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**Working Party on the
Accession of Cambodia**

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ACCESSION OF CAMBODIA

Checklist of SPS Requirements and Implementation by the Kingdom of Cambodia

The Government of the Kingdom of Cambodia has submitted the following Checklist of SPS requirements and implementation by Cambodia, with the request that it be circulated to the Working Party.

Checklist of SPS Issues

Commitments (by the time of accession)	WTO Reference	Domestic Regulations/Progress in Implementation
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principle in WTO accession negotiations.	At present, sanitary and phytosanitary measures are applied and regulated on the basis of the Sub-Decree on Sanitary Inspection of Animal and Animal Products of 29 July 1988 (No.14AR.NOR.KRAR); Sub –Decree on Plant Quarantine of 8 October 1983 (No.98AR NOR KRO) and Sub-Decree on Standards and Management of Agricultural Materials of 28 October 1998 (No.69 AR NOR KRA/BARKAR). They are also subject to the Law on the Management of Quality and Safety of Products and Services of 21 June 2000. The Government has prepared new drafts of Sub-Decrees on quarantine and sanitary inspection of animal and animal products which take into account basic provisions of the SPS Agreement. Their submission to the Council of Ministers for approval is expected in 2003.
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	The Government is considering this matter with active participation of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Commerce and Ministry of Health.
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	The Government is considering this matter with active participation of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Commerce and Ministry of Health.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	The draft Sub-Decrees mentioned above will contain provisions on that matter.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	The draft Sub-Decrees mentioned above will contain provisions on the notification of proposed measures to the relevant international organizations responsible for SPS matters.
(d) 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.	(d) Annex B.5.(d).	The draft Sub-Decrees mentioned above will contain, to the extent possible, provisions on these issues.

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4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	The draft Sub-Decrees mentioned above will contain provisions on the “necessity” following, in particular, the Code of Diseases of the International Office of Epizootics, Codex Alimentarius and requirements of the International Plant Protection Convention.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	The draft Sub-Decrees mentioned above will contain, to the extent possible, provisions on these issues. However, in order to implement effectively SPS measures based on the scientific evidence, Cambodia requires comprehensive technical and financial assistance from WTO members and relevant international/regional organizations. Cambodia especially requires help in human capacity building, modernization of facilities and technological bases. Cambodia will also require a period of five years upon its accession to the WTO to delay application of the provisions of the SPS Agreement, as provided in Articles 14 and 10 of the Agreement. ¹
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Articles 3.1, 3.3 and 3.4.	The draft Sub-Decrees mentioned above will contain provisions on the harmonization issues. Cambodia is participating in ASEAN harmonization activities on SPS measures.
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	The draft Sub-Decrees mentioned above will contain, to the extent possible, provisions on these issues. Equivalence is subject of regional and bilateral agreements to which Cambodia is or will be a party.
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	The draft Sub-Decrees mentioned above will contain, to the extent possible, provisions on these issues. However, in order to implement effectively SPS measures based on the scientific evidence and conducting credible risk assessments, Cambodia requires comprehensive technical and financial assistance from WTO members and relevant international/regional organizations. Cambodia especially requires help in human capacity building, modernization of facilities and technological bases.

¹ The transition period and its duration are required for a scientifically grounded revision of national sanitary, veterinary and phytosanitary rules to comply with the relevant international agreements, including those laid down by the Food and Agriculture Organisation (FAO). This 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. It will be emphasized that for a least developed country like Cambodia the implementation of these measures during the transition period would also depend on the immediate availability of financial and expert support from WTO Members and relevant international organizations.

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9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	The draft Sub-Decrees mentioned above will contain, to the extent possible, provisions on these issues.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3, and Annex C.1(a) and (d).	The draft Sub-Decrees mentioned above will contain provisions on the non-discriminatory treatment.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feed stuffs comply with the Agreement.	11. Article 8 and Annex C.	1. The draft Sub-Decrees mentioned above, as well as draft Sub-Decrees on Food Hygiene, on Food Additives and Contaminants, on Maximum Limit of Residue of Pesticides, will substantially improve and rationalize control, inspection and approval procedures consistent with the SPS Agreement.

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