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B.N.G_ Monthly Law Update

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I. LAWS & REGULATIONS UPDATE

CIVIL AVIATION

- ▶ Royal Kram NS/0108/003 of January 19, 2008, Promulgating the Law on Civil Aviation of the Kingdom of Cambodia (Ogs, Year 08, N^o 13, February 19, 2008):

The purpose of this law is to:

- maintain public order and ensure safety of civil aviation operations in the Kingdom of Cambodia;
- control air traffic service in the Kingdom of Cambodia to ensure the safety of airplanes;
- control and develop civil airports in the Kingdom of Cambodia;
- control air transport enterprises; and
- push for the development of civil air transport with safety, confidence and economy.

Airplanes, personnel, airplane operation, transportation by air, airports, responsibilities and insurance, civil aviation security, exception, penalties, and final provisions are stated in detail in this Royal Kram.

CONSTITUTION

- ▶ Royal Kram NS/0208/008 of February 15, 2008, Promulgating the Constitutional Law on the Amendment to New Articles 145 and 146 of the Constitution of the Kingdom of Cambodia (Ogs, Year 08, N^o 14, February 23, 2008):

Articles 145 (New) and 146 (New), Chapter 13, of the Constitution of the Kingdom of Cambodia have been amended as follows:

Article 145 - New (One)

The territory of the Kingdom of Cambodia shall be divided into cities, provinces, municipalities, districts (srok), Khan, communes (khum), and Sangkat.

Article 146 - New (One)

Cities, provinces, municipalities, districts, khan, khum and sangkat shall be governed in accordance with conditions stated in organic law.

CUSTOMS & IMPORT-EXPORT

- ▶ Prakas N^o 106 (MEF) of February 15, 2007 on the Customs' Temporary Storage (Ogs, Year 08, N^o 12, February 15, 2008):

A Customs' temporary storage for the import and export of goods under Customs control in approved premises and waiting for the completion of Customs formalities in accordance with Article 43 of the Law on Customs has

been formed under this Prakas. The Customs' temporary storage has included warehouses or premises where goods may be released from customs and under Customs control.

Other conditions related to the Customs' temporary storage are stated in detail in this Prakas.

- ▶ Prakas N° 107 (MEF) of February 15, 2007 on the Reporting, Movement, Storage and Transportation of Exported Goods (Ogs, Year 08, N° 12, February 15, 2008):

The Minister of Economy and Finance has made the following decisions:

Article 1:

All kinds of goods to be exported shall be reported to the Customs Office or any place in accordance with determination of the Director of Customs and Excise Department and Article 16 of the Law on Customs.

Article 2:

The export customs declaration shall be completed by declarers in accordance with Prakas on Provisions and Procedures of Customs Declaration. Documents attached to the customs declaration include:

- invoice and goods package list; and
- permits of the Customs Administration and other competent authorities if necessary.

The export customs declaration may be submitted to the Customs Administration before export goods arrive at the Customs Office if there is permission in advance from the Customs Administration.

Article 3:

The Director of the Customs and Excise Department may allow some goods to be declared for a particular form from the export customs declaration. The permission may be granted for:

- goods whose price is lower than a minimums price determined by the Director of the Customs and Excise Department; and
- goods for personal use imported by individuals.

Article 4:

When exporters or representatives make a written request, the Customs Administration may allow them to complete formalities for the goods release from customs at other places of the Customs Office such as at the places where product or process goods to be exported or at warehouses in order to ensure safety and facilitate legal business. The goods which may be approved by the Customs Administration for the completion of formalities for release from customs at other places besides the Customs Office are found in this Article.

Article 5:

All taxed or untaxed export goods as well as the means of goods transport from customs are subject to the customs control in accordance with law in force.

Article 6:

When there is a requirement from competent customs officers, declarers shall provide a sample of export goods for the request of verification of origin, quality and classification in conformity with customs tariffs and tax price. The Director of Customs and Excise Department may provide official permission for the exemption of granting sample goods in accordance with the above requirement.

Article 7:

All transports departing from the customs territory of the Kingdom of Cambodia shall complete customs formalities by submitting the Customs Administration export customs declaration and attached documents as follows:

- manifests;
- bill of lading of goods; and
- name of person responsible for transport means.

After the customs formalities are completed, the Customs Administration shall allow all export goods to be exported from the Kingdom of Cambodia.

Article 8:

All provisions contrary to this Prakas shall be considered as null and void.

Article 9:

Delegate of the Royal Government of Cambodia in Charge of the Customs and Excise Department, Secretary General, Director of Cabinet, Chiefs of Departments, and other entities under the Ministry of Economy and Finance as well as personnel, and other relevant institutions shall effectively implement this Prakas from the date of its signature.

- ▶ Prakas N° 109 (MEF) of February 15, 2007 on The Management of Unclaimed Goods (Ogs, Year 08, N° 12, February 15, 2008):

Under this Prakas, unclaimed goods have been put into the customs management and control in conformity with Article 54 of the Law on Customs as follows:

- goods stored in temporary storage facilities or customs bonded warehouses that have exceeded the period allowed by the provisions of Prakas on the Customs' Temporary Storage or Prakas on the Customs Bonded Warehouses;
- goods that are not declared by customs within limited time under the provisions of Prakas on the Customs' Temporary Storage;

- goods sent by mail which have been refused by the addressee or for which an addressee cannot be found and that cannot be returned to the senders; and
- goods and means of transport that have been imported, but not released that the owner abandons to the state in writing, or for which the owners cannot be found.

Conditions related to unclaimed goods have been found in this Prakas.

- ▶ Prakas N° 110 (MEF) of February 15, 2007 on The Extension of Customs Territory (Ogs, Year 08, N° 12, February 15, 2008):

The Ministry of Economy and Finance, pursuant to its requirement and Law on Customs, has decided to extend depths up to 60 kilometres of the land zones of customs territory along land borders of the Kingdom of Cambodia from the land and coastal borders to the country. The extension is in Battambang, Banteay Meanchey, Siem Reap, Pailing, Koh Kong, Sihanoukville, Kampot, Takeo, Kandal, Prey Veng, Svay Rieng, Kampong Cham and Kratie Provinces. The decision to extend the depths of land zones of the customs territory has validity for two years from the date of this Prakas' entry into force.

The roles and duties of customs officers and obligations of goods owners or representatives of goods owners are found in this Prakas.

- ▶ Prakas N° 111 (MEF) of February 15, 2007 on The Formalities of Outside Customs Zones (Ogs, Year 08, N° 12, February 15, 2008):

The Director of the Customs and Excise Department may review and approve a necessary case for fulfilment of customs formalities at outside customs office at the request of exporters/importers for the import or exports of goods as follows:

1. dangerous, explosive or flammable goods or the goods that are required to be under a particular condition of maintenance, package, lift and putting down, transport and stock;
2. goods that are crop products, non-timber products, all kinds of rubber gum or fishing products that are put into special containers; and
3. export goods that are put into all kinds of containers of QIP investment companies.

The Director of the Customs and Excise Department shall ask for an advanced approval from the Ministry of Economy and Finance for all proposals for customs formality fulfilment outside Customs Offices by focusing on other reasons in addition to above points. The approval shall state conditions of fulfilled customs formalities.

The above proposal shall have the explanation of reasons of the proposal and clearly state location of the fulfilled customs formalities.

Expenses for travel and staying and over time work of competent customs and excise officers shall comply with determinations of the Ministry of Economy and Finance.

- Prakas N° 112 (MEF) of February 15, 2007 on The Security (Ogs, Year 08, N° 12, February 15, 2008):

The security may be required by Customs Administration to be observed to guarantee the duty and tax payment or ensure that declarers and other responsible parties shall fulfil obligations in accordance with customs procedures or other law enforcements under Articles 41 of the Law on Customs.

The security may be observed in circumstance as follows:

- The release of goods from customs before tax and duty payment;
- The goods circulation in the scope or crossing the customs territory under the cross regime;
- The job of customs brokers, operators of customs bonded warehouses, and operators of customs' temporary storages;
- Temporary goods import and export;
- The release of goods from customs by waiting for decision from complaint or goods temporally detained; and
- Other circumstances required by customs.

The forms and conditions of the security are found in this Prakas.

- Prakas N° 113 (MEF) of February 15, 2007 on The Management of Documents, Books, Records and other Information about Imports and Exports (Ogs, Year 08, N° 12, February 15, 2008):

All persons joining or involved in export and import shall keep documents, books, records and other information, including information about accurate and adequate electronic format pertaining to import or export in accordance with Article 51 of the Law on Customs.

These persons and their representatives shall have an obligation to give documents, books, records, and other information related to import and export to customs for control in accordance with Article 52 of the Law on Custom.

The provision of this Law is not applicable to any person who imports or exports goods for personal use or for non-commercial or non-institutional requests.

The persons engaged or involved in the export and import shall include importers, exporters, customs brokers, operators of customs bonded warehouses and operators of customs' temporary storages, transport operators, legal representatives of importers or exporters and other related parties involved in import or export.

- Prakas N° 115 (MEF) of February 15, 2007 on The Establishment and Function of Customs Brokers (Ogs, Year 08, N° 13, February 19, 2008):

All persons having ability to complete customs formalities shall be as follows:

- Importers, exporters, goods owners or authorized representatives who can complete the customs formalities for only their business goods; and
- Any person who receives a qualified customs broker approval from the Ministry of Economy and Finance at the request of the Director of the Customs and Excise Department can complete customs formalities on behalf of other persons.

Legal entity or natural person who receives the qualified customs broker approval from the Minister of Economy and Finance shall be allowed to reserve a customs declaration and complete customs formalities on behalf of other persons in accordance with Article 32 of the Law on Customs.

Application form for license, procedures and other conditions for customs brokers are stated in detail in this Prakas.

- ▶ Prakas N° 116 (MEF) of February 15, 2007 on The Customs Bonded Warehouses (Ogs, Year 08, N° 13, February 19, 2008):

The Ministry of Economy and Finance has decided to regulate procedures of the creation, granting of license and functioning of customs bonded warehouses in conformity with Articles 45, 46 and 49 of the Law on Customs.

The customs bonded warehouses are approved buildings, places or premises where goods may be stored for a specific time under customs control. Imported goods and local goods for export may be placed in the customs bonded warehouses.

The goods in the customs bonded warehouses shall be suspended from tax and duty payment. The prohibited and restricted goods shall be exempted until the goods are released from customs for the local use or export.

The customs bonded warehouses shall be divided into 3 types and each type is found in this Prakas, and conditions for receiving a license for the customs bonded warehouses are also found in this Prakas.

- ▶ Prakas N° 117 (MEF) of February 15, 2007 on The Temporary Export of Goods (Ogs, Year 08, N° 13, February 19, 2008):

The Customs Administration, in accordance with Article 17 of the Law on Customs, may authorize the temporary export of goods from customs territory to be:

- a. Repaired, transformed, subject to additional works or additional test;
- b. Exhibited or for commercial advertisement;
- c. Executed or used outside the customs territory and after that they are re-imported, including goods for personal use of passengers;
- d. Other purposes decided by the Director of the Customs and Excise Department.

Exporters or eligible representatives shall submit an export customs declaration to the Customs Administration by certifying that the goods will be temporarily exported. More detailed stipulations of temporary export of goods are regulated in this Prakas.

EDUCATION

- ▶ Sub-Decree N° 15 (RGC) of February 08, 2008 on The Recognition of Limkokwing University of Creative Technology (Ogs, Year 08, N° 11, February 12, 2008):

The purpose of this Sub-Decree is to recognize a private higher-educational establishment, named Limkokwing University of Creative Technology “L.U.C.T”. The L.U.C.T is located at building No. 9, Street 1984 ⊥ Street 1986, Phnom Penh Thmei Village, Sangkat Phnom Penh Thmei, Khan Russey Keo, Phnom Penh and is under the supervision of the Ministry of Education, Youth and Sports [MoEYS].

The University offers Two-Year Associate Degree, Four-Year Bachelor Degree, and Master Degree. Six months after an initial training process, the L.U.C. shall prepare a detailed program for degrees and majors to be approved by the MoEYS. The L.U.C.T consists of five faculties: (i) Faculty of Arts, Literature and Humanities; (ii) Faculty of Mathematics, Science and Engineering; (iii) Faculty of Social Science and International Relation; (iv) Faculty of Business Management; and (v) Faculty of Architecture and Fine Arts. In the future, the L.U.C.T may open its faculty branches, majors, grades, or training school or change a location, or expand a new location by preparing formalities for approval by the MoEYS.

The L.U.C.T shall have its Board of Directors reviewing and approving policies, develop plans, and other relevant technical work.

The roles, duties and organizational structure of the University shall be determined by the Board of Directors of the L.U.C.T.

INVESTMENT

- ▶ Sub-Decree N° 18 (RGC) of February 22, 2008 on The Modification of Article 4, Points 4.1 and 4.3, of Sub-Decree No. 148 dated December 29, 2005 on the Establishment and Management of Special Economic Zones [SEZ] (Ogs, Year 08, N° 15, February 27, 2008):

Article 4, Points 4.1 and 4.3, of Sub-Decree No. 148 dated December 29, 2005 has been modified in accordance with the requirement of the Royal Government. The detailed stipulation of the points 4.1 and 4.3 are found in this Sub-Decree.

LABOR & SOCIAL AFFAIRS

- ▶ Sub-Decree N° 14 (RGC) of February 02, 2008 on The Establishment of National Social Security Fund for Civil Servants (Ogs, Year 08, N° 10, February 08, 2008):

The purpose of this Sub-Decree is to establish a National Social Security Fund [NSSF] – an administrative public establishment – for civil servants in order to process, manage and ensure a timely opening and granting of a social security

regime to civil servants, retired persons, disabled persons and sponsored persons for the reduction of their difficulties.

The NSSF shall be led and managed by Board of Directors chaired by Representatives of the Ministry of Social Affairs, Veteran and Youth Rehabilitation. It shall have the following duties:

- To organize and manage a social security regime in accordance with Royal Decree No. NS/RKT/0108/039 dated January 12, 2008 on the Social Security Regime for Civil Servants;
- To manage the NSSF's fund in conformity with principles of good governance;
- To control and evaluate an allowance expense;
- To research and prepare provisions for the NSSF;
- To research and make plans for development of management techniques and a social security regime in accordance with economic and social circumstances;
- To collect contributions from members and obtain a budget assistance from the Royal Government and humanitarian aid from other sources;
- To organize and manage a funding investment of the NSSF;
- To undertake and ensure the granting of allowances to members of the NSSF; and
- To coordinate and prepare health and social services for the interests of members of the NSSF.

The financial management, supervision, provisions, inter-provisions, and final provisions are stated in detail in this Sub-Decree.

LAND & PROPERTY

- ▶ Sub-Decree N° 01 (RGC) of February 08, 2008 on The Establishment of Inter-Ministerial Commission for Preparing Juristic Norms and Procedures for the Land Use in Provinces/Municipalities and Towns of the Kingdom of Cambodia (Ogs, Year 08, N° 11, February 12, 2008):

The Royal Government of Cambodia, pursuant to the request of the Minister of Land Management, Urban Planning and Construction, has decided to establish an Inter-Ministerial Commission for preparing juristic norms and procedures for the land use in provinces/municipalities and towns of the Kingdom of Cambodia.

The Commission is comprised of 14 members led by H.E Im Chhum Lim, Senior Minister, Minister of Land Management, Urban Planning and Construction. It shall have duties to prepare juristic norms and procedures on land use in provinces/municipalities and towns of the Kingdom of Cambodia for the Royal Government for review and approval. It shall have a secretariat as its

assistant. The secretariat shall be located at the Ministry of Land Management, Urban Planning and Construction and have the following duties:

- To research laws and documents to support a technical sector for a preparation of juristic norms and procedures for the land use in provinces/municipalities and public gathering of the Kingdom of Cambodia;
- To prepare documents and technical reports for meetings of the Inter-Ministerial Commission; and
- To prepare draft reports for meetings of the Inter-Ministerial Commission for review and approval.

The secretariat may use officials of the General Department of Land Management and other Units of the Ministry of Land Management, Urban Planning and Construction, as assistants if necessary.

- ▶ Sub-Decree N° 206 (RGC) of December 28, 2007 on Cutting the Land from the Protected Forestland for Conservation of Genetic Resources, Plants and Wildlife “Mondolkiri” (Ogs, Year 08, N° 12, February 15, 2008):

The Royal Government of Cambodia, pursuant to a request of the Minister of Agriculture, Forestry and Fisheries, has made a following decision:

Article 1.

To cut a land from the protected forestland for conservation of Genetic resources, plants and wildlife “Mondolkiri” as stated in Article 3 of Sub-Decree No. 75 dated July 30, 2002 and having a map scale 1:400,000 and code number of: **A** (732662. 1400707), **B** (772147. 1400707), **C** (766307. 1385537), **D** (770138. 1370572), **E** (759212. 1367362), **F** (758482. 1385405), **G** (757703. 1388425), **H** (742683. 1388402), **I** (737129. 1393550), **J** (736363. 1398055), and **K**(731859.1393436).

Article 2.

The Ministry of Agriculture, Forestry and Fisheries, Ministry of Land Management, Urban Planning, and Construction, and Mondolkiri Provincial Hall shall prepare the land cut from the protected forestland for a conservation of genetic resources, plants and wildlife “Mondolkiri” to be used as an object of social land concession and economic land concession in accordance with procedures and then submit it to the Royal Government for view and approval, except for the protected jungle and half jungle.

Article 3.

Any provision contrary to this Sub-Decree shall be considered as null and void.

Article 4.

The Minister in charge of the Council of Ministers, Minister of Agriculture, Forestry and Fisheries, Minister of Economy and Finance, Minister of Land Management, Urban Planning and Construction, and Ministers and Secretaries of State of all Relevant Ministries shall effectively implement this Sub-Decree from the signing date.

- ▶ Sub-Decree N° 16 (RGC) of February 12, 2008 on The Transfer of Locations of Judicial Police Central Office of the Siem Reap Police Commissariat, the Battambang Police Commissariat, and Sihanoukville Department of Public Work and Transport (Ogs, Year 08, N° 12, February 15, 2008):

Under this Sub-Decree, the locations of the Judicial Police Central Office of the Siem Reap Police Commissariat, the Battambang Police Commissariat, and Sihanoukville Department of Public Work and Transport have been transferred to the State private property in exchange for the private new locations.

The record of new properties of the Judicial Police Central Office of the Siem Reap Police Commissariat, the Battambang Police Commissariat, and Sihanoukville Department of Public Work and Transport into the State property inventory shall be reorganized by the Ministry of Economy and Finance, Ministry of Interior, Ministry of Public Work and Transport, Siem Reap Provincial Hall, Battambang Provincial Hall, Sihanoukville Municipal Hall, and relevant Specialized Departments in accordance with the Royal Government's policy.

The fulfillment of the private possessive formalities in exchange for the State location shall be conducted in accordance with law and determined principles in force.

- ▶ Prakas N° 101 (MEF) of February 12, 2008 on The Establishment of Inter-Ministerial Working Group for Managing the Business of Real Estate Development (Ogs, Year 08, N° 12, February 15, 2008):

An Inter-Ministerial Working Group for managing the business of real estate development has been formed under this Prakas. The Working Group led by H.E Ngy Tayi, Under Secretary of State of Economy and Finance, shall have the following duties:

- To prepare development principles and normative acts for control and management of real estate development companies;
- To report the real estate development in Cambodia to the Ministry of Economy and Finance and the Royal Government of Cambodia;
- To ask the Minister of Economy and Finance to create task forces if necessary.

In addition to duties and roles as stated in Prakas No. 584 dated September 19, 2005 on the Modification of the Organization and Functioning of the Financial Industrial Department of the Ministry of Economy and Finance, the Office for Management of Real Estate Purchase shall have a role as the Secretariat of Inter-Ministerial Working Group.

- ▶ Sub-Decree N° 17 (RGC) of February 22, 2008 on The Classification of Flooded Forestland, the Transfer and Granting of the Authorization for Occupying the State Land in Sangkat Ream and Beth Trang, Khan Prey Nob, Sihanoukville Municipality (Ogs, Year 08, N° 15, February 27, 2008):

Under this Sub-Decree, 237-hectare land in Sangkat Ream and Beth Trang, Khan Prey Nob, Sihanoukville Municipality has been classified as flooded forestland and a transferred land for the developments in addition to fisheries. The code numbers of the land are found in this Sub-Decree.

The 237-hectare flooded land as stated above shall be transferred from the fishing boundary to the development of Kang Keng International Airport.

The 237-hectare flooded forestland – the State public property –as stated above has been transferred to the State private property. Its location map has been regulated in an annex of this Sub-Decree.

The authorization for occupation of the 237-hectare State land as stated above has been granted to the Secretariat of Civil Aviation for the State private land registration in order to develop the Kang Keng International Airport.

NATURALIZATION

- ▶ Royal Decree NS/0108/056 of January 23, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. HAN WANSOO, Korean Origin, Korean Nationality, Born in Chon-Nam Province, Republic of Korea (Ogs, Year 08, N⁰ 13, February 19, 2008).
- ▶ Royal Decree NS/0108/057 of January 23, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. TRAN TOHA, Vietnamese Origin, American Nationality, Born in Ho Chi Minh City, Vietnam (Ogs, Year 08, N⁰ 13, February 19, 2008).
- ▶ Royal Decree NS/0208/079 of February 04, 2008 on the Granting of Cambodian Nationality by Naturalization to Ms. CHUNG HEYUNG ZU, New Name HUN SOKHA Korean Origin, Korean Nationality, Born in Cheong-Nam Do Province, Republic of Korea (Ogs, Year 08, N⁰ 13, February 19, 2008).

NATURAL RESOURCES

- ▶ Royal Kram NS/0208/006 of February 15, 2008, Promulgating the Law on Biological Safety (Ogs, Year 08, N⁰ 15, February 27, 2008):

The Law on Biological Safety as adopted by the National Assembly on December 28, 2007 at the seventh session of the third legislature and as ratified by the Senate as to its entire form and legality on January 18, 2008 at the fourth plenary session of the second legislature was promulgated under this Royal Kram to which the entire content of this law was attached.

- ▶ Royal Kram NS/0208/007 of February 15, 2008, Promulgating the Law on Natural Protection Zones (Ogs, Year 08, N⁰ 16, February 29, 2008):

The purpose of this law is to ensure the management, biological diversity conservation and sustainable use of natural resources in natural protection zones.

Responsible institutions; preparation and transformation of natural protection zones; determination and division of managed zones; national strategic plan and action plan for management of natural protection zones; participation and use of rights of local communities and indigenous minority communities; education, publication, restoration, improvement and funding of natural protection zones; authorization, prohibition and estimation of environmental and social impacts; law enforcement and procedures for solving offences; natural resource offences and penalties and final provisions are stipulated in detail in this Royal Kram.

PUBLIC ADMINISTRATION

- ▶ Royal Decree N° NS/0108/078 of January 31, 2008 on The Amendment to Articles 8, 9, and 11 of Chapter 4 of Royal Decree No. NS/0801/264 dated August 07, 2001 on the Legal Status of the Cambodian Mine Action Center (Ogs, Year 08, N^o 11, February 12, 2008):

Under this Royal Decree, Articles 8, 9, and 11 of Chapter 4 of Royal Decree No. NS/0801/264 dated August 07, 2001 on the Legal Status of the Cambodian Mine Action Center [CMAC] has been amended as follows:

Article 8 (New):

The Governing Council of CMAC shall consist of eight (8) members. The members of the Governing Council shall be appointed by Royal Decree upon recommendation from the Royal Government.

Article 9 (New):

The Governing Council shall have a Chairman, a Vice-Chairman, a Permanent Vice-Chairman and Five (5) members. The Prime Minister of the Royal Government of Cambodia shall be the statutory Chairman of the Governing Council. In case the Prime Minister in person is unable to assume this function, His Majesty the King, at the request of the Prime Minister, shall appoint a high-ranking official as a Delegated Chairman of the Governing Council.

The Delegated Chairman of the Governing Council shall be the Representative of the Cambodian Mine Action Centre.

Article 11 (New):

In the case the Delegated Chairman of the Governing Council is absent, the Permanent Vice-Chairman shall perform the duty as Acting Delegated Chairman of the Governing Council.

- ▶ Decision N° 02 (RGC) of February 28, 2008 on The Establishment of the Commission for the Preparation of Draft Law on Disaster Management (Ogs, Year 08, N^o 12, February 12, 2008):

The Royal Government of Cambodia, pursuant to its requirement, has decided to establish a Commission for preparation of the draft law on disaster management. The Commission led by H.E Nhim Vanda, Senior Minister, First Vice President of National Committee for Disaster Management (NCDM), shall have the following duties:

- To consult territorial authorities and development partners about relevant information and data to ensure the preparation of the draft law has an adequate source;
- To invite representatives of relevant Ministries/Institutions, territorial authorities, UN agents, and national and international NGOs to take part in seminars to discuss gathering more data for the draft law;
- To consider and approve the draft law to be submitted to a meeting of Inter-Ministerial Commission for review and recommendation before submitting it to a plenary meeting of the Council of Ministers; and
- To consolidate the report for the Council of Ministers.

The Commission shall create a Consulting Group to provide assistance, and its composition and duties are found in this Decision.

TAXATION

- ▶ Prakas N° 105 (MEF) of February 15, 2008 on The Management of Goods Exempted from Duties and Taxes (Ogs, Year 08, N° 12, February 15, 2008):

An exemption of import duties and taxes shall be granted with respect to some goods and exporters in accordance with Article 26 of the Law on Customs.

The goods exempted from duties and taxes shall be as follows:

- a. goods for or by foreign diplomatic or consular missions, international organizations and agencies of technical co-operation of other governments, for use in the exercise of their official function and when so certified by the Head of Mission, and the Ministry of Foreign Affairs and International Cooperation;
- b. goods for the personal use of the official personnel of missions and organizations as stated in sub-paragraph (a) of this Prakas. The implementation of this sub-paragraph and sub-paragraph (a) of this Article shall be based on existing international law and the principle of reciprocity between governments concerned;
- c. goods originating in Cambodia or that have previously been subject to duties and taxes paid to the Customs Territory, that are returning from abroad, and that have not been enhanced in value;
- d. goods exempted from duties and taxes under the provisions of any other law of the Kingdom of Cambodia;
- e. goods donated for charity; goods for research and scientific purpose, samples and goods for exhibition of no commercial value; and coffins containing human remains;
- f. goods up to a certain value and quality, as determined by Director of the Customs and Tax Department, brought by passengers, crews of conveyances, and border crossers are also exempt from import duties and taxes;

- g. goods entering the Customs Territory for crossing or transfer of transport means;
- h. Materials for household use, personal use, and other properties, except for vehicles imported by persons who moves to Cambodia in the quantities determined by the Director of the Customs and Tax Department;
- i. Industrial equipment and other materials required for the operation and maintenance of equipments used in the sea in accordance with decision of Minister of Economy and Finance; and
- j. other goods as determined by Minister of Economy and Finance.

Other conditions related to goods exempted from duties and taxes are found in this Prakas.

- ▶ Prakas N° 108 (MEF) of February 15, 2008 on The Refund of Customs and Taxes (Ogs, Year 08, N° 12, February 15, 2008):

The Customs and Excise Department has been allowed to refund the whole or some import duties and taxes as well as other paid money with regard to:

1. Over payment in any case, including the case of administrative error;
2. Before import goods are released from customs, the goods will be assessed. If they are lost, broken, damaged, or under qualified, those goods will be imported back or destroyed under customs controls even if those goods are released from customs or customs regime; and
3. Over payment shall be terminated by the charges competent authorities in charge of dispute resolution as stated in Article 24 of the Law on Customs or by the competent courts. The competent authorities in charge of dispute resolution include the Director of Customs and Excise Department – the first-class authority – and the Customs Tariff Committee – the second-class authority.

The refund as mentioned above shall comply with conditions as stated in detail in this Prakas.

TREATIES

- ▶ Royal Kram NS/0108/002 of January 19, 2008, Promulgating the Law on The Adoption of ASEAN Framework Agreement on Multimodal Transport (Ogs, Year 08, N° 09, February 04, 2008):

The Law on The Adoption of ASEAN Framework Agreement on Multimodal Transport as adopted by the National Assembly on December 07, 2007 at the seventh session of the third legislature and as ratified by the Senate as to its entire form and legality on December 27, 2007 at the fourth plenary session of the second legislature was promulgated under this Royal Kram to which the entire content of this law and Agreement was attached.

- ▶ Royal Kram NS/0208/004 of February 05, 2008, Promulgating the Law on The Adoption of ASEAN Agreement on Disaster Management and Emergency Response (Ogs, Year 08, N^o 14, February 23, 2008):

The Law on The Adoption of ASEAN Agreement on Disaster Management and Emergency Response as adopted by the National Assembly on December 17, 2007 at the seventh session of the third legislature and as ratified by the Senate as to its entire form and legality on January 18, 2008 at the fourth plenary session of the second legislature was promulgated under this Royal Kram to which the entire content of this law and Agreement was attached.

UTILITIES

- ▶ Royal Decree NS/0108/064 of January 28, 2008 on The Amendment to Article 5 of Royal Decree No. NS/1204/048 dated December 04, 2004 on The Establishment of Rural Electric Fund of the Kingdom of Cambodia (Ogs, Year 08, N^o 09, February 04, 2008):

Under this Royal Decree, Article 4 of Sub-Decree No. NS/RKT/1204/048 dated December 04, 2004 on the Establishment of Rural Electric Fund [REF] of the Kingdom of Cambodia has been modified as follows:

Article 4 (New)

The REF shall be managed and led by Board of Directors. The Board of Directors is comprised of:

1. Minister or Secretary of State of Industry, Mine and EnergyChief;
2. Secretary of State or Under Secretary of State of Economy and FinanceDeputy Chief;
3. Secretary of State or Under Secretary of State of Rural DevelopmentDeputy Chief;
4. Representative of the Council of MinistersMember;
5. Representative of the Ministry of InteriorMember;
6. Representative of the Ministry of PlanningMember;
7. Chief or Deputy Chief of the Cambodian Electricity Authority...Member;
8. Representative of the Development PartnersMember;
9. Representative of the Cambodian Banking AssociationMember;
10. Representative of license holders providing electricity and participating in the rural electricity development project.....Member;
11. Representative of National or International NGOs participating in the rural electricity development project.....Member;
and
12. Representative of the rural electricity usersMember.

The organization and functioning of the REF shall be determined by the Memorandum and Articles of Association and internal rules to be approved by the Board of Directors.

Members of the Board of Directors of the REF shall have a three-year term and the term is ended when they may be reappointed for next term.

II. APPOINTMENTS

- ▶ Royal Decree NS/0108/076 of January 31, 2008 on The Appointment of H.E Pung Kheang Se as Advisor to Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, with the rank equal to Minister (Ogs, Year 08, N⁰ 10, February 08, 2008).
- ▶ Royal Decree NS/0208/088 of February 04, 2008 on The Appointment of H.E Ah Mad Yahya as Advisor to the Royal Government with the rank equal to Minister (Ogs, Year 08, N⁰ 11, February 12, 2008).
- ▶ Royal Decree NS/0208/089 of February 04, 2008 on The Appointment of H.E Kieng Vang as Advisor to the Royal Government with the rank equal to Minister (Ogs, Year 08, N⁰ 11, February 12, 2008).
- ▶ Royal Decree NS/0208/090 of February 04, 2008 on The Appointment of H.E Sin Pin Seng as Advisor to the Royal Government with the rank equal to Minister (Ogs, Year 08, N⁰ 11, February 12, 2008).
- ▶ Royal Decree NS/0208/101 of February 08, 2008 on The Appointment of Mr. Chuob Chan as Okhna (Ogs, Year 08, N⁰ 12, February 15, 2008).
- ▶ Royal Decree NS/0208/115 of February 11, 2008 on The Appointment of H.E Sok Pheng as Advisor to the Royal Government of Cambodia and Member of the Council of Jurists with the Rank Equal to Minister (Ogs, Year 08, N⁰ 12, February 15, 2008).
- ▶ Royal Decree NS/0208/125 of February 13, 2008 on The Appointment of H.E Lon Pon as Advisor to the Royal Government of Cambodia with the rank equal to Minister (Ogs, Year 08, N⁰ 14, February 23, 2008).

REGISTRATION

Testimonials (MOC) on The Commercial Registration of Some Companies:

The purpose of these testimonials is to certify that all the following listed companies have been completely registered for a term of 99 years under

Cambodian laws and recognized as legal entities starting from their registration dates onwards.

Testimonial N°	Registration Dates	Company's Names	Company's Address
1409	April 09, 2007	QIAN FONG(CAMBODIA) FORESTRY DEVELOPMENT Co., Ltd.	No. 16, Street 51 (Pasteur), Sangkat Boeung Keng Kang II, Khan Chamkar Morn, Phnom Penh
1411	April 09, 2007	SUN SINA CAMBO CORPORATION LTD.	Chrei Bak Village, Chrei Bak Commune, Rolea Pear District, Kampong Chhnang Provice
1414	April 09, 2007	INTERNATIONAL P R S IMPORT & EXPORT Co., Ltd.	No. 80, Street 63, Sangkat Tonle Bassak, Khan Chamkar Morn, Phnom Penh
1415	April 09, 2007	MAO FONG CO., LTD.	Preing Village, Traeng Trayeung Commune, Phnom Sruoch District, Kampong Speu Province
1421	April 09, 2007	S T S (CAMBODIA) Co., Ltd.	No. 301, Street 301, Sangkat Boeung Kok II, Khan Tuol Kork, Phnom Penh
1424	April 09, 2007	BASILEIA GROUP Co., LTd.	No. 689, Khampuchakrom Blvd (128), Sangkat Toeuk Laak I, Khan Tuol Kork, Phnom Penh
1425	April 09, 2007	P. R. M INCORPORATION LTD.	No. 171, Street 32, Sangkat Boeung Toumpun, Khan Meanchey, Phnom Penh
1426	April 09, 2007	C – PRO HOLDING Ltd.	No. 14, Street 240, Sangkat Chaktomukh, Khan Daun Penh, Phnom Penh
1427	April 09, 2007	AFRO – ASIA INT CONSULTANTS Co., Ltd.	No. 58 Eo, Street 310, Sangkat Boeung Keng Kang III, Khan Chamkar Morn, Phnom Penh
1428	April 09, 2007	GRAND IMPERAL GROUP Co., Ltd.	No. 223, Street 63, Village 1, Sangkat Boeung Keng Kang I, Khan Chamkar Morn, Phnom Penh
1430	April 09, 2007	INTREPIT INDOCHINA (CAMBODIA) Co., Ltd.	No. 0618, Group 2, Wat Bo Village, Salakamreik Commune, Siem Reap District, Siem Reap Province
1431	April 09, 2007	JIN HEUNG TOTAL CONSTRUCTON Co., Ltd.	Group 22, Krous Villag, Svay Dangcum Commune, Siem Reap District, Siem Reap Province
1436	April 09, 2007	KHMER CHINA DEVELOPMENT CO ., LTD.	No. 393, Street 907, Group 11, Sangkat Tuol Sangkea, Khan Russey Keo, Phnom Penh
1440	April 09, 2007	(CAMBODIA) K. H. Y WOOD FURNITURE CO. LTD.	No. 35 DEo, Street 174, Sangkat Phsar Thmei III, Khan Daun Penh, Phno Penh
1441	April 09, 2007	HUN CHANNTHI TRADING Co., Ltd.	No. 41 A, Street 29, Group 20, Sangkat Tonle Bassak, Khan Chamkar Morn, Phnom Penh
1442	April 09, 2007	DEVENCO CO., LTD.	Cambodiana Hotel, Preach Sisowath Street, Sangkat Chaktomukh, Khan Daun Penh, Phnom Penh
1444	April 11, 2007	BIO – OIL GROUP Co., Ltd.	No. 50, Street 118, Sangkat Mittaphea, Khan 7 Makara, Phom Penh
1445	April 11, 2007	P C MAGIC Co., Ltd.	No. MO1, Samdech Tep Vong Street, Mondul I, Svay Dangcum Commune, Siem Reap District, Siem Reap Province
1448	April 11, 2007	C. J. Y. Co., Ltd.	No. 4, 100 Lveng Street, Sangkat Tuol Sangkat, Khan Russey Keo, Phnom

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1449	April 11, 2007	ROYAL STATELLITE TELEVISION Co., Ltd.	No. 21, Street 47, Sangkat Srah Chak, Khan Daun Penh, Phnom Penh
1457	April 11, 2007	Hong He International Trading Co., Ltd.	No. 51 C, Street 384, Sangkat Tuol Svay Prey I, Khan Chamkar Morn, Phnom Penh
1460	April 12, 2007	CHINA YI – YAO (CAMBODIA) IMPORT EXPORT CO., LTD.	N.o 2 AE3, Street 61, Sangkat Srah Chak, Khan Daun Penh, Phnom Penh
1461	April 12, 2007	K N N CONSTRUCTION MACHINERY CORPORATION	No. 169 Eoz, Street 128, Sangkat Mittapheap, Khan 7 Makara, Phnom Penh
1462	April 12, 2007	Representative Office of “VINAFOOD II (CAMBODIA)”	No. 322 A, Street 217, Sangkat Toeuk Thla, Khan Russey Keo, Phnom Penh
1465	April 12, 2007	NEW GREEN LAND CO., LTD.	Building No. 152 S, Preah Norodom Blvd, Sangkat Tonle Bassak, Khan Chamkar Morn, Phnom Penh
1466	April 12, 2007	NIBBANA Co., Ltd.	Thmei Village, Sangkat Prei Thom, Khan Kep, Kep Municipality
1469	April 12, 2007	ZAMAN CO., LTD.	No. 2843, Street 3, Sangkat Tonle Bassak, Khan Chamkar Morn, Phnom Penh
1471	April 12, 2007	(CAMBODIA) INTERNATIONAL WEN JIN EXPORT & IMPORT TRADING Co., Ltd.	No. 150, Street 192, Sangkat Toeuk Laak III, Khan Tuol Kork, Phnom Penh
1472	April 12, 2007	SUNFUJI AUTO PART. Pte. Ltd.	No. 1442 CB, Street 5, Sangkat Russey Keo, Khan Russey Keo, Phnom Penh
1476	April 12, 2007	KHAN RITHY GROUP INC.	No. 11, Street 162, Sangkat Phsar Depot I, Khan Tuol Kork, Phnom Penh
1477	April 12, 2007	Branch of SONG DAO TRANSPORTATION SERVICES CO., LTD.	No. 27 E1, Street 5, Sangkat Phsar Kandal I, Khan Daun Penh, Phnom Penh
1478	April 12, 2007	FORTUNE GLOBAL GROUP (CAMBODIA) LIMITED	No. 215, Prech Norodom Blvd, Sangkat Tonle Bassak, Khan Chamkar Morn, Phnom Penh
1480	April 12, 2007	LIM LEANG Co., Ltd.	No. 63 E1, Street 63, Sangkat Phsar Thmei I, Khan Daun Penh, Phnom Penh
1481	April 12, 2007	D C I IMPORT EXPORT Co., Ltd.	No. 238, Group 10, Village 5, Prek Khsay Commune, Peam Ro District, Prey Veng Province
1483	April 12, 2007	BOK SNEG P P S E Z D R Y PORT Co., Ltd.	No. 112 CD, Preah Monivong Blvd, Sangkat Phsar Thmei II, Khan Daun Penh, Phnom Penh
1484	April 12, 2007	TIAN YIU INTERNATIONAL DEVELOPMENT Co., Ltd.	No. 10 C4Eo + E1, Street 271, Group 29, Village 11, Sangkat Toeuk Laak III, Khan Tuol Kork, Phnom Penh
1485	April 12, 2007	AUSPICIOUS (CAMBODIA) DEVELOPMENT GROUP Co., Ltd.	No. 23, Street 304, Sangkat Boeung Keng Kang II, Khan Chamkar Morn, Phnom Penh
1486	April 12, 2007	COLBEN ENERGY (CAMBODIA) P P S E Z LIMITED.	No. 112 CD, Preah Monivong Blvd, Sangkat Phsar Thmei II, Khan Daun Penh, Phnom Penh
1488	April 12, 2007	HCC COMMUNICATION LTD.	No. 49 D, Samdech Pan Street (214), Sangkat Boeung Reang, Khan Daun Penh, Phnom Penh
1492	April 12, 2007	ADVENTURE (CAMBODIA) TOURS & INCENTIVES Co., Ltd.	No. 53 AE1, Street 63, Sangkat Boeung Reang, Khan Daun Penh, Phnom Penh
1493	April 12, 2007	M ASIA COMMERCIAL Co., Ltd.	No. 386, Trea Village, Sangkat Stung Meanchey, Khan Meanchey, Phnom Penh
1494	April 12, 2007	D3 RPT Co., Ltd.	No. 76 C, Street 350, Sangkat Boeung Keng Kang III, Khan Chamkar Morn,

			Phnom Penh
1496	April 13, 2007	MEKONG ENTERTAINMENT COMPANY Ltd.	No. 23 Tola, Village 4, Sangkat 4, Khan Mittapheap, Sihanoukville Municipality
1499	April 13, 2007	S – Y KOREA CO., LTD	Krous Village, Svay Dangkum Commune, Siem Reap District, Siem Reap Province
1500	April 13, 2007	YAGUAN CONSTRUCTION & DECORATION COMPANY	No. 22 B, Street 112, Sangkat Phsar Depot III, Khan Tuol Kork, Phnom Penh
1503	April 18, 2007	LOVE ORANGE GROUP LTD.	No. 32 Eo, Street 240, Sangkat Chaktomukh, Khan Daun Penh, Phnom Penh
1505	April 18, 2007	(CAMBODIA) AGENCY TRADING Co., Ltd.	No. 79 C, Street 95, Sangkat Boeung Keng Kang III, Khan Chamkar Morn, Phnom Penh
1513	April 18, 2007	TAI RUN IMPORT EXPORT Co., Ltd.	No. 35 Eo, Street 169, Sangkat Veal Vong, Khan 7 Makara, Phnom Penh
1514	April 18, 2007	KOREA MEDICAL Co., Ltd.	No. 6 AE1, Street 88, Sangkat Srah Chak, Khan Daun Penh, Phnom Penh
1516	April 18, 2007	SINO SUN MINERAL RESOURCE Co., Ltd.	No. 265 DEo, Street 150, Sangkat Toeuk Laak II, Khan Tuol Kork, Phnom Penh
1517	April 18, 2007	UNIVERSAL KOCAMBO Co., Ltd.	No. 23 ChhEo, Street 23, Sangkat Toeuk Thla, Khan Russey Keo, Phnom Penh
1518	April 20, 2007	PHENKO GROUP Co., Ltd.	No. 65 C, Street 456, Sangkat Tuol Tompun II, Khan Chamkar Morn, Phnom Penh
1521	April 20, 2007	LIM VANNESSA L. V. S IMPORT EXPORT Co., Ltd.	No. 42 B, Street 245, Sangkat Boeung Traback, Khan Chamkar Morn, Phnom Penh
1524	April 20, 2007	K M A G (CAMBODIA) CO., LTD.	IOC CENTER, 4 th Floor, No. 254, Monivong Blvd, Sangkat Boeung Reang, Khan Daun Penh, Phnom Penh

Abbreviations

CMAC	Cambodian Mine Action Center
Co., Ltd.	Company Limited
CoM	Council of Ministers
H.E	Excellencies
I.M.S	Institute of Management Science
L.U.C.T	Limkokwing University of Creative Technology
MAFF	Ministry of Agriculture Forestry and Fisheries
MEF	Ministry of Economics and Finance
MFN	Most Favored Nation

MoEYS	Ministry of Education, Youth and Sport
MoE	Ministry of Environment
MIME	Ministry of Industry, Mines and Energy
MND	Ministry of National Defense
MoP	Ministry of Planning
MoI	Ministry of Interior
MoJ	Ministry of Justice
MLMUPC	The Ministry of Land Management, Urban Planning and Construction
MNASRI	Ministry of National Assembly-Senate Relations & Inspection
MPTC	Ministry of Post and Telecommunication
MRD	Ministry of Rural Development
MWRM	Ministry of Water Resources and Meteorology
MLVT	Ministry of Labour and Vocational Training
MPWT	Ministry of Public Work and Transport
MSAVYR	Ministry of Social Affairs, Veteran and Youth Rehabilitation
NACD	National Authority for Combating Drugs
NBC	National Bank of Cambodia
NCDM	National Committee for Disaster Management
NGOs	Non-Government Organizations
NSSF	National Social Security Fund
Ogs	Official Gazette
REF	Rural Electrification Fund
RGC	Royal Government of Cambodia

Most of the laws and regulations in this B.N.G- Monthly Law Update are based on the source from the “Official Gazette of Laws & Regulations weekly issued by the Council of Ministers. Translations into English and/or French usually appear one to three months after promulgation of the law or regulation. The Council of Jurists currently maintains a web page of Cambodian laws and regulations at: http://www.bigpond.com.kh/Council_of_Jurists/