidential Information supplied to the authorities in connection with civil judicial and administrative procedures.

Question 89

Concerning TRIPS Article 43.2, in the situation in which a party to a proceeding voluntarily and without good reason refuses to provide access to necessary information or otherwise significantly impedes a procedure relating to an enforcement action, what authority does the judge in Cambodia have the rectify the situation?

Answer:

The draft Civil Procedure Code Article 152 provides that the court may order the holder of a document to produce such document to the court, and the draft Civil Procedure Code Article 153 Paragraph 1 provides that when a party fails to comply with such order to produce documents, the court may deem the other party's allegations regarding the content of such documents to be true. In case that the third party fails to comply with such order, the third party will be imposed a civil fine (Article 154).

ANNEX 1

LIST OF PESTICIDES BANNED TO USE IN THE KINGDOM OF CAMBODIA

No.	COMMON NAMES	FAMILY	Toxicity Classification by WHO	TRADE NAMES
I. INSECTICIDES				
1	Aldicarb	CA	Ia	
2	Aldrine	O		Aldrex Aldrite
3	BHC/HCH, Lindane	OC	II	Gamma-BHC Gamma-HCH
4	Calcium asenate	AS	Ib	Spra-cal
5	Camphenchlor(Toxaphene, Polychlorcamphene)	O		Alltox Camphopene Toxakil
6	Chlordane	OC	II	Mablet 90S Sake Te-V88
7	Chlordimeform	O		Acoron Fundex Octachlor
8	Chlorfenvinphos/CVP	OP	Ib	Apachlor Birlane
9	Chlormephos	OP	Ia	
10	Cyanthoate/Tartan	O		
11	Cyhexatin	OT	III	Acarstin Metaran Triran
12	DDT	OC	II	Anofex DDT
13	Demefox	O		
14	Demephion-o-and-s	O		
15	Demeton-S-methyl	OP	Ib	
16	Dieldrin	O		Dieldrite Dieldrex
17	Disulfoton/Ethylthiodemeton	OP	Ia	Bay Sovirex
18	DNOC	NP	Ib	Elgetol Nitrador
19	Eldrine/Endrine/nendrine	O		Agrine Endrotox
20	EPN	OP	Ia	EPN
21	Ethoprop/Ethoprophos	OP	Ia	Prophos Jolt
22	Fensulfothion	O		Dasanit
23	Fonofos	OP	Ia	Dyfonate 4 EC
24	Heptachlor	OC	II	Drimex Heptamul Heptox
25	Isodrin(Isomer of Aldrine)	O		

No.	COMMON NAMES	FAMILY	Toxicity Classification by WHO	TRADE NAMES
26	Isoxathion	OP	Ib	Karphos
27	Lead asenate	AS	Ib	
28	Leptophos	O		Abar
				Fosvel
				MBCP
29	Mephospholan	O		Cytrolane
30	Mercaptophos	O		Systox
31	Methamidophos	OP	Ib	Filitox50EC, 600DD, 70 SC
				Morri
				Ovansu
				Vindo
				Giant
				Monitor50EC, 50SC,70DD
				Thom 50EC
				Marathon
				U-T 70
32	Methomyl	CA	Ib	Lannat
33	Methidathion	OP	Ib	Supracide
34	Methyl parathion/parathion ethyl	OP	Ia	Folidol
				Metaphos 40ND
				Methylparathion
				Pamakon
				Parathet
				Ankun-V
				Validol-V
				Elxydol-D
				Treetox
				Folez-folez
				Foxintol
				Suthom-M
35	Mevinphos	OP	Ia	Phosdrin
				Phoskin
				Fitor
				Bosdin
				Famoso 240
				Kvinphos 24
				Lockphos
				Mevinphos24DD
				Sudrin
				X-phos
36	Monocrotophos	OP	Ib	Azodrin 50DD, 50 SCW
				Apadrin
				Tanchodrin
				Worldcron
				Monocrotophos
37	Oxamyl	CA	Ib	Vydate
38	Phorate	OP	Ia	Agrimet
				Timet
39	Pentachlorophenol / PCP	OC	Ib	Pentacan

No.	COMMON NAMES	FAMILY	Toxicity Classification by WHO	TRADE NAMES
				Penclorol
				Pentwar
40	Phosphamidon	OP	Ia	Dimecron
				Phos-sul
41	Phosfolan	O		Cyolan
				Cylan
42	Prothoate	O		Fostion
43	Schradan	O		Sytam
44	Terphene polychlorinate		II	Strabane
				polychlorinate of camphene
45	TEPP	O		Kilmite 40
				Tetron
46	Triazophos	OP	Ib	
II.	Rodenticides			
47	Antu	O		Krysid
48	Scilliroside	O		Red squill
				Dethdiet
				Rodine
49	Talinum compound			
III.	HERBICIDES			
50	2,4,5-T		O	Brochtox
				Decamine
				Veon
				Weedar
51	Dinoseb/Dinoseb acetate, amine	O		Arenit
				Ivosit
IV.	FUNGICIDE			
53	Asenic compound (AS)			
54	Captafol	OC	Ia	Difolatal
				Difolatan
				Merpafof
				Sannspor
				Folcid
55	Captan	Phtgalimide Derivative	Un	Foipet
				Captagil
				Merpan
				Captafor
				Captan
56	Edifenphos	OP	Ib	Agrosan
				Hisan
57	Hexachlorobenzene	OC	Ia	Anticarinic
				HCB
				Termid
58	Mercury Compound (Hg)			
59	Selenium Compound (Se)			
60	Sodium Compound			
V.	FUMIGANTS			
62	1,1,2,2-Tetrachloroethan	Org		GASPA

No.	COMMON NAMES	FAMILY	Toxicity Classification by WHO	TRADE NAMES
63	Ethylene Oxide	Org		
64	Dibromochloropropane	OC		Nemagon Nemafum
65	Ethylene dibromide	Org		Agrogas Bromofume Edesol Dibrome
66	Ethylene dichloride	Org		

Note:

AS Arsenic Compound
 CA Carbamate
 CO Coumarin derivate
 Inorg Inorganic compound
 NP Nitrophenol derivate
 O Obsolete
 OC Organochlorine compound
 OP Organophosphorus compound
 OT Organotin compound
 Org Organic compound
