

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

Prakas No. UATH.BRK 868

**INTER-MINISTERIAL PRAKAS
ON
THE IMPLEMENTATION AND INSTITUTIONAL ARRANGEMENTS OF FOOD SAFETY BASED ON THE
FARM TO TABLE APPROACH
DEPUTY PRIME MINISTER, MINISTER OF ECONOMY AND FINANCE
SENIOR MINISTER, MINISTER OF COMMERCE
MINISTER OF INDUSTRY, MINES AND ENERGY
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES
MINISTER OF HEALTH
MINISTER OF TOURISM**

- Referring to the Constitution of the Kingdom of Cambodia;
- Referring to the Royal Decree No. NS/RKT/1198/27 dated 30 November 1998 on the Establishment of the Royal Government of the Kingdom of Cambodia;
- Referring to the Royal Decree No. 02/NS/94, dated 20 July 1994 promulgating the use of the law on the organization and functioning of the Council of Ministers;
- Referring to the Royal Decree No. NS/RKM/0609/007 dated 10 June 2009 promulgating the Law on Tourism;
- Referring to the Royal Decree No. NS/RKM/0707/017 dated 20 July 2007 promulgating the Law on Customs;
- Referring to the Royal Decree No. NS/RKM/0607/013 dated 24 June 2007 promulgating the Law on Standards of Cambodia;
- Referring to the Royal Decree No. NS/RKM/0606/018 dated 23 June 2006 promulgating the Law on Administration of Factory and Handicraft promulgated by Royal Decree;
- Referring to the Royal Decree No. NS/RKM/0506/011 dated 21 May 2006 promulgating the Law on Fisheries;
- Referring to the Royal Decree No. NS/RKM/0600/001 dated 21 June 2000 promulgating the Law on Control of Quality and Safety of Products and Services;
- Referring to the Royal Decree No. CS/RKM/0696/02 dated 17 June 1996 promulgating the law on the Management of Pharmaceuticals;
- Referring to the Sub-Decree No. 91/ANKr.BK dated 01 August 2007 on the Establishment and Conduct of the Ministry of Commerce;
- Referring to the Sub-Decree No. 04/ANKr.BK, dated 20th January 2000 Ministry of Economy and Finance on the Establishment and Conduct of the Ministry of Finance and Customs;

- Referring to the Sub-Decree No. 17/ANKr.BK dated 7 April 2000 on the Establishment and Conduct of the Ministry of Agriculture, Forestry & Fisheries;
- Referring to the Sub-Decree No. 35/ANKr.BK dated 26 April 1999 on the Establishment and Conduct of the Ministry of Industry, Mines and Energy;
- Referring to the Sub-Decree No. 67/ANKr.BK dated 22 October 1997 on the Establishment and Conduct of the Ministry of Health;
- Referring to the Sub-Decree No. 34/ANKr.BK dated 5 August 1997 on the Establishment and Conduct of the Ministry of Tourism;
- Referring to the Sub-Decree No. 105/ANKr.BK dated 22 August 2005 on Adding Functions of and duties to Ministry of Agriculture, Forestry and Fisheries and Establishing Internal Audit Department, Statistics and Planning Department, Department of International Cooperation and Center of Information and Agricultural Documentation;
- Referring to the Sub-Decree No. 123/ANKr.BK dated 12 August 2009 on the Determination of Fish Species and Products that are Endangered;
- Referring to the Sub-Decree No. 209/ANKr.BK dated 31 December 2007 on the Use of the Prohibited and restricted goods;
- Referring to the Sub-Decree No. 108/ANKr.BK, dated August 24, 2007, On Slaughtering Management and Sanitary Inspection on Animals, Meat and Animal Products;
- Referring to the Sub-Decree No. 21/ANKr.BK, dated 01 March 2006, on the Facilitation of Trade through Risk Management;
- Referring to the Sub-Decree No. 53/ANKr.BK dated 29 November 2006 on the International Trade of Endangered Plant and Animal Species;
- Referring to the Sub-Decree No. 47/ANKr.BK dated 12 June 2003 on the Sanitation of food for Human Consumption;
- Referring to the Sub-Decree No.16/ANKr.BK dated 17 March 2003 on the Sanitary Inspection of Animals and Products from Animals;
- Referring to the Sub-Decree No. 15/ANKr.BK dated 13 March 2003 on the Phytosanitary Inspection;
- Referring to the relevant decisions of the Royal Government, the Prime Minister and the Council of Ministers;

DECIDE

CHAPTER 1: OBJECTIVE, SCOPE AND DEFINITIONS

Article 1: This prakas aims to:

- Improve the implementation of food safety system for the protection of consumer health and to enhance Cambodian food export competitiveness;
- Set up institutional mechanisms for facilitating and coordinating activities from different ministries and competent authorities related to food safety.

This Prakas draws on key principles for institutional arrangements and its implementation among relevant ministries on food safety matters, based on scientific principles, economic efficiency and effective trade facilitation.

Article 2:

The provisions of this Prakas cover only food for commercial purpose and related activities at all stages of the food chain from primary production at farm to final consumer consumption. This excludes food for family or use for recreational purposes, animal feed and living modified organisms (LMO).

With the purpose to move towards building a Food Safety Policy on an integrated approach, the institutional arrangements under this Prakas, clarifies accountability and effective roles and responsibilities of ministries and competent authorities particularly with respect to:

- Policy development, legal framework, standards and technical regulation development;
- Regulation and enforcement of food safety including food business registration and licensing, inspection and other legal enforcement actions;
- Verification and competent authority certification;
- Development and implementation of risk analysis and risk management systems;
- Data collection, scientific and technical research with the purpose of monitoring risk.

Article 3: Definitions

For the purpose of this Prakas, the following terms shall have the following meaning:

Food means any substance or products, that have been processed, partially processed or raw, which is intended to be ingested by humans including drink, chewing gum and any substance for manufacture, preparation or treatment, but it shall not include feed, live animals unless they are placed on the market for human consumption, plants prior to harvesting, pharmaceuticals as defined under articles 2 and 3 of the Law on the Management of Pharmaceuticals promulgated by Royal decree CS/RKM/0696/02, and tobacco products, narcotic or psychotropic substances, residues and contaminants.

Feed means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals

Food business: any undertaking where for profit or not, carried out by state or private for the purpose of food production, processing and distribution of food.

Food business operator: the natural and legal persons responsible for ensuring that the requirements of legal framework are met within the food business under their control.

Food safety means the process to ensure that food will not cause harm or affect the health of the consumer when it is prepared or eaten according to its intended use.

Food Import: all types of food products which are crossing the border to enter the country to be consumed, used and/or to do business within the country. Transit goods are excluded.

Food export: all types of food which are crossing the border to exit the Country. Transit goods are excluded.

Primary production: all growing cropping and collecting of agricultural products including harvesting, picking, farming, aquaculture, milking, catching, hunting and fishing, The results of this primary production are fishery products, animal products and other agricultural products.

Agricultural products: products produced from animals, plants and fish.

Animal Products: (i) refers to slaughtered and dead animal limbs and other part of the animal that have not been cooked or processed into other products (ii) tusks, nails, horns, fur that have

been cut from living or dead animals which are not processed and (iii) animal meat or other products from animals used as food, feed and medicine or in agriculture and industrial sector.

Primary processing: refers to agricultural products not changing the nature of the product itself, such as grinding, cleaning; husking; peeling, cutting and slicing; threshing and winnowing; animal slaughter; gutting, skinning, drying, boning and filleting; preservation by traditional means and other technologies, but primary processing shall not include processing activities that are carried out in Small, Medium and Large factory and handicraft units as defined in Article 2 and Article 4 of the Law on Administration of Factory and Handicraft promulgated by Royal Decree No. NS/RKM/0606/018.

Secondary processing: means production or transforming by further processing beyond the primary stage, such as grinding, purifying, sterilizing, mixing, cooking etc. that are carried out in the factory and handicrafts units .

Distribution of food: transfer and/or stocking of food by any means in any place to take it from one point to another.

Marketing: to offer, advertise, store, display, transmit, consign or deliver for sale, or to exchange to any person such as direct sale, farm sale, town or city markets, streets markets, supermarkets, etc. not including consumer sectors.

Consumer Sectors: Final consumption by consumers including caterers, canteens, restaurants, cafes, schools, hospitals, hotels and street vendors.

Tourist food shops and restaurants: refers to buildings and premises established to mainly serve food and beverages to tourists.

Food for recreational purposes: means food collected on sport or recreational occasions such as sport fishing, hunting, etc.

CHAPTER 2 – BASIC PRINCIPLES

Article 4:

Food shall be deemed to be unsafe if it is considered to be (i) injurious to health and (ii) unfit for human consumption. In determining whether any food is injurious to health, regard shall be taken to (a) any short or long term effects on health that consumption of the food involves (b) cumulative toxic effects and (c) consumer health sensitivities. In determining whether any food is unfit for human consumption regard will be taken (a) whether the food is unacceptable to human consumption according to its use and whether it is contaminated or in a state of decay and (b) if part of a batch, lot or consignment is found unsafe the whole batch, or consignment shall be considered unsafe unless following a detailed assessment there is no evidence that the rest of the batch or consignment is unsafe.

Article 5:

In order to ensure the safety of food, it is necessary to consider all aspects of the food production chain as a continuum from primary production to the point of final consumption; to meet this objective, ministries and competent authorities related to food safety prevention shall promote networking of organizations operating in the field of food safety and close cooperation through coordination of activities, facilitation of scientific cooperation framework, exchange of information, development and implementation of joint projects, exchange of expertise and best practices.

Article 6:

With the purpose to ensure efficiency and effectiveness of the Food Safety system, any adoption of regulatory action on food and related activity by ministries and competent authorities shall be based on risk analysis, except where it is not appropriate to the circumstances or the nature of the measures. Risk assessment shall be based on the available scientific evidence and undertaken in an independent and transparent manner. This shall be combined with a food standards compliance system in order that regulatory actions focus on food safety requirements. The food safety requirements and standards to which food must conform have to be clear in order that the monitoring and inspection is effective, more objective and to the benefit of the food business being inspected.

Where there are scientific uncertainties, ministries and competent authorities can adopt proportional and transparent measures which are not more restrictive to trade than is required to achieve food safety.

Article 7:

Achieving Food Safety requires shared responsibility and participation from all stakeholders from the Ministry, Competent Authority, private sector and consumers.

The Ministry and Competent Authority have the mandate to i) educate and advise consumers and food business operators on food safety ii) monitor, inspect, investigate, undertake required corrective measures, apply recalls and provide systems as necessary to enhance food safety iii) in special circumstances and where unavoidable undertake the appropriate legal action including corrective administrative measures and sanctions.

The food business operators have the mandate to i) provide safe food and to address safety issues as they arise, ii) implement Food Safety Management Systems (FSMS), iii) ensure compliance with food requirements and standards, iv) alert the Ministry and Competent Authority on food safety issues and collaborate closely with the Ministry and Competent Authority in implementing measures to avoid or reduce risks caused by its products, v) respond quickly to food safety concerns as they arise and vi) recall the food product.

Consumers shall contribute to the improvement of food safety by i) understanding about food safety issues and consume only food that meet food requirements and standards and ii) taking food safety problems to suppliers, report to the Ministry or Competent Authority.

Article 8:

Food business operators shall record information of its supplier and shall make it available to the Ministry and Competent Authority on demand. Food business operators shall ensure that food is adequately labeled.

Article 9:

According to law and regulation, ministries and competent authorities shall i) contribute in the development of policies, laws and regulations and food requirements and standards related to food safety initiated by ministries and competent authorities through the provision of scientific or technical opinion or advice on all aspects which may have direct or indirect effect on food safety within its area of competency; ii) within its area of competency, ministries and competent authorities shall collect, study and exchange data and information with other concerned

ministries with the purpose to implement risk assessment and risk management systems; iii) promote the development and implementation of a uniform risk assessment methodology; iv) promote the development and implementation of effective communication mechanism on food safety; v) promote consistency and harmonization of technical regulations related to food safety issued by the Ministry or Competent Authority.

Article 10:

The food safety system shall comply with Cambodia's obligations as stated under international agreement, especially the provisions of the WTO agreements on Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT) and shall be harmonized with international and regional practices, such as ASEAN food provisions.

**CHAPTER 3 – INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING FOOD SAFETY
MANAGEMENT AT PRIMARY PRODUCTION AND PRIMARY PROCESSING**

Article 11:

Pursuant to the law and regulation requirements, all registration and/or permission to establish and operate food business at primary production and primary processing shall be carried out by the Competent Authority of the Ministry of Agriculture, Forestry and Fisheries.

In implementing this work MAFF shall ensure that information on licensing and registration of the food businesses is available to other ministries and competent authorities on demand.

Article 12:

MAFF shall be the sole responsible agency and lead coordination to promote effective and efficient implementation of the following tasks related to food and food business at primary production and processing:

- prepare policy and legal framework on food safety at primary production and processing
- monitor and inspect food and food business at the place of primary production and processing
- prepare and implement strategic plans for supervision and development to promote compliance to food safety requirements
- implement verification program and issuing official health and quality certificates for export of food that are fishery products, processed fishery products, animal products and other agricultural products in a raw or primary processed form
- preparation and implementation of a general plan for crisis management and emergency response to address, minimize or to prevent risks predicted or arising.

In implementing the tasks MAFF shall encourage participation and provision of technical and scientific opinion from other competent authorities and ministries. Where there is a requirement for monitoring and inspection by other competent and authorities and ministries, MAFF shall coordinate in a way that such work can be carried out on the basis of organizational efficiency and in an effective and harmonized manner.

Where there is a requirement by law and regulation or from third parties to have a conformity certificate under competency of other authorities or ministries, MAFF shall facilitate the activities of other authorities and ministries to perform the certification.

Article 13:

Other competent authorities and ministries shall cooperate and provide to MAFF, scientific opinion or technical assistance on request, related to matters within the competency of other ministries and authorities, in order to ensure that any risk management decision is well scientifically informed and effective.

In accordance with the law and regulations and based on principles of organization efficiency and trade facilitation, other ministries and competent authorities shall inform MAFF on the progress and revision of any legal framework under their competency which is related to food business at primary production and primary processing and shall encourage MAFF to perform the role of enforcement on their behalf, except where the other ministry or competent authority have special requirements and technical rationale to undertake the role by themselves.

**CHAPTER 4 – INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING FOOD SAFETY
MANAGEMENT AT SECONDARY PROCESSING**

Article 14:

Pursuant to the law and regulation requirements, all registration and/or permission to establish and operate food business at secondary processing shall be carried out by the Competent Authority of the Ministry of Industry, Mines and Energy (MIME).

In implementing this work MIME shall ensure that information on licensing and registration of the food factory and handicraft is available to other ministries and competent authorities on demand.

Article 15:

MIME shall be the sole responsible agency and lead coordination to promote effective and efficient implementation of the following tasks related to food and food business at secondary processing:

- preparation of policy, legal framework on food safety and food standards
- monitor and inspect food and food business by factory and handicraft
- prepare and implement programs promoting compliance to food safety requirements.
- implement verification programs and issuing quality assurance certificates for export of secondary processed food products
- Implement verification program and issuing permit for direct imports for use by the factory and handicraft for use in those factory and handicrafts units of food products that are not fishery products, processed fishery products, animal products and other agricultural products.
- preparation and implementation of a general plan for crisis management and emergency response to address, minimize or to prevent risks predicted or arising.

In implementing the tasks MIME shall encourage participation and provision of technical and scientific opinion from other competent authorities and ministries. Where there is a requirement for monitoring and inspection by other competent authorities and ministries MIME shall coordinate in a

way that such work can be carried out on the basis of organizational efficiency and in an effective and harmonized manner.

Where there is a requirement by law and regulation or from third parties to have a conformity certificate under competency of other authorities or ministries, MIME shall facilitate the activities of other authorities and ministries to perform the certification.

Article 16:

Other competent authorities and ministries shall cooperate and provide to MIME, scientific opinion or technical assistance on request related to matters within the competency of other ministries and authorities, in order to ensure that any risk management decision at factory and handicraft is well informed and effective.

In accordance with the law and regulations and based on principles of organizational efficiency and trade facilitation, other competent authorities and ministries shall inform MIME on the progress and revision of any legal framework under their competency which is related to food business at the factory and handicraft and shall encourage MIME to perform the role of enforcement on their behalf, except where the other competent authority and ministry have special requirements and technical rationale to undertake the role by themselves.

**CHAPTER 5 – INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING FOOD SAFETY
MANAGEMENT AT MARKETING**

Article 17:

The General Department of Camcontrol of the Ministry of Commerce (MOC) shall be the sole responsible agency and lead coordination to promote effective and efficient implementation of market surveillance in trading businesses on the market with the following tasks:

- develop legal framework related to consumer protection and the legal basis in order to cooperate with General Department of Customs and Excise of Cambodia (GDCE) and other concerned agencies and institutions
- participate in providing an input to standardization to the benefit of consumers and reflecting consumer protection perspectives
- implement and take specific measures for products that fail to comply with food safety requirements, which include providing information and compliance assistance, issuing formal warning and fines, initiating legal proceedings resulting in penalties, discontinuing sale, seizing products and enforcing product recall.
- request for and follow up necessary action taken by other competent authorities and ministries that are responsible for other linkages in the food chain.
- provide an interphase with the consumer to receive and follow up consumer complaints
- develop and implement a framework for cross border market surveillance activities

In implementing the tasks, the General Department of Camcontrol of MOC shall encourage participation and provision of technical and scientific opinion from other competent authorities and ministries. Where there is a requirement for monitoring and inspection by other competent authorities and ministries, the General Department of Camcontrol of MOC shall coordinate in a way

that such work can be carried out on the basis of organizational efficiency and in an effective and harmonized manner.

Article 18:

Other competent authorities and ministries shall cooperate and provide to the General Department of Camcontrol of MOC, scientific opinion or technical assistance on request related to matters within the competency of other ministries and authorities, in order to ensure that any risk management decision at the market place is well scientifically informed and effective.

In accordance with the law and regulations and based on principles of organizational efficiency and trade facilitation, other competent authorities and ministries shall inform MOC on the progress and revision of any legal framework under their competency which is related to food business at the market place and shall encourage the General Department of Camcontrol of MOC to perform the role of enforcement on their behalf, except where another competent authority and ministry have special requirements and technical rationale to undertake the role by themselves.

**CHAPTER 6 – INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING FOOD SAFETY
MANAGEMENT AT CONSUMER SECTORS**

Article 19:

Pursuant to the law and regulation requirements, all registration and/or permission to establish and operate food business at the tourist canteens and restaurants and inspection of compliance to the tourist standards and norms shall be carried out by the Competent Authority of the Ministry of Tourism.

In implementing this work MOT shall ensure that information on licensing and registration of the food business at the tourist consumer sector is available to other ministries and competent authorities on demand.

Article 20:

Ministry of Health (MOH) shall be the sole responsible agency in leading effective and efficient coordination in the implementation of the following tasks related to food safety at the consumer sector:

- preparation of policy, legal framework on hygiene and sanitary standards
- provide an input to standardization regarding consumer health perspective
- monitor and inspect hygiene and sanitation of food and food business at the consumer sector
- prepare and implement programs promoting compliance to hygiene and sanitation requirements
- implement verification program and issue hygiene and sanitation assurance certificates for food business at the consumer sector
- prepare and implement a general plan for crisis management and emergency response to address, minimize or to prevent risks predicted or arising at the final stage of consumption.

In implementing the tasks MOH shall encourage participation and provision of technical and scientific opinion from other competent authorities and ministries. Where there is requirement for

monitoring and inspection by other competent authorities and ministries MOH shall coordinate in a way that such work can be carried out on the basis of organizational efficiency and in an effective and harmonized manner.

Where there is a requirement by law and regulation or from third parties to have a conformity certificate under competency of other competent authorities or ministries, MOH shall facilitate the activities of other authorities and ministries to perform the certification.

Article 21:

Other competent authorities and ministries shall cooperate and provide to MOH, scientific opinion or technical assistance on request related to matters within the competency of other ministries and authorities, in order to ensure that any risk management decision in the food business consumer sector is well informed and effective.

In accordance with the law and regulations and based on principles of organizational efficiency and trade facilitation, other competent authorities and ministries shall inform MOH on the progress and revision of any legal framework under their competency which is related to food business consumer sector and shall encourage MOH to perform the role of enforcement on their behalf, except where the other authority and ministry have special requirements and technical rationale to undertake the role by themselves.

**CHAPTER 7 – INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING FOOD SAFETY
MANAGEMENT AT INTERNATIONAL CHECKPOINT**

Article 22:

The General Department of Customs and Excise of Cambodia (GDCE) shall be the sole responsible agency in leading effective and efficient coordination in food safety inspection at the international checkpoint. In implementing this role GDCE shall:

- Take action to enforce implementation of regulations adopted by the joint prakas on Implementation of Trade Facilitation through Risk Management of competent authorities and ministries related to food import and export.
- be the lead agency in the initial inspection of food entering the country in order to decide if other competent authorities and ministries should be involved or if the product can be released based on risk assessment criteria
- share information on the food importers with General Department of Camcontrol of MOC, or to relevant competent authorities and ministries, if the food is directly marketed or if it is destined for other uses
- collaborate with ministries and other competent authorities in setting up risk selectivity criteria
- notify ministries or competent authorities concerning the release of consignments, if risks are perceived or suspected.

If there is a perceived risk GDCE shall encourage participation of technical and scientific services and seek opinion from other competent authorities and ministries. When it is required to conduct inspection by the competent authorities and ministries, GDCE shall organize joint inspection to be

conducted cooperatively, in accordance with Article 5 Chapter 2 and Article 14 Chapter 3 of Sub-Decree No 21 on the Facilitation of Trade through Risk Management.

When required by the importing country, it is the role of the responsible competent authority or ministry to provide certification and verification of the safety of the exported food.

MOC shall investigate, collect and compile information with regards to food safety and market access in the importing country market.

Article 23:

The competent authorities and ministries shall cooperate and provide to GDCE, information concerning food and targeted business operators that are regarded as high risk for joint inspection on related to matters within the competency of other ministries and authorities.

In accordance with the law and regulations and based on principles of organizational efficiency and trade facilitation, other competent authorities and ministries shall inform GDCE on the progress and revision of any prohibited and restricted goods under their competency which is related to food safety and to enable GDCE to perform the role of effective risk management at the international checkpoint.

CHAPTER 8 – INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING COORDINATION IN FOOD SAFETY MANAGEMENT

Article 24:

The Inter-Ministerial Committee for Coordinating Inspection of Quality and Safety of Products and Services has the responsibility to coordinate the work and activities concerned with food safety management of the ministries and competent authorities and other aspects of food safety detailed in this Prakas.

Article 25:

The Prakas will come into effect from the date of signing.

Deputy Prime Minister, Minister of Economy & Finance; H.E. Keat Chhon

Senior Minister; Ministry of Commerce; H. E. Cham Prasidh

Minister of Industry, Mines and Energy; H. E. Suy Sem

Minister of Agriculture, Fisheries and Forestry; H. E. Chan Sarun

Minister of Health; H.E. Dr. Mam Bunheng

Minister of Tourism; H. E. Thong Khon

Dated: 22 October 2010