

## **Part I: Chapter 2 - Annex**

### **1. Kampot Pepper Promotion Association**

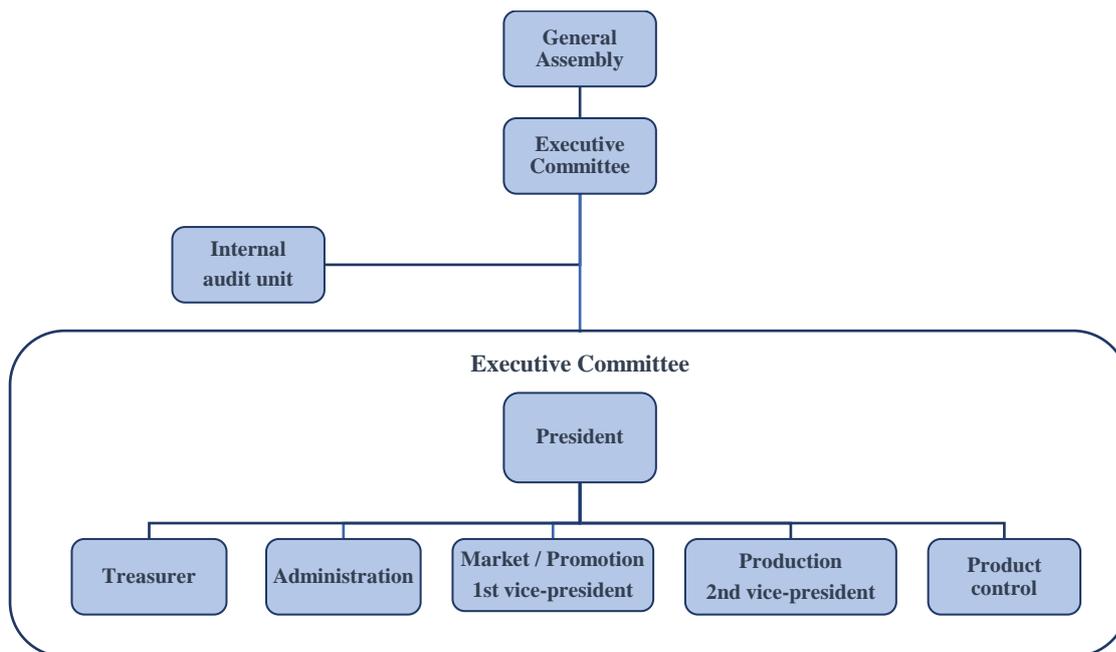
Headquartered in Angkor Chey 1 Village of Kampot province, Kampot Pepper Promotion Association (KPPA) is an interprofessional organization created for the defence and promotion of the producers' know-how, and the name and quality reputation of Kampot pepper, for the benefit of producers, traders and consumers.

#### **(a) Mission**

The mission of KPPA includes:

- Preparation of the book of specifications for Kampot pepper, and applying for its registration as a protected Geographical Indication under the GI law of the Kingdom of Cambodia;
- Creating relations and cooperation between Kampot pepper producers, traders, organizations and relevant institutions;
- Promoting the reputation of Kampot pepper through the improvement of its quality and the prevention of infringement or misuse of the Kampot pepper name;
- Preparing and implementing the internal control system to ensure quality and origin;
- Identifying and cooperating with the external control agent;
- Training members and developing their capacities to produce Kampot pepper in compliance with the book of specifications;
- Examining and making decision on the applications by producers or traders who want to use the Kampot pepper label;
- Updating the figures on production, based on information provided by producers and traders of Kampot pepper;
- Maintaining the register of producers and traders accredited by the external control agent or institution, and communicating relevant information to members, control agent or institution, and the Geographical Indication Office upon request;
- Taking the necessary legal measures to protect the name of Kampot pepper from misuse or infringement.
- Any other action needed to achieve the association's objectives.

#### **(b) Management structure**



The management structure of KPPA comprises:

- A General Assembly, which is the highest body of the association;
- Board, created by the election of the general assembly, with 12 members including at least two representatives of traders and at least one representative of producers per district in the Kampot pepper production area.
- Internal audit. This comprises three members selected by the board from among its own members, who are not members of the executive committee.
- Executive committee, which is elected by the board and has six members, including at least one representative of traders or companies and at least three representatives of producers.

### (c) Membership

Kampot pepper producers, traders, stakeholders and other interested persons who are person entities or legal entities, and who fulfil the following criteria, can become members of KPPA.

#### (i) Pepper producers

- File an application to be registered as a member and fulfill membership criteria;
- Respect the internal rules and statutes of the association;
- Own a pepper plantation in the area defined in the book of specifications for Kampot pepper;
- Have at least 100 pepper vines;
- Produce pepper according to the book of specifications.

#### (ii) Traders

- File an application to be registered as a member and fulfill membership criteria;
- Respect the internal rules and the statutes of the association;
- Recognize and implement the book of specifications and control plan;
- Buy and sell Kampot pepper;
- Prepare records on purchases and sales of pepper and provide the required documents to the association and control or institution.

**(iii) Stakeholders and interested persons**

Inviting stakeholders and interested persons to become honorary members of KPPA without meeting the required conditions for becoming an ordinary member of the association.

## 2. Description of the different types of “Kampot Pepper”

TYPE	FORM	SIZE & DENSITY	COLOR	SMELL	OTHER
Black pepper	Dried black berries	$\varnothing \geq 4 \text{ mm}$ Density $\geq 570 \text{ g/l}$	Dark black, black, brown black or grey black.  Defaults: -Plant waste -Dust -Mushroom -There is receptacle less than 5%.	The smell of grain is medium burning.  After grinding the smell of powder pepper is very burning and long time.	Tolerance:  More than 5% for the size of berries, less than 2% for the color. To be verified
Red pepper	Dried black berries	$\varnothing \geq 4 \text{ mm}$ Density $\geq 570 \text{ g/l}$	Brown red or dark red.  Defaults: -Plant waste -Dust -Mushroom -There is receptacle less than 1%.		
White pepper	Dried black berries	$\varnothing \geq 3 \text{ mm}$ Density $\geq 600 \text{ g/l}$	Grey white with little yellow color or color of exocarp of soya-bean.  It is natural color. Do not add anything to change the color.  Defaults: -Plant waste -Dust -Mushroom		
Green pepper	Whole cluster of fresh berries	Each cluster has to have at least 10 grains.  $\varnothing \geq 3 \text{ mm}$	Dark green	Herbal green pepper aroma. There is no burning smell when it is the grain  When it is grinded, its smell is strong	

### **3. Interview questions for pepper producers**

#### **Personal information**

- Name
- Age
- Village

#### **Pepper production**

- Size of farm (own or rent the land?)
- Type of pepper grown
- Farming history
- Farming technique/process (from planting to harvesting)
- Farming expenses (land rental, seeds, labour, utility?)
- Annual production volume (how many tons?)

#### **Pepper sales**

- How do you sell your pepper? To whom? (Through a cooperative? Directly to traders in KPPA?)
- How much money did you get from your sale of 1kg of your pepper?
- Annual sale (how much money do you get from selling pepper per year).

#### **Kampot Pepper Promotion Association**

- Are you a member? If yes, since when?
- Is KPPA membership helpful for you? How?
- Any training provided by KPPA?
- How much do you have pay to KPPA for a sale of 1 kg of your pepper?
- Do you know what this commission will be used for?

#### **Knowledge about GI**

- What do you know about GI?
- Do you know that Kampot pepper is recognized by the European Union?
- Do you know clearly about the requirements in the book of specifications? How strictly do you follow them?
- Before and after GI, have you experienced any difference in farm size, production quantity and sale volume?
- Has your living standard improved compared to five years ago? Is it because of an increase in sale of your pepper?

#### **Challenges**

- What are your main challenges in farming and selling of your pepper?
- Are you worried about decrease in demand and price of the pepper in the future?

#### **Requests and suggestions**

- Do you have any request or suggestion for KPPA and the Government to help you more with your pepper production and sales?

#### **4. Penalties under Cambodia GI Law**

##### **Article 38: Offences of Counterfeiting Geographical Indication**

Offenders shall be liable to imprisonment from one to five years and to a fine of KHR 2 million to KHR 20 million for the following offences:

- Misuse of a registered Geographical Indication for direct or indirect commercial purposes in respect of identical or comparable goods to those of the registered Geographical Indication where that misuse benefits or could benefit from the reputation of the geographical indication;
- Unauthorized use, imitation or evocation, or translation of the Geographical Indication, even if the true origin of the goods is accompanied by an expression such as “style”, “type”, “method”, “manner”, “imitation”, or translations of such expressions, or of similar expressions that are likely to mislead the public;
- False or misleading indications as to the origin, nature, or specific quality of the goods appearing on packaging, or in advertising materials or on other documents concerning the goods that are likely to be misleading with regard to its origin;
- Other acts likely to mislead the public as to the true origin of the goods.

##### **Article 39: Criminal Responsibilities of a Legal Entity**

Any legal entity shall be declared for criminal responsibilities as described in Article 42 (Criminal Responsibilities of a Legal Entity) of the Criminal Code for the offence defined in Article 38 (Offences of Counterfeiting Geographical Indication) above. A legal entity shall be fined from KHR 20 million to KHR 50 million and my, in addition, be subject to one or more of the following penalties:

- Dissolution as defined in the Article 170 (Dissolution and Liquidation of Legal Entities) of the Criminal Code;
- Placement under Court Surveillance as defined in the Article 171 (Placement under the Court Surveillance) of the Criminal Code;
- One or more of the prohibitions against pursuing activities defined in Article 172 (Prohibition against Pursuing Activities) of the Criminal Code;
- Expulsion from Public Market Places as defined in the Article 173 (Expulsion from Public Market Places) of the Criminal Code.
- Confiscation of objects or funds that are the subject of the offence as defined in the Article 178 (Confiscation of Ownership, Selling and Destroying Confiscated Objects) and Article 179 (Confiscation and the Rights of the Third Party) of the Criminal Code;
- Confiscation of revenue or assets resulting from the offence as defined in Article 178 (Confiscation of Ownership, Selling and Destroying Confiscated Objects) and Article 179 (Confiscation and the Rights of the Third Party) of the Criminal Code.
- Posting the decision of the penalties defined in the Article 180 (Posting the Decisions) of the Criminal Code;
- Broadcasting the decision of the penalties in the press or other publications defined in the Article 181 (Broadcasting of Decision by means of Audio-Visual Communications) of the Criminal Code.