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Banking

Prakas No. B5. 011.146 (NBC) dated May 24, 2011 on the Structure, Function and Duty of the Operations Department. (R/L/Bnk/Khm/2011) (Royal Gazette, Year 11, No. 41, Dated June 04, 2011).

This Prakas creates an Operations Department under the General Technical Department. This Department's main functions and duties are to:

- Supervise the clearing unit;
- Open accounts for state institutions or central administration, Banking and financial institutions, foreign central banks and international public financial institutions;
- Perform settlement and clearance between banking and financial institutions and state institutions;
- Perform sale-purchase and manage the issuance of securities by the government and the issuance of securities by the National Bank of Cambodia;
- Perform credit monitoring operations and collection of liabilities with state institutions and banking and financial institutions;
- Implement interest rate policies, such as basic interest rates and interest rates for saving;
- Perform currency exchange through current accounts with state institutions and banking and financial institutions.

This Department shall have four subordinate divisions: the Account Supervision Division, the Credit Division, the Securities Supervision Division and the Clearing Division. The duties of each division are described in this Prakas.

The Parkas No. B5-07-141 dated September 17, 2007 on the Structure of Operation Department shall be abrogated.

Civil and Procedure

Royal Kram NS/RKM/0511/007 dated May 31, 2011 on the Promulgation of the Law on the Implementation of the Civil Code. (R/L/C&P/Khm/2011) (Royal Kram, Year 11, No. 46, dated June 23, 2011).

This law defines mainly the date of the implementation of the Civil Code, which was promulgated in 2007, as well as attempts to ensure the stability of civil legal relations and the correct implementation of Civil Code. The Civil Code will not govern any civil act which happened before its implementation date except for acts that are continuing to occur or occurred up until the implementation date.

To ensure the stability and correct implementation of the Civil Code, this law contains important provisions relating to substantive rules, legal entity registration, spousal property agreement registration and secured transactions. This law defines and explains key terms and points in the Civil Code, which are unclear.

Moreover, this law abrogates some articles in the Marriage and Family Law, the Law on Contract and Tort, the Land Law as well as some amendments in the Civil Code and also completely abrogates the old Civil Code.

This law shall be implemented six months after being promulgated.

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Finance

Prakas No. 002/11 (SECC) dated May 03, 2011 on the Implementation of Operating Rules for the Securities Depository. (R/L/Finc/Khm-Eng/2011) (Royal Gazette, Year 11, No, 45, dated June 19, 2011).

This Prakas aims to implement operating rules for the securities depositories of Cambodian securities firms. The authorization for this Prakas is found in the Law on the Issuance and Trading of Non-governmental Securities, the Sub-Decree on the same and other provisions in force. The business hours for operating a securities depository are 8:00 to 17:00 every working day. The securities issuers or securities registrar must provide information to the securities depository operator as requested in this Prakas as well as maintain the books of account of members and other participants. The members must appoint and register at least one representative, who should be trained by the Cambodian securities market. Members and listed entities must pay the fee for the securities deposit, transfer fee and other service fees involved.

Prakas No. 003/11 (SECC) dated May 03, 2011 on the Implementation of the Rules concerning Membership. (R/L/Finc/Khm/2011) (Royal Gazette, Year 11, No, 45, dated June 19, 2011).

This Prakas regulates the membership of and the participation in Cambodian securities markets. Membership and participation requires qualification, offer of membership, granting of participation rights and adherence to the obligations in accordance with the Law on the Issuance and Trading of Non-governmental Securities and the Sub-Decree on the same. The licensee and a person recognized by Securities and Exchange Commission of Cambodia shall submit the membership applications with the required qualifications. The market operators, clearance and settlement operators and depository operators, the settlement agent involved with securities, securities registrar and securities transfer agent must pay the authorization fees and annual membership fees if they become members with the exception of listed entities. The membership can be withdrawn or transferred upon request or by the power of the Cambodian securities market. All members and participants must provide annual financial statements, which including audit reports and other information to be determined by the Cambodian securities market. Members and participants failing to abide by the laws and regulations in force will be fined according to this Prakas.

Prakas No. 004/11 (SECC) dated May 03, 2011 on the Implementation of Rules concerning Registration for the Sale of Equity Securities. (R/L/Finc/Khm/2011) (Royal Gazette, Year 11, No, 45, dated June 19, 2011).

This Prakas outlines two steps to become a listed entity. First of all, a person who intends to become a listed entity must submit an application to request a capacity evaluation along with the documents required by this Prakas prior to submitting the application for a listed entity. The Cambodian securities market will respond to the request for a capacity evaluation within one month from the date of receipt of the application. The applicant must pay the fee of 4,000,000 Riel (Four million Riel) for the application for capacity evaluation and pay 0.10% of the total market capitalization calculated from the initial offer. In addition, the listed entity must pay an annual fee to the Cambodian securities market, which is determined by Article 23 of this Prakas. Any rejected applicants will be informed of the reasons for their application's rejection in writing.

Prakas No. 005/11 (SECC) dated May 03, 2011 on the Implementation of Rules for Securities Settlement and Clearance Operations. (R/L/Fin/Khm/2011) (Royal Gazette, Year 11, No. 46, dated June 27, 2011).

This Prakas contains only two articles. Article 1 refers to the Annex, which prescribes rules pertaining to clearing and settlement in the securities sector. Clause 5 of the Annex requires clearing and settlement to take place two days after the trade day (T+2). Clauses 7 and 8 require the Members (licensed securities firms) and the Operators of Clearing and Settlement to open one cash account with a Cash Settlement Agent (accredited commercial bank) and one securities account with an Operator of Securities Depository.

Besides the clearing and settlement procedure which is included in Clauses 10, 11, 12 and 14, this Prakas requires in addition that clients have sufficient good-faith deposits on hand for purchase orders, as well as in securities, for sale orders.

Prakas No. 006/11 (SECC) dated May 03, 2011 on the Implementation of Rules for operations at the Securities Market. (R/L/Fin/Khm/2011) (Royal Gazette, Year 11, No. 47, dated June 27, 2011).

This Prakas contains only two articles. Article 1 refers to the Annex, which prescribes rules pertaining to how the securities market operates. This Prakas governs only Equity Securities. Trades amongst members must be intermediated by the Cambodian Securities Exchange.

This Prakas provides for market hours (from 8:00 am to 11:30 am), trading days (from Monday to Friday), requires detailed information on securities (name, type, amount, ID Number, value...). More importantly, the Prakas also stipulates the calculation method (5 methods apply to different types of securities being issued), the limit of changes in daily prices, which apply to all types of securities except those that are to be delisted, how to set order priorities and how to correct operation errors.

By this Prakas, the Cambodian Securities Exchange is obliged to publicize the information in relation to opening price and closing price as well as total trading volume and value. It is also obliged to duly inform its Members about operation rules, changes or modification in operations with regards to listing and other detailed information of trading operation. The Cambodian Securities Exchange shall monitor the market to identify suspicious instances of abnormal trading.

Industry, Mines and Energy

Inter-Ministerial Prakas No. 379 (MEF-MIME) dated May 27, 2011 on the service fees for issuance of Certificates to Confirm the License System of Using the Cambodian Standard Label, License of Product Registration and Letter confirming the sign of chemical substance and/or Chemical Substance Using system in Industrial domain. (R/L/Ind-Min&Ene/Khm/2011) (Royal Gazette, Year 11, No. 44, Dated June 15, 2011).

The Prakas determines the service fees for issuance of Certificates to Confirm the License System of Using the Cambodian Standard Label, License of Product Registration and Letter confirming the sign of chemical substance and/or Chemical Substance Using system in the Industrial domain. The types of service fees:

- issuance of Certificates to Confirm:
 - : GMP/GHP: Service fees 800,000 Riel for 3 Years
 - : HACCP: Service fees 1,600,000 Riel for 3 Years
 - : ISO 900 or ISO 14000: Service fees 2,000,000 Riel for 3 Years
 - : ISO 22000: Service fees 2,400,000 Riel for 3 Years
- License System of Using the Cambodian Standard Label: Service fees 800,000 Riel for 3 years
- License of Product Registration: Service fees 600,000 Riel for 3 Years
- Letter confirming the sign of chemical substance and/or Chemical Substance Using system in Industrial domain:
 1. Imported price less than 50,000,000 Riel: Service fees 600,000 Riel
 2. Imported price from 50,000,001 to 500,000,000 Riel: Service fees 1,000,000 Riel
 3. Imported price more than 500,000,000 Riel: Service fees 1,400,000 Riel

Management of the revenue collected from the service fees stated above will be based on the procedure of the General Financial State Operation and the Ministry of Industry, Mines and Energy. Relevant departments must transfer such revenue to the state and report on monthly revenue to the Ministry of Economy and Finance. The service fee payments as stated in Article 2 above are needed based on lower excise tax revenue.

Inter-Ministerial Prakas No. 380 (MEF-MIME) dated May 27, 2011 on Service Fees for the Establishment and Operation of a Factory and Handicraft and the Penalty on Violation of Law on the Management of Factory and Handicraft. (R/L/Ind-Min&Ene/Khm/2011) (Royal Gazette, Year 11, No. 44, Dated June 15, 2011).

This Inter-Ministerial Prakas determines the service fees for the registration of handicrafts and

factories, the establishment of factories and handicrafts, the operating license for factories and handicrafts as well as the permit letter for an expansion of product line, change of location, change of ownership and/or change of name of factories and handicrafts. It also stipulates the types of valid licenses based on the capital of factories and handicrafts.

This Prakas also defines the fines for offenses as stipulated in Chapter 6 of the

Law on Management of Factories and Handicrafts. The management of revenues obtained from the above services must follow the procedure of operation of the state's general budget.