

**Kingdom of Cambodia
Nation Religion King**

Ministry of Industry, Mines and Energy

No. 148 ឧប.បឧ.ប្រក.

Phnom Penh, 13 February 2012

**Prakas
On
Procedures and Issuance of Certification of Items and Quantities
of Chemical Substance Use**

Minister of Ministry of Industry, Mines and Energy

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on Nomination of Royal Government of Cambodia
- Having seen Royal Code No. NS/RKM/0196/05 dated January 1996, promulgating the Law on Establishment of Ministry of Industry, Mines and Energy
- Having seen Royal Code No. NS/RKM/0606/018 dated 23 June 2006, promulgating the Law on Administration of Factories and Handicraft
- Having seen Royal Code NS/RKM/0607/013 dated 24 June 2007, promulgating the Law on Cambodian Standard
- Having seen Royal Code NS/RKM/0505 dated 09 May 2005, promulgating the Law on Amendment to Drug Control Committee
- Having seen Sub-decree No. 35 OrNKR.BK dated 26 April 1999 on Organization and Functioning of Ministry of Industry, Mines and Energy
- Having seen Sub-decree No. 209 OrNKR.BK dated 31 December 2007, promulgating the Introduction of Prohibited and Restricted Goods
- Having seen Sub-decree No. 62 OrNKR.BK dated 04 June 2008 on Organization and Functioning of Institute of Standards of Cambodia
- Having seen Sub-decree No. 108 Or.Kr.BK dated 20 October 2009 on Classification and Labeling of Chemical Substances
- Notification No. 1695 SChN dated 24 December 2008 on Result of 14th Government-Private Sector Forum on 21 November 2008
- Having seen Inter-ministerial Prakas No. 1121 dated 19 November 2009 on Delegation of Authority to Ministry of Industry, Mines and Energy on Issuance of Permit for Import of Chemical Substances for Industrial Production
- Having seen Inter-ministerial Prakas No. 379 dated 27 May 2011 on Determination of Fees for Issuing Certificate Proving the System, Registered License, Products, and Letter Certifying Items and/or Standard of Chemical Substance Use in Industrial Sector
- Prakas No. 670 dated 26 July 2011 on Delegation of Work Regarding Management of Chemical Substances and Registration of Products
- Necessary request of the Ministry of Industry, Mines and Energy

Decides

Article 1:

This Prakas aims to strengthen the effectiveness of control and use of chemical substance, which is an important raw material serving the industrial sector and to facilitate the private sector businesses in supplying, distributing, and using chemical substances based on items in compliance with the law.

Article 2:

Businessperson refers to legal entity or natural person who applies for a certification of items and quantities of chemical substance use for the purpose of using in the factory, handicraft or distribution.

Article 3:

Every application for a certification of items and quantities of chemical substance use for various purposes except for the purpose of medicine production shall be carried out by filling out the form and fulfilling the procedures at the Single Window Secretariat of the General Department of Industry of the Ministry of Industry, Mines and Energy during office hours at 8:30-11:00 in the morning and 14:30-16:30 in the afternoon.

Article 4:

The documents that apply for a certification of items and quantities of chemical substance use shall be correctly completed in conformity with the sample as set out in Annex 1 of this Prakas.

Accepting the application form and fees at the Single Window Secretariat of the General Department of Industry of the Ministry of Industry, Mines and Energy shall be made by clearly identifying ID Number of applicant name, purpose, and date of accepting the application form in the Document-In Book and by issuing a receipt for the application form with the applicant's signature.

Article 5:

Depending on the background of the application, important documents to be provided with the application form for a certification of items and quantities of chemical substance use shall include:

- 1- Material Safety Data Sheet (MSDS)
- 2- Certificate of Chemical Substance Test
- 3- Sample of Chemical Substance Applied for
- 4- Copy of Identity Card or Passport of the businessperson
- 5- Copy of Commercial Registration Certificate and Patent or Declaration permitting the establishment of factory, handicraft, or Handicraft Registration Letter, or Certificate permitting the functioning of factory, handicraft that is still valid.
- 6- Table detailing the chemical substance applied for
- 7- Summary report of chemical substances that have already been used attached with the import documents and consumption documents
- 8- Summary plan of the use of chemical substances applied for
- 9- Declaration to be responsible before the law by the applicant

- 10- Authorization letter of the businessperson given to the representative for communicating and applying work

The requirement of the above documents shall be provided according to the following cases:

- A- For businessperson who applies for the first time, the application form shall be accompanied by the documents as stipulated in point 1, 4, 5, 6, 8, 9 and 10.
- B- In case of applying for the second time and subsequent times, the application form shall be accompanied by the documents as stipulated in point 1, 4, 5, 6, 7, 8, 9 and 10. For document in point 4, it shall be re-submitted in case of change of businessperson's identity. For document in point 5, it shall be re-submitted in case the document's validity expires or has any change.
- C- In case of applying for the second time and subsequent times but the quantities have a much larger change than the previous one or change of chemical substance category, the businessperson is required to provide a letter clarifying the reason of this change.
- D- In case the chemical substance has never been imported or used in Cambodia, the businessperson is required to accompany the documents as stipulated in point 2 and 3 together with a letter clarifying the reason of the need for using this chemical substance
- E- Every document mentioned above shall be stamped with the company's stamp

Article 6:

The businessperson shall fill out the name of chemical substance in the application form in conformity with:

- Name of chemical substance used in accordance with the international system (IUPAC- International Union of Pure and Applied Chemistry) or name of chemical substance used for commercial purpose (Trade/Commercial Name) or name of chemical substance used in markets or according to usual habit (Common Name) or code system of chemical substance (CAS.N⁰- Chemical Abstract Service Number / CAS Registry Number)
- Name of country making an import to Cambodia
- Items and quantities to be used

Article 7:

The businessperson who applies for a certification of items and quantities of chemical substance use at the Ministry of Industry, Mines and Energy shall be automatically registered for the use of chemical substance. The businessperson shall regularly update all information related to the use of chemical substance in case of change.

Article 8:

The businessperson will receive a response regarding the certification of items and quantities of chemical substance use:

- within 7 (seven) days of working days for the chemical substance that used to be used or imported by the businessperson
- within 15 (fifteen) days of working days for the chemical substance that did not use to be used or imported by the businessperson

- within 60 (sixty) days of working days for the chemical substance that have never been used or imported to Cambodia
- In case that the certification of items and quantities of chemical substance use is refused, the businessperson will be provided the information and valid reason of the refusal in writing.

Article 9:

The businessperson who has received the certification of items and quantities of chemical substance use from the Ministry of Industry, Mines and Energy shall make a monthly detailed report about the traffic and the use of the chemical substance set out in the certification to the Ministry of Industry, Mines and Energy. In case of failure to provide this report, a fine shall be given in accordance with the Law on Administration of Factory and Handicraft.

Article 10:

The businessperson shall give a 15-day advance notice to the Ministry of Industry, Mines and Energy of the arrival of the imported chemical substance so that the Ministry appoints competent authorities, according to necessity, to inspect the identity, quantities, safety of storage of the chemical substances before being sent to the warehouse.

Article 11:

For each import, the businessperson shall submit the Ministry of Industry, Mines and Energy a copy of Certificate of Tested Chemical Substances that have actually been imported within 15 days at the latest after the import.

Article 12:

The Ministry of Industry, Mines and Energy may appoint officials to conduct an inspection and evaluation on the management, storage, and use of chemical substance, if necessary, in which the Ministry is in charge of the expenses on this inspection. Any prevention to the process of the ministry competent officials' inspection caused by the businessperson or individual of businessperson shall receive a fine in accordance with the Law on Administration of Factory and Handicraft and Law on Drug Control.

Article 13:

The businessperson who applies for the certification of items and quantities of chemical substance use for distribution shall:

- Record the name, occupation, address of the receiver
- Record the name of chemical substance, items to be used, and quantities of chemical substance distributed
- Have a label on the package with Material Safety Data Sheet (MSDS) in Khmer language.

Article 14:

The businessperson shall keep all documents, vouchers, invoices and other documents related to the import, traffic and use of chemical substance at least 2 (two) years after those transactions occur.

Article 15:

The businessperson shall:

- Be responsible for the management of chemical substance
- Store the chemical substance in a technical and appropriate way and ensure that the warehouse is safe.
- Prepare a training for workers on the safety of storage and use of chemical substance
- Provide safety materials/equipment to protect workers
- Have a safety sign and Fire Prevention Equipment and Systems
- Have materials/equipment for storing chemical substance to be safe, not overflow, not spill, not leak, not fade, not emit, not rust etc. in transporting and storing chemical substance
- Have a measure to manage chemical substance waste in accordance with the law and technical regulations.

Article 16:

Any Prakas and decision contrary to this Prakas shall be abrogated.

Article 17:

The General Department of Industry, Departments, Units under the supervision of the General Department of Industry, the Single Window Secretariat of the General Department of Industry, Municipal and Provincial Departments of Industry, Mines and Energy, and businesspersons shall implement this Prakas in the framework of their respective authorities in an effective way from the date of signature.

Minister
(signed and sealed)
Suy Sem

Place to receive:

- Official gazette
- Office of the Council of Ministers
- Cabinet of Samdech Akka Moha Sena Padei Techo **Hun Sen**, Prime Minister
- Ministry of Interior
- Ministry of National Defense
- Ministry of Economy and Finance
- Ministry of Commerce
- Ministry of Environment
- Ministry of Health
- Ministry of Agriculture, Forestry, and Fisheries
- Council for the Development of Cambodia
- National Authority for Combating Drug
- Cambodia Chamber of Commerce
- Garment Manufacturers Association in Cambodia
- Federation of Association of Small and Medium Enterprises of Cambodia
- “for info. and dissemination”
- As in Article 17 “for info.”
- Archives