

**RESPONSES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES**

Notification pursuant to Article 7.3 of the  
Agreement on Import Licensing Procedures

CAMBODIA

The following communication, dated 16 November 2010, is being circulated at the request of the delegation of Cambodia.

CHEMICALS, PHARMACEUTICALS AND NARCOTIC DRUGS

**Outline of System**

1. The import licensing regime for chemicals is administered by the Institute of Standards of Cambodia, an organ of the Ministry of Industry, Mines and Energy. The system is designed to help maintain the orderly marketing of chemicals in Cambodia. For some products, the system may result in limitations on imports. The intent is to reduce the presence in Cambodia of dangerous chemical substances for which proper controls are difficult, and storage facilities are limited. For these products, the system operates by assessing current legitimate import needs of Cambodian firms using chemicals or chemical products, and ensuring that those needs are met.

The import licensing (or permit) regime for pharmaceuticals, medical materials and narcotic and related substances is administered by the Ministry of Health. Its purpose is to protect human health.

The import licensing of pharmaceuticals and medical materials does not restrict the quantity or value of imports. Separate systems manage imports for retail sale and imports for hospital/clinic use. Importation for retail sale is governed by the import licensing system described in this questionnaire. Importing for retail sale requires packaging suitable for purchase and/or consumption by individuals. Importation of registered pharmaceuticals packaged in bulk and designed for hospital use is undertaken by tender and does not require an import licence. The Ministry of Health and medical NGOs import under this regime, and the imports are duty-free. NGOs need a special authorization from the ministry of Health to request a tender. The resulting imports must not be put into commercial retail channels.

The import licensing of narcotics, psychotropic substances and precursors is designed to allow Cambodia to meet accepted international standards for trade in such goods.

### **Purposes and coverage of licensing**

2. For licences administered by the Institute of Standards of Cambodia: chemical substances and products, except when the importer declares that the substance or product is for medical or medicinally-related purposes. The substances and products are found in HS 2605, 2612, 2707, 2801 through 2837, 2839 through 2850, 2852, 2853, 2901 through 2942, 3212, 3215, 3501, 3503, 3505, 3606, 3824, 8401.

For licences administered by the Ministry of Health: pharmaceuticals, medical materials and traditional medicines (products are in HS 3001, 3002, 3003, 3004, 3005, and 3006) and narcotics, psychotropic substances and their precursors, when the importer declares that the precursors are to be used for medical purposes. (Products are in HS 1211, 1301, 1302, 2921, 2922, 2924, 2925, 2926, 2927, 2932, 2933, 2934, and 2939.)

3. The systems apply to products covered originating from all countries. There is no discrimination by country of origin.

4. Pharmaceuticals, medical materials and traditional medicines (Hereafter referred to as **List A**): the system does not restrict the importation of legitimate medicines. Its purpose is to protect human health, in particular by controlling and reducing illegal imports of pharmaceuticals, and to ensure the quality of the products based on WHO standards. No alternative methods have been developed due to insufficient technological and human capacities.

Narcotics, psychotropic substances and their precursors, when the importer declares that the precursors are to be used for medical purposes (hereafter referred to as **List B**): the quantity of imports may be restricted. The system is designed and administered so as to allow Cambodia to comply with various international conventions on narcotics and psychotropic substances and with its responsibilities as a member of the International Narcotics Control Board.

Dangerous chemicals (hereafter referred to as **List C**): for a relatively small number of products for which import licences are administered by the Institute of Standards of Cambodia the quantity of imports may be restricted. The list of such products is found in Annex I. The system is designed to ensure that the quantity of dangerous chemical products imported does not exceed the current legitimate needs of Cambodia. Stockpiling of dangerous chemicals is not feasible at present in Cambodia, and their control is difficult.

Other chemicals (hereafter referred to as **List D**): for all products not in List C but requiring licences administered by the Institute of Standards of Cambodia, licensing is automatic, with no restraints on the quantity of imports.

5. **Lists A and B**: Import licensing is maintained and statutorily required under the Law on Amending the Law on Drug Management, dated 28 December 2007, and Prakas 1031 amending Prakas No 82 on Drug Import-Export Procedures of 3 November 2008.

**Lists C and D**: The licensing is required by Sub-Decree 209 ANK.BK of 31 December 2007. The system could be abolished by a Sub-Decree issued by the Government. The respective roles of the Ministry of Health and the Ministry of Industry, Mines and Energy are spelled out in Inter-Ministerial Regulation 1121 dated 19 November 2009.

## Procedures

- 6.I. **List B:** The relatively small number of authorized importers is fully informed of the necessary procedures. Information on quotas and imports is not made public.

**List C:** Information on procedures for obtaining an import licence may be found on the website of the Institute of Standards of Cambodia. There is no pre-determined overall limitation of imports. The current needs of Cambodian enterprises are fully met, but requests that go beyond those needs will be approved only in the amounts that are consistent with needs.

- II. **List B:** The size of the quota is determined by Cambodia's annual submission to the International Narcotics Control Board.

**List C:** The size of the quota for each importing firm is determined by its standard of use, which is established by an ISC inspector. Quotas for traders are determined by the valid orders received from firms that are final consumers, provided that those orders fall within the standard of use of those firms. Licences for traders are issued on a shipment-by-shipment basis. Licences for final consumers are issued for a period of six months, during which more than one transaction is possible.

- III. **List B:** Licences are issued to those registered firms approved by a Ministry of Health Committee chaired by the Minister.

**List C:** Licences are available to any firm using the chemical products covered, or to a trader supplying such firms.

- IV. **Lists B and C:** Licences may be applied for at any time.

- V. **List B:** three working days if the application and supporting documents are complete.

**List C:** Four to ten working days.

- VI. **List B and C:** Importation may take place immediately after the issuance of a licence.

- VII. **List B:** All licence procedures are executed by the Ministry of Health.

**List C:** All licence procedures are executed by the Institute of Standards of Cambodia.

- VIII. **List B:** allocations among approved firms is determined by past allocations, adjusted in the light of utilization of previous imports.

**List C:** Please see answers to II. and III.

- IX. **Lists B and C:** Not applicable.

- X. **Lists B and C:** Not applicable.

- XI. **Lists B and C:** No.

- 7.(a) **List A:** No advance application is required. Licences are often issued for landed goods. Licences can be obtained in 3 days, if the application and supporting documents are complete.

**List D:** A licence can be applied for after the goods have arrived at port. A licence will be issued in 4-10 working days.

- (b) **List A:** Yes.

**List D:** No.

- (c) **Lists A and D:** No.

- (d) **List A:** The licence application is considered and the licence granted by a single organ, the Department of Drugs and Food, Ministry of Health.

**List D:** The licence application is considered and the licence granted by a single organ, the Institute of Standards of Cambodia.

8. **List A:** A licence may be refused only if it fails to meet the ordinary criteria, i.e., if the drug is not registered with the Ministry of Health. In such a case, the Ministry of Health will suggest to the importer to register the drug and submit full documentation supporting the registration. Applicants who are refused a licence may appeal to the Minister of Health. They may also appeal to a court of first instance (usually the Municipal Court of Phnom Penh). The decision of this court may be appealed to the Appellate Court.

**List B:** A licence application may be refused if it fails to meet the ordinary criteria, or if granting the licence is inconsistent with Cambodia's commitments to the International Narcotics Control Board.

**Lists C and D:** The application can be refused only for failure to meet ordinary criteria. The applicant is informed of any refusal in writing. Decisions may be appealed to the Minister of Industry, Mines and Energy.

#### **Eligibility of Importers to Apply for Licence**

9. **Lists A and B:** No. Only companies registered by the Ministry of Health may import pharmaceuticals and narcotics. All Cambodian firms are eligible to be so registered, provided that they have at least one employee who is a licensed pharmacist. In accordance with the Prakas of the Ministry of Health, No. 254 dated 13 June 1996, there is a registration fee of US\$200(for each product registered) to be paid by the company to the Ministry of Health. A list of authorized importers is available at the Department of Drugs and Food, Ministry of Health. At present, 164 companies are authorized to import pharmaceuticals and narcotics.

**Lists C and D:** Any firm registered to do business in Cambodia may be the importer of record.

#### **Documentation and Other Requirements for Application for Licence**

10. **Lists A and B:** Applicants must submit the usual import documents. Please see the sample application form in Annex II.

**Lists C and D:** Applicants must submit the usual import documentation. Please see the sample application forms in Annex III.

11. **Lists A, B, C and D:** The import licence and the usual import documentation.
12. **Lists A, B, C and D:** There are no fees or charges.
13. **Lists A, B, C and D:** No deposits or advance payments are required.

**Conditions of Licensing**

14. **Lists A and B:** A licence is valid for one month and can be extended upon request.  
**Lists C and D:** Normally six months. The validity of the licence cannot be extended.
15. **List A:** No. Licences are usually issued for landed goods and require presentation of invoices and packing lists. In principle, non-utilization or under-utilization cannot occur.  
**Lists B, C and D:** There is no penalty for non-utilization or under-utilization.
16. **List A, C and D:** No.  
**List B:** The importer must present a report on the utilization and/or distribution of drugs previously imported.
17. **List A, C and D:** No.  
**List B:** The importer must present a report on the utilization and/or distribution of drugs previously imported.

**Other Procedural Requirements**

18. No.
19. Foreign exchange is freely available to all importers.

## ANNEX I

List of Chemical Substances Subject to Non-Automatic Licensing

<b>A. Chemical substance</b>	
<b>No.</b>	<b>1. Precursors used in production of illicit drugs</b>
1	N-acetylanthranilic Acid
2	Isosafrole
3	Lysergic Acid
4	3,4-methylenedioxy-phenyl-2-propanone
5	1-phenyl-2-propanone
6	Piperonal
7	Safrole
8	Acetic Anhydride
9	Acetone
10	Anthranilic Acid
11	Ethyl Ether
12	Hydrochloric Acid
13	Methyl Ethyl Kethone
14	Phenylacetic Acid
15	Piperidine
16	Potassium Permanganate
17	Sulfuric Acid
18	Toluene
19	Acetic Acid (Glacial)
20	Chloroform
21	Thionyl Chloride
22	Phosphorus Trichloride
23	Phosphorus Pentachloride
24	Palladium
25	Acetyl Chloride
26	Ethylidene Diacetate
27	Formic Acid
28	Barium Sulphate
29	Methylene Chloride
30	Xylene
31	Ethyl Acetate
32	Caustic Soda
33	Soda Ash
34	Solvents
35	Thinner

<b>2. Chemical Terrorism</b>			
<b>2.1 Chemical weapon</b>			
<b>Schedule 1</b>		<b>CAS Registry Number</b>	<b>Other</b>
<b>A. Toxic Chemicals</b>			
<b>1</b>	O-Alkyl (< C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate	(107-44-8) (96-64-0)	
<b>2</b>	O-Alkyl ~ClO, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphorarnidocyanidates e.g. Tabun: O-Ethyl N,N-dimethyl phosphorarnidocyanidate	(77-81-6)	
<b>3</b>	O-Alkyl (H or :sClO, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)	
<b>4</b>	Sulfur mustards: 2-Chloroethylchloromethylsulfide Mustard gas: Bis(2-chloroethyl)sulfide Bis(2-chloroethylthio)methane Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane 1,3-Bis(2-chloroethylthio)-n-propane 1,4-Bis(2-chloroethylthio)-n-butane 1,5-Bis(2-chloroethylthio)-n-pentane Bis(2-chloroethylthiomethyl)ether 0-Mustard: Bis(2-chloroethylthioethyl)ether	(2625-76-5) (505-60-2) (63869-13-6) (3563-36-8) (63905-10-2) (142868-93-7) (142868-94-8) (63918-90-1) (63918-89-8)	
<b>5</b>	Lewisites: Lewisite I: 2-Chlorovinylchloroarsine Lewisite 2: Bis(2-chlorovinyl)chloroarsine Lewisite 3: Tris(2-chlorovinyl)arsine	(541-25-3) (40334-69-8) (40334-70-1)	
<b>6</b>	Nitrogen mustards: HN I: Bis(2-chloroethyl)ethylamine HN2: Bis(2-chloroethyl)methylamine(51-75-2) HN3: Tris(2-chloroethyl)amine(555-77-1)	(538-07-8)	
<b>7</b>	Saxi toxin	(35523-89-8)	
<b>8</b>	Ricin	(9009-86-3)	
<b>B. Precursors</b>			
<b>9</b>	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g. DF: Methylphosphonyldifluoride	(676-99-3)	
<b>10</b>	O-Alkyl (H or SClo, incl. cycloalkyl) 0-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts e.g. QL: O-Ethyl 0-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)	
<b>11</b>	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)	
<b>12</b>	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)	
<b>Schedule 2</b>			
<b>A. Toxic Chemicals</b>			
<b>1</b>	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)	
<b>2</b>	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-I-propene	(382-21-8)	
<b>3</b>	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)	
<b>B. Precursors</b>			
<b>4</b>	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl,ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate	(676-97-1) (756-79-6) (944-22-9)	
<b>5</b>	N,N-Dialkyl (Me, Et, n-Pr or i-Pr)phosphorarnidic dihalides		

6	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates		
7	Arsenic trichloride	(7784-34-1)	
8	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)	
9	Quinuclidin-3-ol	(1619-34-7)	
10	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts		
11	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts	(108-01-0)(100-37-8)	
12	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts		
13	Thiodiglycol:Bis(2-hydroxyethyl)sulfide	(111-48-8)	
14	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)	
	<b>Schedule 3</b>		
	<b>A. Toxic chemicals:</b>		
1	Phosgene: Carbonyl dichloride	(75-44-5)	
2	Cyanogen chloride	(506-77-4)	
3	Hydrogen cyanide	(74-90-8)	
4	Chloropicrin: Trichloronitromethane	(76-06-2)	
	<b>B. Precursors:</b>		
5	Phosphorus oxychloride	(10025-87-3)	
6	Phosphorus trichloride	(7719-12-2)	
7	Phosphorus pentachloride	(10026-13-8)	
8	Trimethyl phosphate	(121-45-9)	
9	Triethyl phosphate	(122-52-1)	
10	Dimethyl phosphate	(868-85-9)	
11	Diethyl phosphate	(762-04-9)	
12	Sulfur monochloride	(10025-67-9)	
13	Sulfur dichloride	(10545-99-0)	
14	Thionyl chloride	(7719-09-7)	
15	Ethyldiethanolamine	(139-87-7)	
16	Methyldiethanolamine	(105-59-9)	
17	Triethanolamine	(102-71-6)	

**ANNEX II**

Application for an import licence for medicines

Kingdom of Cambodia  
Nation – Religion – King

Company : .....  
Address : .....  
Tel. : .....  
Fax. : .....  
No. : .....

Date:

**Subject:** Request for importing permission of modern medicine with the quantity of ..... items (..... CTNS), weight: ..... Kg, cost .....USD, From country ..... through border check point .....

Dear High Excellency Mr. Minister of Health,

As mentioned in the subject and enclosure the above, I would like to inform your Excellency Minister that my Company have request to import the modern medicine with quantity of ..... items (CTNS), weight .....Kg, from country ..... through border check point .....

Therefore, please permit my company to import those products as requested.

Please accept, dear your Excellency, the assurances of my high consideration.

Most sincerely yours,

Company Managing Director

Enclosure:

- Ocean Bill of lading or Airway Bill No. .... dated: .....
- Commercial Invoice No.: ..... dated: .....
- Packing List No.: ..... dated: .....
- List of import order item code: ..... dated: .....



List of chemical substances or raw materials

Name of the Company.....  
Address.....

No.	Name of the chemical substances or raw materials	Purpose of Use	Import quantity Kg/ton

Phnom Penh, dated .....2010

Company Director

Annual Production Plan and Standard of Use for Chemical Substances

Name of Company/ Factory/ Enterprise:.....

Address:.....

Annual production plan for products:

- 4. ....quantity..... **from dated** .... **2000**
- 5. ....quantity..... **to dated** .... **2000**
- 6. .... quantity.....

No.	List of chemical substances or materials	Purpose of use	Quantity of use (06 months or 01 year)	Standard of use

Phnom Penh, dated .....2010

Company Director

Report on the previously imported chemical substances

Name of Company/ Factory/ Enterprise:.....

Address:.....

Letter of certification No.....Dated..... of the Ministry of Industry,  
Mines and Energy.

No.	List of chemical substances or materials	Purpose of use	Quantity of imports

Phnom Penh, dated .....2010

Company Director

