

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 30 January 2012, is being circulated at the request of the delegation of Cambodia.

FORESTRY PRODUCTS AND FISH AND FISHERY PRODUCTS

Outline of System

1. As regards forestry products, the system requires each importer to request an import quota that is valid for one year. An importer's request for an annual quota is approved by the Council of Ministers or the Ministry of Agriculture, Forestry and Fisheries. No aggregate quota limiting the total volume or value of imports is established. The Ministry of Commerce issues import licenses for import transactions falling within the importer's quota. A separate import license is required for each import transaction.

The import licensing system of fish and fishery products are compliant with the Law on Fisheries NS/RKM/0506/011 dated on 21 May 2006. The licensing system is administered by the Fisheries Administration.

Purposes and coverage of licensing

2. As regards forestry products, the system covers timber, timber products and non-timber forest products, including wildlife, wild plants and tree seeds. The products are found in the following HS lines: 1211; 1301; 1401; 1404; 3301; 3806; 3807; 4401; 4402; 4403; 4404; 4405; 4406; 4407; 4408; 4409; 4410; 4411; 4412; 4413; 4415; 4418; 4419; 4420; 9601.

All imports of fish and fishery products are subject to non-automatic licensing. The products are found in Harmonization System (HS) headings 0301, 0302, 0303, 0304, 0305, 0306, and 0307.

3. For both forestry and fishery products, the system applies to products originating in all countries and does not discriminate by country of origin.

4. Forestry products (hereafter referred to as **List A**). The system is not intended to restrict the overall quantity or value of imports. However, it may be used to restrict the import of individual wild plants and wildlife that carry a high risk of spreading disease or impacting the genetic resources of

Cambodia's wildlife and wild plants. The licensing applies mainly to wood raw materials used as inputs by local manufacturers. The purpose of the licensing is to help manage forest resources in the region and globally. It also supports Cambodia's domestic conservation efforts by ensuring that any timber illegally cut in Cambodia cannot be introduced into the domestic market disguised as imports.

Fish and fishery products (hereafter referred to as **List B**): Non-automatic import licensing is for the purpose of ensuring bio-biodiversity protection, and to protect human health, and safeguard national safety and security.

5. The Law on Forestry (31 August 2002); Sub-decree No. 131 on Timber and Non-Timber Forest Products Allowed for Import and Export (28 November 2006); Sub-decree No. 53 on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (28 May 2006); Announcement letter (Circular) No. 3543 on the Export and Import of Forest Tree Seeds and Wild Plants (1 July 2009).

Licensing is statutorily required by Article 67 of the Law on Fisheries. (See paragraph 2 under point 1 of Brief description).

Procedures

List A: Not applicable.

List B:

- 6.I. There are not yet formal procedures for conveying information on licensing. The 2 or 3 firms that engage in licensing are aware of how to obtain all necessary information.
- II. Quotas are determined in the light of the current situation regarding demand and supply, and in the light of government policies on dangerous species and environmental management. Quotas are determined on an annual basis.
- III. All firms registered to do business in Cambodia are eligible to apply for an import license. Approved amounts may not be carried over from one year to the next.
- IV. Applications for an import license may be made at any time.
- V. Two to four weeks. However, if laboratory tests are necessary, the time period could be longer.
- VI. Imports may occur as soon as the license is granted.
- VII. Licensing applications are considered by the Fisheries Administration only.
- VIII. Licenses are issued mainly on the basis of past performance.
- IX. Not applicable.
- X. Not applicable.
- XI. Not applicable.

7.(a) **List A:** An importer who does not already have an authorized annual quota approved by the Council of Ministers or Ministry of Agriculture, Forestry and Fisheries must submit his application well in advance, since securing approval of the quota is a pre-condition for approaching the Ministry of Commerce for an import license. Importers who have an authorized quota and all other necessary documentation may obtain a license in two working days.

List B: Not applicable.

(b) **List A:** No.

List B: Not applicable.

(c) **List A:** No.

List B: Not applicable.

(d) **List A:** License applications are made only to the Ministry of Commerce, which issues the import license (see Annex). However, licenses are only issued to firms that have established an authorized import quota through application to the Ministry of Agriculture, Forestry and Fisheries, and the license will not be signed by the Ministry of Commerce until it receives a visa from the Forestry Administration of the Ministry of Agriculture, Forestry and Fisheries.

8. **List A:** An application is denied only when the necessary documentation has not been provided.

List B: In addition to the usual criteria, an importer who has committed fraud may be denied an import license. The reasons for any refusal are given to the applicant. The refusal of a license may be appealed to the Head of the Fisheries Administration, and further, to the Minister of Agriculture, Forestry and Fisheries.

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:** To apply to the Forestry Administration and/or the Ministry of Agriculture, Forestry and Fisheries for an authorized import quota, a firm writes a letter stating the amount and type of the wood to be imported. It also submits its contract with the seller; certificates of origin, invoice and bill of lading, as well as information on the use that will be made of the wood in Cambodia.

To apply to the Ministry of Commerce for an import license, the following documents are necessary: letter from the Ministry of Agriculture, Forestry and Fisheries confirming the authorized amount; letter from the Council of Ministers confirming the authorized amount; Certificate of Origin from the exporting country; contract with the seller; bill of lading, Invoice and Packing list. (See Annex¹).

Lists B: There is no official application form. A request for a license must include information on the quantity and species of fish to be imported, the period during which the importation will take place, the country of origin and the exporting firm. The applicant must also submit a health certificate from the exporting country.

11. **List A:** The usual customs documentation, the import license, and a transport permission letter issued by the Forestry Administration.

List B: In addition to the usual import documents, Article 67 of the Law on Fisheries requires the following documents to be presented at the border: an import license issued by the head of the Central Fisheries Administration; a license issued by the CITES Management Authority of the exporting country for endangered fishery products; a quality control certificate in fishery pathology issued by the exporting country.

12. **List A:** There is an import licensing fee which is 1 per cent of the total FOB value. The fee is paid to the National Treasury via the Forestry Administration of the Ministry of Agriculture, Forestry and Fisheries.

List B: Yes. The fee depends on the species of fish and the quantity to be imported.

13. **List A:** No.

List B: A small part of the fee is paid in advance and is non-refundable. This covers routine administrative costs and any laboratory test charges.

Conditions of Licensing

14. **List A:** An import license is valid for three months and may be extended once by two months.

List B: The period of validity may be set at from 1 week to 6 months, according to the request of the importer, the quantity requested, and actual estimation of the transportation period.

15. **List A:** No.

List B: Yes, there is a small penalty to discourage repeated non-utilization.

16. **List A and B:** No.

17. **List A and B:** Please see the answers to questions 7(d) and 10, above.

¹ In English only.

Other Procedural Requirements

18. **List A:** The importer must obtain a transportation permit to transport the imported product from port of entry to any destination in the country prior to their transport activities.

List B: See point 11, above.

19. **List A and B:** Foreign exchange is freely available for all international trade transactions.

**WTO NOTIFICATION
KINGDOM OF CAMBODIA**

ANNEX

(Notification on Import License of Forestry Product)

SAMPLE

- Letter of Application for Import License
- Sale/Purchase Contract
- License of Importation for Forestry Product

**Kingdom of Cambodia
Nation- Religion- King**

Company (Name)

No.....

Your Excellency, Senior Minister, Minister of Commerce

Subject: - Request for license of wood importation/exportation

Reference: - Letter of the Council of Ministers No.....SOR CH NOR dated.....
- Letter of the Ministry of Agriculture, Forestry and Fisheries dated.....
- Sale/Purchase Contract No.....dated.....

With regard to the above subject and reference, I would like to inform your Excellency that
Our company wants to import/export wood category number one with the quality ofm3
Into/out of Country A by Sea port of

It would be very much appreciated if Your Excellency could authorize the issuance of
importation/exportation license to my company.

Please accept, Your Excellency, the assurance of my highest consideration.

Director of Company

**Kingdom of Cambodia
Nation- Religion- King**

Sale/Purchase Contract

No:

Date:

Seller/Exporter:

Address:

Telephone:Fax:

Representative: Mr.....hereinafter called party "A"

Buyer/ Importer:.....

Address:

Telephone:Fax:

Representative by Mr.....hereinafter called party "B"

Both parties mutually agreed with the following terms and conditions of this contract as bellow:

Commodity	:
Specification	:
Quality	:
Quantity	:
Unit price	:
Grant total	:
Term of Delivery	:
Term of Payment	:

Both parties have to accurately implement all terms and conditions as above mentioned.

In the course of execution of this contract if any disputes not reaching an amicable settlement by mutual discussion between both parties shall be settled by in accordance to the law of both parties country.

This contract made in Khmer and English in 02 (two) copies and are equally authentic and enter into force from the date of signing and valid until

For Party "A"

For Party "B"

Kingdom of Cambodia
Nation- Religion- King

Ministry of Commerce
Department of Bilateral Trade

License of Importation

Client

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Exchange Rate: Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....			
No. Date..... <p style="text-align: center;">Importer</p>	No..... Date..... <p style="text-align: center;">Solicitor Bank</p>	No.....MoC.D/BIL..... Phnom Penh, date.....	

**Ministry of Commerce
Department of Bilateral Trade**

License of Importation

Custom HQ

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

**Kingdom of Cambodia
Nation- Religion- King**

**Ministry of Commerce
Department of Bilateral Trade**

License of Importation

CAMCONTROL (Border)

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

**Kingdom of Cambodia
Nation- Religion- King**

**Ministry of Commerce
Department of Bilateral Trade**

License of Importation

CAMCONTROL HQ

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

Kingdom of Cambodia
Nation- Religion- King

Ministry of Commerce
Department of Bilateral Trade

License of Importation

Archives

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

**Kingdom of Cambodia
Nation- Religion- King**

**Ministry of Commerce
Department of Bilateral Trade**

License of Importation

D/BIL

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

Kingdom of Cambodia
Nation- Religion- King

Ministry of Commerce
Department of Bilateral Trade

License of Importation

Bank

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

**Ministry of Commerce
Department of Bilateral Trade**

License of Importation

Client

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	

**Kingdom of Cambodia
Nation- Religion- King**

**Ministry of Commerce
Department of Bilateral Trade**

License of Importation

Client

Importer: Address: Solicitor bank: References: Purpose:		Registration number: Phone: Customs code no. & tariff: Used Currency:	
Description & Specification of Goods	Quantity	Value in hard currency	
		Unit	Total
Total amount in Riel: Condition of Delivery: CIF, C&F, FOB, Other Country of Origin: Term of Payment: Foreign Seller: This License is valid Until.....		Exchange Rate: Import from: Port of loading: Mean of Transport:	
No. Date..... Importer	No..... Date..... Solicitor Bank	No.....MoC.D/BIL..... Phnom Penh, date.....	
