

**PRAKAS
ON
PROCEDURES AND AUTHORITY FOR IMPOSING
TRANSACTIONAL FINE FOR OFFENSES OF ANIMAL HEALTH AND
PRODUCTION**

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THE MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

- Having seen the Constitution of the Kingdom of Cambodia.
- Having seen Royal Decree No. NorSor / RorKorTor / 0918 / 925 dated 6 September 2018 on Appointment of the Royal Government of Cambodia.
- Having seen Royal Decree No. NorSor / RorKorTor / 0320 / 421 dated 30 March 2020 on Appointment and Change to the Members of the Royal Government of Cambodia.
- Having seen Royal Kram No. NorSor / RorKorTor / 0618 / 012 dated 28 June 2018 promulgating the Law on Organization and Functioning of the Council of Ministers.
- Having seen Royal Kram No. NorSor / RorKorMor / 0196 / 13 dated 24 January 1996 promulgating the Law on Establishment and Functioning the Ministry of Agriculture, Forestry and Fisheries.
- Having seen Royal Kram No. NorSor / RorKorTor / 0116 / 003 dated 28 January 2016 promulgating the Law on Animal Health and Production.
- Having seen Sub-Decree No. 17 OrNorKror / BorKor dated 07 April 2000 on Organization and Functioning of the Ministry of Agriculture, Forestry and Fisheries.
- Having seen Sub-Decree No. 105 ANKr.BK dated Aug 22, 2005 on Assignment of Additional Tasks to the Ministry of Agriculture, Forestry and Fisheries and the establishment of the Department of Internal Audit, Department of Planning and Statistics, Department of International Cooperation and Center for Agriculture Information and Documents under the Ministry of Agriculture, Forestry and Fisheries.
- Having seen Sub-Decree No. 188 OrNorKror / BorKor dated 14 November 2008 on Transformation of the General Directorate of the Ministry to the General Secretariat, Upgrading of the Forestry Administration and Fisheries Administration to the level of General Directorate, Upgrading of the Department of Agronomy and Soil Improvements to General Directorate of Agriculture, and Transformation of the General Directorate of Rubber Plantation to General Directorate of Rubbers under supervision of the Ministry of Agriculture, Forestry and Fisheries.
- Having seen Sub-Decree No. 224 OrNorKror / BorKor dated 28 October 2016 on Upgrading of the Department of Animal Production and Health to General Directorate of Animal Health and Production.
- Having seen Sub-Decree No. 81 OrNorKror / BorKor dated 21 June 2019 on Amendment to Article 2, Article 25, Article 26 and Article 35 of the Sub-Decree No. 188 OrNorKror. KorBor dated 14 November 2008 and to the new Article 27 of the Sub-Decree No. 118 OrNorKror. KorBor dated 26 July 2017.
- Having seen Joint Prakas No. 1820 KorYor.KorSorKor / 19 dated 16 September 2019 on Granting the Qualification as Judicial Police of Animal Health and Production Inspection Officer-
- Referring to the need by the Ministry of Agriculture, Forestry and Fisheries.

**HEREBY DECIDES
CHAPTER 1**

GENERAL PROVISIONS

Article 1

The Prakas aims to define the procedures and authority to impose transactional fine for offenses of animal health and production in order to enhance the effectiveness of the enforcement of the Law on Animal Health and Production by means of payment of transactional fine .

Article 2

The Prakas shall apply to transactional fine for offenses as stated in Articles 110, 111, 112 and 113 of the Law on Animal Health and Production.

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CHAPTER 2 COMPETENCY TO IMPOSE TRANSACTIONAL FINE

Article 3

Transactional fine for offenses as stated in the Law on Animal Health and Production is under the competence of specialized entities in charge of animal health and production.

The General Directorate of Animal Health and Production is competent to impose transactional fine for offenses as stated in the Law on Animal Health and Production committed throughout the Kingdom of Cambodia

The Municipal/ Provincial Department of Agriculture, Forestry and Fisheries is competent to impose transactional fine transactional for offenses as stated in the Law on Animal Health and Production which are committed within its respective jurisdiction.

Article 4

The General Directorate of Animal Health and Production is competent to decide on all transactional fine for the offenses as stated in Articles 110, 111, 112 and 113 of the Law on Animal Health and Production.

Article 5

The Municipal/Provincial Department of Agriculture, Forestry and Fisheries is competent to impose transactional fine for the offenses stated in the Law on Animal Health and Production as follows:

a. Points 1, 2, 3, 4 and 5, of Article 110

Shall be subject to a transactional fine transactional of one-hundred-thousand (100,000) Khmer riels if a person committing any of the following offenses:

1. Failure to maintain hygienic conditions at slaughterhouses; primary processing facilities for animal products; places of animal business; meat shops; veterinary clinics and care centers; animal husbandry and breeding centers; place of manufacturing, concoction, supplying and distribution of veterinary medicines or animal feed; animal collection-containment facility; and animal and animal product quarantine facility.
2. Failure to comply with obligation to hold permits or certificates relating to animals, animal products, veterinary medicines, and animal feed as stated in points 1 to 5, paragraph 1, Article 88 of the Law on Animal Health and Production.
3. Failure to comply with restrictive provisions in animal disease inflection and inspection areas, and in the movement of animals and animal products that may cause infections among animals.
4. Failure to participate in the enforcement of veterinary measures to prevent infection in animal disease outbreak and control areas in accordance with the instructions by competent entities in charge of animal health and production.
5. Failure to participate in the cleaning and disinfection of buildings, equipment, transport, in animal infection areas in accordance with the instructions by competent entities in charge of animal health and production.

b. Points 1, 2 and 8, of Article 111

Shall be subject to a transactional fine transactional of four million (4,000,000) Khmer Riels if a person committing any of the following offenses:

1. Wholesaling-retailing veterinary medicines or animal feed without a permit in accordance with the Law on Animal Health and Production.
2. Failure to comply with the obligations of permit holders as stated in Point 6, paragraph 1, Article 88 of the Law on Animal Health and Production. And
3. Having previously received punishments as stated in Article 109 of the Law on Animal Health and Production.

c. Points 1, 4, 5, 6, 9 and 10, of Article 112,

Shall be subject to a transactional fine transactional of Khmer Riels seven million (7,000,000) Khmer Riels if a person committing any of the following offenses:

1. Abandoning, releasing, or slaughtering for meat for direct consumption, production of food, sale, processing, or distribution to the public, or moving animals or animal products that are infected or suspected of being infected.
2. Stocking or selling animal meat or animal products without veterinary stamps or labels.
3. Failure to comply with technical standards for packaging and labeling in Khmer for veterinary medicines or animal feed.
4. Failure to comply with veterinary technical standards as stated in Article 57 of the Law on Animal Health and Production.
5. Wholesaling-retailing veterinary medicines or animal feed contrary to what is allowed in the import permit.
6. Raising or breeding animals commercially without a permit and without registering the farm in accordance with the Law on Animal Health and Production.

Article 6

In case of transactional fine for offenses other than those of Points a, b, and c above, the Municipal/Provincial Department of Agriculture, Forestry and Fisheries shall submit the case attached with inspection record of the offense, the case file, and offender's letter of confession and consent to pay transactional fine to General Directorate of Animal Health and Production for decision on the payment of transactional fine transactional in accordance with the procedures and provisions of the Law on Animal Health and Production and this Prakas.

**CHAPTER 3
PROCEDURES -AND AUTHORITY FOR IMPOSING
TRANSACTIONAL FINE**

Article 7

During the law enforcement operations, the Animal Health and Production Inspector, qualified as a judicial police officer, shall hold a mission order, wear an official uniform, a badge and a rank, and shall perform their duties, and have the authority to take action in accordance with the provisions of the Law on Animal Health and Production and this Prakas.

Article 8

When transactional implementing transactional fine, the Animal Health and Production Inspector of the General Department of Animal Health and Production shall submit a report enclosed with the inspection record, the case file, the offender's letter of confession and consent to pay transactional -fines to the General Directorate of Animal Health and Production for decision in accordance with the procedures and provisions of the Law on Animal Health and Production and this Prakas.

In case of transactional fine for offenses committed in a capital/province, the Animal Health and Production Inspector of the relevant Municipal/Provincial Department of Agriculture, Forestry and Fisheries shall submit a report enclosed with the inspection record, the case file,

the offender's letter of confession and consent to pay transactional fines to the Municipal/Provincial Department of Agriculture, Forestry and Fisheries for decision in accordance with the procedures and provisions of the Law on Animal Health and Production and this Prakas.

Article 9

Transactional fine may only apply where the perpetrator agrees to confess in writing and consent to pay the transactional fines as decided by the General Department of Animal Health and Production, or by the Municipal/ Provincial Department of Agriculture, Forestry and Fisheries.

In the case the offender denies to plead guilty and to pay the transactional fines, the Animal Health and Production Inspector, acting as a judicial police officer, shall file the case to the court in accordance with the applicable procedure.

Article 10

The General Directorate of Animal Health and Production or the Municipal/Provincial Department of Agriculture, Forestry and Fisheries shall issue a decision on transactional ~~fine~~ within ten (10) days at most from the date of receiving the offender's letter of confession and consent to pay the transactional fine.

The offender must pay the transactional fines in an amount determined in the decision on transactional ~~fine~~ at the General Directorate of Animal Health and Production or the Municipal/Provincial Department of Agriculture, Forestry and Fisheries within a period not exceeding ten (10) days from the issuance date of the decision.

Samples for the letter of confession and consent to pay the transactional ~~fine~~, and the decision on the transactional fine for offenses on animal health and production are provided in the annex of this Prakas.

Article 11

After payment of the transactional fine, the offender shall be acquitted on the offense, and the evidence of the offense shall be returned to him/her, except for where the evidences are animals, animal products, animal feeds, veterinary medicines or any substance may cause infection or endanger human or animal life or health, and the health of the environment as prohibition by the Law on Animal Health and Production.

Where the evidences have short storage life due to its susceptibility to decompose, resulting in a loss of weight or quality, expiration, decay, infection, or where the identity of the owner or holder of the evidences is unknown, the Animal Health and Production Inspector shall request for approval from the Royal Prosecutor to destroy or sell the evidences in accordance with the applicable procedures.

Article 12

Expenses for ~~sample~~ sampling, sample analysis, loading, transportation, storage and destruction of the evidences during the implementation of the law shall be borne by the owner or the holder of the evidence of the offense.

Where the identity of the owner or holder of the evidences of the offense is unknown, all expenses shall be borne by the state. The entities in charge of animal health and production shall make a request to the competent prosecutor to seize the evidence of the offense as state property, or to be destroyed in accordance with veterinary measures.

Article 13

The General Directorate of Animal Health and Production and Municipal/Provincial Departments of Agriculture, Forestry and Fisheries shall turn the proceeds from the transactional ~~fine~~ to the National Budget through the National Treasury or the Municipal/Provincial Treasury in accordance with the applicable procedures .

The Municipal/Provincial Departments of Agriculture, Forestry and Fisheries shall make regular reports to the General Directorate of Animal Health and Production on all cases of executed transactional- fine.

Article 14

Recidivist having paid a transactional fine shall be subject to a double amount of fines. In case of recidivism, the competent entities in charge of animal health and production shall revoke all certificates or permits, and file the case with the court according to the applicable procedures. In case of failure to pay the transactional -fine within 10 days from the date of the decision, the General Department of Animal Health and Production or the Municipal/Provincial Department of Agriculture, Forestry and Fisheries shall file the case with the court according to the applicable procedure.

**CHAPTER 4
FINAL PROVISIONS**

Article 15

Any provision that contradicts this Prakas shall be considered null and void.

Article 16

Secretary-General, Inspector General, Director General of the General Directorate of Animal Health and Production, Director of Department of Accounting and Finance, Director of the Department of Agricultural Legislation Affairs, The heads of all relevant entities under the Ministry of Agriculture, Forestry and Fisheries, and Directors of all provincial Department of Agriculture, Forestry and Fisheries shall be in charge of effective enforcing this Prakas according to their respective duties from the date of signing.

Done in Phnom Penh, 10 September 2020

Minister

Ministry of Agriculture, Forestry and Fisheries

Veng Sakhon

Recipients:

- Office of the Council of Ministers
- All relevant ministries and agencies
- Cabinet of Samdech Techo Prime Minister
- Cabinet of Deputies Prime Minister
- Capital / provincial administrations
- As in article 16
- Royal gazette
- File and archive

Annexes to the Prakas No. 343 ProrKor.KorSorKor dated 10 September 2020
On
PROCEDURE -AND AUTHORITY FOR IMPOSING TRANSACTIONAL FINE FOR
OFFENSES OF ANIMAL HEALTH AND PRODUCTION

KINGDOM OF CAMBODIA
NATION - RELIGION - KING

LETTER OF CONFESSION AND CONSENT TO PAY TRANSACTIONAL
FINES FOR OFFENSES OF ANIMAL HEALTH AND PRODUCTION

I, (Name) Gender Age Nationality

Current address:

.....

Occupation:

Holding ID #: Valid until:

Passport #: Valid

until:

SUBMITTED TO
HIS EXCELLENCY, DELEGATE OF THE ROYAL GOVERNMENT OF
CAMBODIA IN CHARGE OF THE GENERAL DIRECTORATE OF ANIMAL
HEALTH AND PRODUCTION

Subject: Confession and request for payment of transactional- fine

Reference: Inspection record dated of the Animal Health and
Production Inspector qualified- as a judicial police officer.

As per the subject and reference above, I would like to respectfully inform your Excellency, Delegate of the Royal Government of Cambodia in charge of the General Directorate of Animal Health and Production that: On(day) (month)..... (year)(time), I had violated the provision(s) of the Law on Animal Health and Production, as shown in the inspection record of the Animal Health and Animal Production Inspector, qualified as a judicial police officer as follows:

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.....

.....

.....

I would like to confess my guilt and consent to pay the transactional- fine in the amount of

.....

(Amount in writing:.....)

in accordance with the decision on transactional fine- for offenses on animal health and production offenses in order to get the offense acquitted.

I hereby promise to stop committing the offense as provided above from now on. In witnessing thereof, I would like to produce my fingerprint as evidence here below.

I, therefore, would like to request His Excellency, the delegate of the Royal Government of Cambodia, in charge of the General Directorate of Animal Health and Production, for your kind review and decision.

Done in Date

Fingerprint of the Confessor

Having seen the confessor producing his / her fingerprinting in my presence and the letter is submitted to His Excellency Delegate of the Royal Government of Cambodia in charge of the General Directorate of Animal Health and Production for review and decision.

**Animal Health and Production Inspection
Officer**

**KINGDOM OF CAMBODIA
NATION - RELIGION - KING**

3

Ministry of Agriculture, Forestry and Fisheries

Case No.SorRor.OrSorPhorSor

**DECISION
ON
TRANSACTIONAL FINE FOR OFFENSE OF ANIMAL HEALTH AND
PRODUCTION OFFENSES**

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**DELEGATION OF THE ROYAL GOVERNMENT OF CAMBODIA IN
CHARGE OF THE GENERAL DIRECTORATE OF ANIMAL HEALTH AND
PRODUCTION**

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- Having seen Royal Kram No. NorSor/RorKorTor/0116/003 dated 28 January 2016 promulgating the Law on Animal Health and Production
- Having seen Joint Prakas No. 1820/19 KorYor.KorSorKor.ProrKor dated 16 September 2019 on Granting the Qualification as Judicial Police to Animal Health and Production Inspection Officers
- Having seen Prakas No. ProrKor.KorSorKor dated on Procedures and Authority for Imposition of Transactional Fine for Offenses of Animal Health and Production
- Having seen Decision No. 136 SorSorRor.KorSorKor dated 18 March 2019 on Nomination of Animal Health and Production Inspection Officers

- Having seen inspection record dated of Competent Animal Health and Animal Production Inspector, qualified as judicial police officer
- Referring to offender's confession letter and consent to pay transactional fines dated

DECIDES

Article 1

Imposing transactional -fines in the amount

of.....

(Amount in writing:.....)

upon (Name)

Gender Age Nationality

Current

address:

For violation of the Law on Animal Health and Production as follows:

Article: Point: Offense:

Article 2

The offender must pay transactional fines within ten (10) days from the date of issuance of the decision by the General Directorate for Animal Health and Production to end the case on the offense of animal health and production

Article 3

In the event that the person fails to pay the transactional fine in the amount specified in this decision before [insert date], the General Directorate or Animal Health and Production will proceed further with legal action, and the case will be filed with the court according to the applicable procedure-.

Article 4

The person having confessed and consented to pay the transactional fine shall be responsible for implementation of this decision from the date of signing.

Date:

**DELEGATE OF THE ROYAL
 GOVERNMENT OF CAMBODIA IN
 CHARGE THE GENERAL
 DIRECTORATE OF ANIMAL HEALTH
 AND PRODUCTION**

Copied to

- Ministry of Agriculture, Forestry and Fisheries

“For information”
- As per article 4
“For enforcement”
- File and archive

KINGDOM OF CAMBODIA
NATION - RELIGION - KING

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**LETTER OF CONFESSION AND CONSENT TO PAY TRANSACTIONAL
FINES FOR OFFENSES OF ANIMAL HEALTH AND PRODUCTION**

3

3

I, (Name)..... Gender Age Nationality
Current address:
.....
Occupation:
 Holding ID #: Valid until:
 Passport #: Valid until:

SUBMITTED TO
DIRECTOR, PROVINCIAL DEPARTMENT OF
AGRICULTURE, FORESTRY AND FISHERIES

Subject: Confession and request for payment of transactional fines
Reference: Inspection record dated of the Animal Health and
Production Inspector qualified as a judicial police officer.

As per the subject and reference above, I would like to respectfully inform the director of the Department that I, on (date and time), committed a violation of the Law on Animal Health and Production as shown in the inspection record of the Animal Health and Production inspection officer qualified as Judicial Police Officer as follows:

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.....
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.....

I would like to confess my guilt and consent to pay the transactional fine in the amount of

(Amount in writing:.....)

in accordance with the decision on transactional fine for offenses of animal health and production in order to get the offense acquitted.

I hereby promise to stop committing the offense as provided above from now on. In witnessing thereof, I would like to produce my fingerprint as evidence here below.

I, therefore, would like to request the Director for your kind review and decision.

Done in

Dated:

Fingerprint of the Confessor

Having seen the confessor producing his / her fingerprinting in my presence and the request is submitted to The Director, Department of Agriculture, Forestry and Fisheries for review and decision.

**Animal Health and Production Inspection
Officer**

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KINGDOM OF CAMBODIA
NATION - RELIGION - KING

Ministry of Agriculture, Forestry and Fisheries

..... Provincial Department of
Agriculture, Forestry and Fisheries

Case No. SorRor.MorKorSorKor.PhorBor

DECISION
ON
TRANSACTIONAL FINES FOR OFFENSES OF ANIMAL HEALTH AND
PRODUCTION

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DIRECTOR OF PROVINCIAL DEPARTMENT OF AGRICULTURE,
FORESTRY AND FISHERIES

.....

- Having seen Royal Kram No. NorSor/RorKorTor/0116/003 dated 28 January 2016 promulgated the Law on Animal Health and Production.
- Having seen Joint Prakas No. 1820/19 KorYor.KorSorKor.ProrKor dated 16 September 2019 on Granting the Qualification as Judicial Police Officer to the Animal Health and Production Inspection Officers.
- Having seen Prakas No. ProrKor.KorSorKor dated on Procedure and Authority for Imposition of Transactional- Fines for Offenses of Animal Health and Production.
- Having seen Decision No. 136 SorSorRor.KorSorKor dated 18 March 2019 on Appointment of Animal Health and Production Inspection Officers.
- Having seen inspection record dated of Competent Animal Health and Production Inspection Officer, qualified as judicial police officer.
- Referring to Offender's letter of confession and consent to pay transactional fine dated

DECIDES

Article 1

Imposing a -transactional fine in the amount

of.....

(Amount in writing:.....)

upon (Name) Gender Age Nationality

Current

address:

.....

For violation of the Law on Animal Health and Production as follows:

Article: Point: Offense:

.....

.....

.....
.....
.....

Article 2

The offender must pay the transactional fines within ten (10) days from the issuance date of the decision is issued by the Department of Agriculture, Forestry and Fisheries to close the case file on the offense of animal health and production.

Article 3

In the event that the person fails to pay the transactional fine in the amount specified in this decision before [insert date]... .., the Department of Agriculture, Forestry and Fisheries will proceed further with legal action, and the case will be filed with the court according to the applicable procedure .

Article 4

The person who confessed and consented to pay the transactional fines shall be responsible for implementing this decision from the date of signing.

Date:

..... , **Director of Department of Agriculture, Forestry and Fisheries**

Copied to

- General Directorate of Animal Health and Production
- “For information”
- As per article 4
- “For enforcement”
- File and archive