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Banking

Prakas No.B9-010-150 (NBC), dated August 25, 2010 on the Introduction of Payment Order Format for Credit Remittance (L&R/Bnk/2010/Khm&Eng) (Royal Gazette, Year 10, No. 65, September 04, 2010)

This Prakas introduces the uniform payment order into the banking system for the payment in written or electronic form which serves as the credit remittance. The payment order will be used in order to transfer funds from payer's account to payee's account where these accounts may or may not be domiciled at the same bank or bank branch. The Prakas prescribes the credit remittance information and the layout of the written form.

Prakas No. B9-010-151 (NBC), dated August 25, 2010 on Third-Party Processor. (L&R/CIE/2010/Khm&Eng) (Royal Gazette, Year 10, No. 66, September 08, 2010)

The purpose of this Prakas is to enable banks and financial institutions to outsource one or more parts of their payment transactions services through one or more third-party processor. This requires the approval from the National Bank of Cambodia. The bank shall apply for a license on behalf of such Third-Party Processor. The license is valid for 3 years and can be renewed for consecutive 3 year terms.

Customs & Import-Export

Prakas No.569 (MEF), dated August 19, 2010 on Monitoring Imported & Exported Goods and the Transportation Means. (L&R/CIE/2010/Khm) (Royal Gazette, Year 10, No. 65, September 04, 2010)

With respect to goods being imported or exported, customs officers have the power to inspect goods and open or order to open any package or container of goods, stop, halt, board, enter and inspect any conveyance, search private residence or businesses to gather evidence or seize the goods, check the identify of any person entering or leaving the customs territory. The purpose of inspection is to verify the goods and information in the customs declaration. The inspection shall be conducted after the registration of customs declaration and in the presence of the goods owner or representative during working hours. The consent of the Director of Customs and Excise shall be required if the inspection is to be conducted before the registration. In the absence of the good owner or their representative, the customs officer shall issue a written notification stating the inspection time.

Prakas No.570 (MEF), dated August 19, 2010 on the Procedure on the Custom Appeals (L&R/CIE/2010/Khm) (Royal Gazette, Year 10, No. 65, September 04, 2010)

A person subject to a penalty or seizure of goods, conveyance, or other things may appeal in writing to the Director of Customs within thirty days of receiving notification of the penalty or seizure, stating the reasons for the appeal, and depositing a security in accordance with Article 41 of the Law of Customs. The Director of Customs shall make a decision on the appeal within sixty days after receipt of the appeal; otherwise, the appeal is granted. If the appeal is denied, a person has the right to file the appeal against the custom record to the court within thirty days after receipt of decision.

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Prakas No.571 (MEF), dated August 19, 2010 on the Procedure for Tax Payment and Excise on Imported & Exported Goods. (L&R/CIE/2010/Khm) (Royal Gazette, Year 10, No. 65, September 04, 2010)

The removal of imported and exported goods from the customs temporary storage or customs bonded warehouse shall not be authorized prior to the payment of duties, taxes, fees, fines, interest and other charges. The exporter or owner shall be liable for export duties and taxes. In cases where the exporter or owner cannot be located, the customs broker shall be liable for the export duties and taxes. The payment shall be declared in Riel currency by cash, check and other means which recognized and authorized by the National Bank of Cambodia and the Customs Administration shall accept the receipt from the Bank.

Prakas No.572 (MEF), dated August 19, 2010 on the Declaration of Goods Entering Cambodia's Custom Boundary. (L&R/CIE/2010/Khm) (Royal Gazette, Year 10, No. 66, September 08, 2010)

This Prakas aims to regulate that customs clearance of goods, materials, and all transportation means in the Kingdom of Cambodia must be transported without delay in accordance with the legal procedure of the administration of the nearest customs office or any other place designated by the customs administration.

Goods must be kept in its original state and packaging, including the seal and stamp. Goods must be declared either orally or in writing to the customs administration as determined by the General Department of Customs and Excise of Cambodia.

The transporter is required to hold a transportation permit. In case the goods are transported by sea or other water ways, they must be recorded in the ship's manifest or general packing list. These documents need to be signed by the captain and must describe the type of goods on board, including the quantity, trademarks, total weight (including packages), and the place where the goods were loaded. The same conditions apply for land and air transportation.

Before entering into Cambodia, certain documents need to be provided to the nearest customs administration, and these documents are detailed in Article 12 of this Prakas.

Finance

Prakas No.004 (SECC) dated March 18, 2010 on the Basic Meaning of Operating Rules of the Securities Market, Clearance and Settlement Facility, and Securities Depository (L&R/Finc/2010/Khm) (Royal Gazette, Year 10, No.71, September 27, 2010)

The purpose of this law is to prescribe primary principal of the operating rules of a securities market, a clearance and settlement facility and a securities depository.

The operating rule includes: rules and procedures related to the operation of a securities market, rules and procedures governing the membership of a participation in the market, listing rules of a securities market, and Articles of incorporation of the operator. The rules and procedure related to the operation of a securities market shall have separate rules and procedures for transaction of each type of securities.

The rules and procedures related to the operation of a securities market shall have separate rules and procedures for transaction of each type of securities. Listing rules of security market must address about its requirements, procedures, conditions and procedures for listing suspension and delisting. There are certain rules and procedures for a clearance and settlement facility.

Prakas No.005 (SECC) dated March 18, 2010 on Recognizing Professional Accounting Companies to Provide Services in Securities (L&R/Finc/2010/Khm) (Royal Gazette, Year 10, No.71, September 27, 2010)

This Prakas aims to introduce the requirements and procedures for accreditation of professional accounting firm and its external auditor that provide professional services in the Securities Sector. The professional accounting firm and external auditor that apply for accreditation shall submit the application form together with other required documentation and fees to the SECC. The validation of accreditation of professional accounting firm and external auditor shall be 3 years. Forty-five days before the accreditation expires, the professional accounting firm and external auditor that aim to resume providing professional services shall apply to renew the validation of accreditation to the

SECC. The Director General of the SECC shall notify the firm and external auditor within 45 days after receiving the completed documents. After receiving the accreditation, the professional accounting firm and external auditor shall follow the Article 10, 11 and 12 regarding impermissible condition for auditing, impermissible non-audit services and obligations of accredited; otherwise, the accreditation status will be suspended or cancelled.

Prakas No.009 (SECC) dated June 30, 2010 on Recognizing Securities Listing Agencies, Securities Transfer Registration Agencies and Settlement Agencies (L&R/Finc/2010/Khm) (Royal Gazette, Year 10, No.72, September 30, 2010)

The objective of this Prakas is to prescribe the requirements and procedures to recognize the registration of the applicants who wish to become Securities Registrar, Securities Transfer Agent, and Paying Agent, and to determine the obligations of each agent in accordance with the Law on the Issuance and Trading of Non-Government Securities, and Sub-decree on the Implementation of the Law on Issuance and Trading of Non-Government Securities.

Applicants who wish to provide such services shall be a commercial company registered in accordance with the law of the Kingdom of Cambodia and shall apply for the registration from the Director General of the SECC.

Applicants for Securities Registrar, Securities Transfer Agent, and Paying Agent may be:

1. Securities Depository Operator granted the approval from the SECC;
2. Commercial Banks licensed by the National Bank of Cambodia;
3. Other limited companies as stated in the Law on Commercial Enterprise.

Applicants applying for registration as the Securities Registrar, Securities Transfer Agent, or Paying Agent shall complete the application forms determined by the SECC. The Director General of the SECC may require the applicants to provide other documents and clarification or other necessary information to ensure that the applicants have met all the requirements set out in this Prakas but the Director General of the SECC may refuse the application for the registration based on any grounds more detail in Article 11 of this prakas.

Rules on the Securities Registrar Services, Securities Transfer Agent Services, Paying Agent Services of the applicant applying for the Securities Registrar, Securities Transfer Agent Services, Paying Agent Services stated in the Article 5 of this Prakas shall prescribe the procedure related to the operations of the Securities Registrar services, Securities Transfer Agent Services, Paying Agent Services shall prescribe at least with required condition in Article 12, Article 13 and Article 14 of this prakas. And come up with business plan of the applicant applying for the Securities Registrar, Securities Transfer Agent, and Paying Agent as stated in the Prakas.

The period for deciding on accepting registration, after the applicant have submitted the full application documents as stated in this Prakas and the effective regulation within 2 (two) months, the Director General of the SECC shall notify on the acceptance or rejection to the applicant and the validity of the registration period is for an indefinite duration.

Start of operation after receiving the registration, Securities Registrar, Securities Transfer Agent, or Paying Agent shall initiate its business activities not later than 3 months. A Securities Registrar, Securities Transfer Agent, or Paying Agent shall have general obligation as stated in Article 21 of this prakas. The applicant shall have professional liability insurance before starting operations. In case that the procedure to terminate the services of each agent need to use more than 6 (six) months.

Transactional penalties, the Director General of the SECC has rights to direct the person receiving the registration, impose further conditions, impose restrictions on the registration, or suspend the registration stated in the Article 30. Registration withdrawal, the Director General of the SECC has rights to revoke the registration in the cases of condition stated in Article 31. Transactional fine measures, including other penalties stipulated in effective laws and regulations in the securities sector and effective laws and regulations of the Kingdom of Cambodia.

Prakas No.008 (SECC) dated June 28, 2010 on Recognizing Agencies for Securities-Related Cash Settlement (L&R/Finc/2010/Khm) (Royal Gazette, Year 10, No.72, September 30, 2010)

The purpose of this Prakas is to prescribe requirements, procedures to grant an accreditation to conduct activities as a Cash Settlement Agent and to determine its obligations in accordance with the Law on the Issuance and Trading of Non-Government Securities and the Sub Decree on the Implementation of the Law on the Issuance and Trading of Non-Government Securities.

Eligible persons who aim to conduct activities as a Cash Settlement Agent, shall file an application and obtain an accreditation from SECC, The Applicant shall be a Commercial Bank licensed by the National Bank of Cambodia (NBC) and shall obtain a letter "Non-refusal" from the NBC.

The SECC shall notify in writing the applicant of the decision on the grant of an accreditation or the refusal decision not later than three months from the date of the lodgment of the application. The accreditation of Cash Settlement Agents operating is indefinite in duration.

The applicant shall pay an application and processing fee of KHR 2,000,000.00 upon submission of the application. Beside this, the person obtaining the accreditation shall pay an annual accreditation fee of KHR 40,000,000.00.

The Cash Settlement Agent shall offer cash settlement operations within duration of three months of the issue date of the accreditation or other appropriate period permitted by the SECC and shall fulfill the obligations as mentioned in this Prakas.

Labor & Social Affairs

Sub Decree No.108 (RGC), dated August 30, 2010 on Determining the Rate and Formality for Recruitment of Handicaps. (L&R/Lsa/2010/Khm) (Royal Gazette, Year 10, No. 65, September 04, 2010)

This sub-decree aims to determine the rate and formality for recruitment of handicap persons following the law on the protection and promotion of handicaps rights and government political program. It responds to Cambodia's obligation as a signatory state of the Convention Relating to Human Rights and Handicap Rights.

This sub-decree requires state institutions and legal entities to recruit qualified handicaps to fulfill the duties and responsibilities to the position required.

In principle as stated in this sub-decree, the ministries, state institutions with more than 50 civil servants shall have 2% of qualified persons with disabilities.. Legal entities which got more than 100 employees shall have 1% of qualified persons with disabilities of the total amount of employees to perform the duty, role and responsibility in accordance with the article 11 of the Sub-Decree.

In case the ministries state institution and legal entities fail to the obligation stated above, they shall be distribute cash into the charity handicaps box, and if they still fail, they shall be punished accordance to the law on the protection and promotion of handicaps rights.

Sub Decree No.117 (RGC), dated September 13, 2010 on Collection and Compilation of Information on Labor Market. (L&R/Lsa/2010/Khm) (Royal Gazette, Year 10, No. 69, September 19, 2010)

The aim of this Sub-Decree is to collect and compile information on the labor market in Cambodia.

In order to collect and compile information on the labor market, an agent under the National Vocational Training Commission and Labor is tasked with collecting data. It has the duty to coordinate, collect, compile, research, and create on electronic system.