

ANNEX 2

To Anukret No. 209 ANK.BK dated 31 December 2007

Explanatory Notes for the Enforcement of The List of Prohibited and Restricted Goods

I- Definition:

Prohibited and Restricted Goods are goods whose imports or exports subject to a certain conditions for any of the following purposes:

- The protection of national security;
- The Protection of public order and standards of decency and morality;
- The protection of human, animal or plant life or health;
- The protection of national treasures of artistic, historic or archaeological value;
- The conservation of natural resources;
- The compliance with the provisions of any legislation of The Kingdom of Cambodia currently in force;
- The fulfillment of obligations under the Charter of the United Nations.

The list shall be determined by the Royal Government of Cambodia in accordance with provisions of Article 8 of the Law on Customs promulgated by Reach Kram No NS/RKM/0707/017 dated 20 July 2007.

Import or export of any item in the list is subject to:

- Absolute prohibition on import or export or,
- License, permit, or certificates as well as other legal documents in similar form, prior to its import or export, or under other specific treatment required by competent authorities of the government including relevant technical ministries or agencies in accordance with laws and regulations of the Kingdom of Cambodia currently in force.

II-Notes:

1- The list shall not be applicable to import or export of non-commercial purposes such as sample, personal effects, stuff of moving accommodation, or others in similar kinds. However, import or export of non-commercial purposes of items subject to absolute prohibition on import/export or and items of high-risk of public security shall not be eligible for the above exemption.

2- Product of animal origin which belongs to the CITES' list but not precisely specified in the sub-decree due to technical issue shall subject to CITES permit on its import/export.

3- Due to technical issue of the customs tariff, the list cannot be included the following prohibited and restricted items:

- Right-hand drive vehicle;
- A number of used commodities such as computers, shoes, bags, battery etc.
- Religious books, Politics books, Pornography, Advertisement Pictures, and other kinds of printed documents prohibited by law;
- Goods of IPR infringement, fake items, and goods of monopoly right infringement.

4- Import of instruments or technical equipment for airplane shall have permission from Civil Aviation Authority.

5- “All kinds of used equipment of cold” and “brand new equipment of cold consuming ozone depletion substance” shall have import permission from the Ministry of Environment.

6- All imported goods shall be in compliant with the Industrial Standard of Cambodia and Quality and Safety Standard.

7- Seeds of crops and other seeds which are not stated in the list shall be subject to the same treatments of those of seeds in the list in accordance with the existing regulations relevant to agriculture materials.

8- For those exported goods whose Animal Health Certificate, Phytosanitary Certificate, Fishery Health Certificate, or other certificates are required by exporting country, exporter shall request those certificate from the Ministry of Agriculture Forestry and Fishery or from other relevant competent authorities.

9- Export of Mines shall have permission from the Ministry of Industry Mines and Energy.

10- Import permit from the Ministry of Health shall be required for items in chapter 28 and chapter 29 which are used as input materials for medicinal manufacture, and/or listed in the list of Narcotics Drugs, Psychotropic Substance, and Drug Precursors. Otherwise, the rest of items in the two chapters shall acquire permission from the Ministry of Industry Mines and Energy.

11- Import permit from the Ministry of Agriculture Forestry and Fishery shall be required for animal medicines which are not stated clearly in the list.

12- In case where import/export permit from the Council of Development for Cambodia (CDC) is available, there shall be no need permit from competent ministries or agencies, except that goods are under restriction of transportation due to public safety and security reasons.

13- Considering the needs of management, physical examination, decentralization of authority issues, and the capability of electronic linkage of information among all customs offices around the country, goods in the list which already acquired permit from competent authority to import/export in the form of package of more than once through more than one border check-points, they shall be placed under temporarily-specific control from the Customs and Excise Department and/or the Department of Camcontrol.

III- Treatment Codes:

(1) : Subject to the existing customs formality in-force which merely requires to lodge the Single Administrative Document (SAD) with supporting documents such as invoice, packing list, and bill of transportation during importation/exportation at the border check-points. This treatment shall not require any permission prior to importation/exportation, except goods are under preferential regime in part or as a whole of duty and taxes or other kinds of preferences.

(2) : License, import permission, or other legal documents in similar forms are required on import from competent ministries or agencies.

(3) : License, export permission, or other legal documents in similar forms are required on export from competent ministries or agencies.

(4) : Import is absolutely prohibited.

(5) : Export is absolutely prohibited.

(6) : Both import and export are absolutely prohibited.

(7) : Animal Health Certificate shall be required under the request of importing country.

(8) : Phytosanitary Certificate shall be required under the request of importing country.

(9) : Fishery Certificate from exporting country shall be required.

IV- How to Read the List:

1- Acronyms:

CDC: Council of Development of Cambodia

MAFF: Ministry of Agriculture Forestry and Fishery
MEF: Ministry of Economy and Finance
MIME: Ministry of Industry Mines and Energy
MOC: Ministry of Commerce
MOCFA: Ministry of Culture and Fine Arts
MOD: Ministry of Defense
MOE: Ministry of Environment
MOH: Ministry of Health
MOI: Ministry of Interior
MPTC: Ministry of Post and Telecommunication
NBC: National Bank of Cambodia
SAD: Single Administrative Document

2- Each treatment code shall be read under which ministry or agency where it is located.

Example: (2) locates in the column of MIME, this means License, import permission, or other legal document in similar form is required on import from the MIME or other competent agency under MIME.

3- For (4), (5), and (6) are the cases of *absolute prohibition* and it shall not be under control of any ministry or agency, but it shall be directly under the control of the Royal Government of Cambodia.
