

Table of Contents

- Adiminstrative & Public Setors
- Agriculture
- Business
- Civil & Procedure
- Fishery
- Investment
- Land & Properties
- Military

Administrative & Public Sectors

Sub Decree No. 206 (RGC), December 03, 2009: Termination of Priority Mission Group (PMG) Implementation and Merit Based Pay Initiative (MBPI) (L&R/Lbr/2009/Khm) (Ogs, Year 09, No. 90, December 08, 2009).

This Sub Decree terminates, both the PMG and MBPI program, for civil servants working in all ministries and institutions. Effective 1st of January 2010.

Sub Decree No. 208 (RGC), December 03, 2009: Modifying the Unit Value of the Base Salary Index and the Increasing of Net Salary of the Civil Servants (L&R/Adm/2009/Khm) (Ogs, Year 09, No. 91, December 12, 2009).

Effective the 1st of January 2010, all civil servants, members of the Royal Cambodian Armed Forces, the National Police, who are retirees, or have vocational disabilities are entitled to a salary increase from 720 Riel to 870 Riel. Additionally, retirees, persons with working or labor disabilities, and ex-soldiers with handicaps are entitled to a 20% salary increase.

Sub Decree No. 201 (RGC), November 25, 2009: Modification on the First Financial Support Determination for Civil Servants, Judges and Prosecutors who are Retired, Vocationally-Disabled, Dead, Resigned, Requested for Early Retirement, and Disqualified Retirement or Vocationally-Disabled. (L&R/Adm/2009/Khm) (Ogs, Year 09, No. 89, December 04, 2009).

Effective the 2nd of January 2010, all civil servants who have worked in political roles, judges, and prosecutors, who retired, vocationally disabled, deceased, resigned, Requested for Early Retirement, and Disqualified Retirement or Vocationally-Disabled are entitled the First Financial Support equivalent to the last basic salary multiplied by the amount of months as stipulated in the regulations set forth in this Sub Decree.

Royal Kram NS/RKM/1209/025, December 05,2009: Promulgation of the Law on Peaceful Demonstration (L&R/Crp/2009/Khm) (Ogs,Year 09,No.92, December 15,2009).

This law applies to all gatherings and peaceful demonstrations with the exceptions of, (1) gatherings for election campaign purposes, (2) gatherings inside and outside factories, enterprises, or any institution in connection with a labor dispute which is governed under the Labor Law, (3) military parades, [traditional] corpse escorts, and other gatherings for the purpose of religion, culture, national tradition, and educational activities. The law also defines what will be considered a peaceful demonstration, and sets forth the procedure of notification prior to holding a demonstration; and establishes the responsibilities of the demonstration leader, and the authorities, along with the penalties for any violations of the law.

A No 64, St 111
PO Box 172
Phnom Penh
Cambodia

T +855 23 217 510
+855 23 212 740

F +855 23 212 840

E info@bnglegal.com

W www.bnglegal.com

Agriculture

Prakas No. 602 (MAFF) December 11, 2009: Deployment of Internal Regulation Sample of Pre Community Agriculture. (L&R/Agr/2009/Khm) (Ogs, Year 09, No. 95, December 27, 2009).

In order to more efficiently manage all aspects of agricultural production and commerce, Pre-Agricultural Communities shall be established. A Pre-Agricultural Community is formed when at least 25 Khmer citizens, who are 18 years or older, jointly apply for Pre-Agricultural Community status.

Article 6 sets out the rights of the Community's members, while Article 7 sets forth their responsibilities. Article 8 sets out the structure and working operation of the Community. Article 17 requires that each member shall not hold more than 20% of the capital outlay. Article 28 sets the rules for resignation or termination, and the conditions for dissolving the Community. Article 30 to 34 sets forth the dispute resolution mechanisms.

Prakas No. 605 (MAFF) December 15, 2009: The Creation and Management of the Svay Rieng Community Forest Zone (L&R/Agr/2009/Khm) (Ogs, Year 09, No. 95, December 27, 2009).

The Svay Rieng Community Forest Zone, established by the Svay Rieng Forestry Administration, was created to promote and develop community compliance with the Royal Government's policies regarding the management, use, and protection of forestry resources. The Community Forest Zone consists of three 502 square meter parcels of land. The organization and functions of the Community Forest Zone is governed by the Forestry Law, Sub-Decrees, and Prakas regarding the Community Forest Zone.

Business

Inter-Ministerial Prakas No. 995 (MoEF & MoH), November 06, 2009: Implementation of Trade Facilitation through Risk Management (L&R/Bsn/2009/Khm) (Ogs, Year 09, No. 90, December 08, 2009).

The objective of this Inter-Ministerial Prakas is to facilitate trade, by implementing a risk management policy that will better integrate the workflow between the Ministry of Economy and Finance's General Department of Customs and Excise, and the Ministry of Health.

This Inter-Ministerial Prakas also establishes contact points between both Ministries. Mr. Pen Samath will act as the contact point for the Ministry of Economy and Finance's General Department of Customs and Excise, and the Department of Legal Affairs, Audit, and Public Relations. Mrs. Tear Kimchhay will be the contact point for the Ministry of Health's Department of Medicine, Food, Medical Equipment and Cosmetic Products.

Each Ministry is bound to cooperate with each other, and to facilitate the process of examining exported and imported goods at Cambodia's international borders. Additionally, both Ministries are required to freely share information and permit inspection by the other.

Inter-Ministerial Prakas No. 996 (MoEF & MIME), November 06, 2009: Implementation of Trade Facilitation Through Risk Management (L&R/Bsn/2009/Khm) (Ogs, Year 09, No. 90, December 08, 2009).

The objective of this Inter-Ministerial Prakas is to facilitate trade by implementing a risk management policy that will better integrate the workflow between the Ministry of Economy and Finance's General Department of Customs and Excise, and the Ministry Industry, Mines and Energy.

This Inter-Ministerial also establishes contact points for both Ministries. Mr. Pen Samath will act as the contact point the Ministry of Economy and Finance's General Department of Customs and Excise, and the Department of Legal Affairs, Audit, and Public Relations. Mr. Meng Sakdetheara, Director of the Department of Industry, will act as the contact point for the Ministry of Industry, Mines, and Energy

Each Ministry is bound to cooperate with each other, and to facilitate the process of examining

exported and imported goods at the Cambodia's international orders. Additionally, both Ministries are required to freely share information and permit inspection by the other. Additionally, both Ministries are required to freely share information and permit inspection by the other.

Decision No. 76 (RGC), December 14, 2009: The Establishment of the Commission and Working Group for the Implementation of a Multilateral Fund, and to Advance the Facilitation of Business (L&R/Bsn/2009/Khm) (Ogs, Year 09, No. 93, December 19, 2009).

The Commission, which is comprised of representatives from various ministries and under the direction of the Department of Internal Cooperation of the General Department of International Trade, and through 3 working groups, - the Legal Affairs and Inter-field Working Group, the Service Development and Production for Exportation Working Group, and the Business Capacity Development Working Group, will implement policies in order to facilitate business.

Civil & Procedure

Royal Kram No. 1209/024, December 30, 2009: Promulgating the Law on Inter-Country Adoption.

The Law on Inter-Country Adoption sets forth the principles, conditions, and procedures of inter-country adoption in order to ensure the best interests of, and to protect, the basic rights of the children who are being adopted.

The Law governs the adoption of Cambodian citizens, having permanent residence in the Kingdom of Cambodia, by a married couple, who permanently reside in another country, which will involve the immigration of the child to the adopting couple's country of residence.

Fishery

Decision No. 72 (RGC) November 26, 2009: Establishment of the Committee to Patrol and Protect Against Fishing Violations in Koh Kong and Along the Cambodia-Thailand Maritime Border (L&R/Fsr/2009/Khm) (Ogs, Year 09, No. 89, December 04, 2009).

The Committee is charged with combating violations of the Fishery Law, and inspecting fishing activities in Koh Kong, and along the Cambodia-Thailand maritime border. The Committee is composed of members from the Koh Kong Provincial Government; including representatives from the Military, Police, Coast Guard, Agricultural, Transportation, Economic, Commerce, and Customs and Excise departments.

Investment

Prakas No. 1222 (MEF), December 15, 2009: The Management of Real Estate Development Operations (L&R/Ivm/2009/Khm) (Ogs, Year 09, No. 96, December 31, 2009).

The purpose of this Prakas is to create a mechanism to manage, examine, and grant licenses to persons or businesses interested in doing real estate development, as well as, to enhance real estate development sector in Cambodia.

The main features of this Prakas are as follows:

- Process of requesting a license: the application process varies based on the type of applicant, as defined in this Prakas. License fees, and license validity are determined according to the type, and size of the development project. Specific timeframes will be set to ask for a license extension, or the license will be revoked.
- Advertisement: advertisements must follow certain obligations, and incorporate certain information as prescribed in this Prakas.
- Sale and Purchase Contract: this provision requires that certain prescribed information be incorporated in the sale and purchase contract.
- Real Estate

Development Account: this Prakas also regulates bank accounts created for real estate development operations, and with particular focus on deposits, and loans.

- Inter-Ministerial Working Group: in order to implement the above mentioned provisions, an Inter-Ministerial Working Group shall be vested with the power to examine and decide matters as previously outlined.

- Sanctions: sanctions can be in the form of license suspension, revocation, or fines.

Decision No. 77 (RGC), December 18, 2009: The Establishment of the Administration Office for Preah Sihanouk Ville Special Economic Zone (L&R/Ivm/2009/Khm) (Ogs, Year 09, No. 94, December 23, 2009).

This decision was passed to create an Administration Office, composed of representatives from various ministries and departments, which shall be located in Village of Phou Theoung, Bit Trang Commune, and Village of Smach Deng, Ream Commune in Prey Nup District.

The Administration Office is charged with monitoring imported and exported products, as well as, the entry and exit of individuals within its area. In addition, it also has an obligation to examine the different formalities related to investment registration, licensing, and customs.

Land & Properties

Sub Decree No. 212 (RGC), December 08, 2009: The Transfer of 1,545 Hectares of Land Situated in Rumdaoh Srae Commune, Choam Khsan District, Preah Vihear Province (L&R/L&P/2009/Khm) (Ogs, Year 09, No. 92, December 15, 2009).

The Sub Decree transfers 1,545 hectares of State land located at Rumdaoh Srae Commune, Choam Khsan District, Preah Vihear Province, by concession, to low income families, families of ex-soldiers, and families of handicapped or demobilized soldiers for their private use.

Sub Decree No. 132 (RGC), August 19, 2009: on the Transfer of the State Permanent Reserved Forest Land for the Purpose of Social Land Concession situated at ROMDOH SRAE, CHOAMKXSAN district, PREAH VIHEAR province (L&R/L&P/2009/Khm) (Ogs, Year 09, No. 95, December 27, 2009).

The Sub Decree transfers 534 hectares of permanently reserved State forest land located in Romdoh Srae, ChoamKsan District, Preah Vihear Province to the Ministry of Agriculture, Forestry, and Fisheries in order to grant a land concession to the families of soldiers serving in the Preah Vihear Military Sub-Region and Chaom Ksan Military Sub-Division.

Military

Royal Kram No. 1209/023, December 03, 2009: Promulgating the Law Banning Chemical, Nuclear, Biological, and Radioactive Weapons.

In order to ensure the public's health, safety, and security, and provide environmental protection, on a local, regional, and global scale, the Kingdom of Cambodia places a total ban on the production, research, transfer, storing, and use of chemical, nuclear, biological, and radioactive weapons within Cambodia. This law applies to all Cambodian citizens, living domestically or abroad; foreigners entering into, or living in Cambodia; all civil and military establishments; all entities legally registered in Cambodia, whether operating domestically or abroad; all entities registered abroad and operating in Cambodia.