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Business

Inter-Ministerial Prakas No. 994 (MEF & MOC) dated November 06, 2009 on the Implementation of the Trade Facilitation through the Risk Management (L&R/Bsn/2009/Khm) (Ogs, Year 09, No. 88, November 30, 2009)

This Prakas prepares a mechanism to implement policies of trade facilitation through risk management to organize and coordinate efforts between the General Department of Customs and Exercise of the Ministry of Economy and Finance, and the General Department of Cambodia's Control on Import-Export & Fraud Repression of the Ministry of Commerce, or Cam-Control.

For communication purposes, the Prakas announces the officials in charge from each department, and each department's duties.

Sub-Decree No. 180 (RGC) dated October 20, 2009 on the Control of Labeling and Classification of Chemicals (L&R/Bsn/2009/Khm)

This Sub-Decree regulates the classification and labeling of chemical substances, fertilizers, pesticides, raw industrial materials, narcotics, pharmaceutical products, cosmetics, and all products that may affect the public health.

Competent ministries and institutions will be assigned by the Royal Government of Cambodia and those shall.

The government shall assign competent ministries to undertake the safe and sound management of those chemical substances, including their labeling, classification, importation, shipping, distribution, stockpiling, use and disposal. All labeling shall be done in the Khmer language. The ministries shall issue Prakas and Instruction Circulars for the effective implementation of this Sub Decree.

Anyone found in non-compliance with this Sub-Decree will receive administrative sanction. Rules of classifying and labeling chemical products shall be further defined by Prakas from the governing ministries. The labeling shall contain the product's chemical ingredients and composition, producer information, signal of risk, warning message, risk information, and instruction on proper use.

Criminal & Procedure

Sub Decree No. 198 (RGC) dated November 24, 2009 on the Establishment of Vocational Training Center, Prison Guard (L&R/Corp/2009/Khm) (Ogs, Year 09, No. 88, November 30, 2009)

This Sub-Decree establishes the Vocational Training Center, under the Cambodian Police Academy, for prison inspectors and leaders.

Those who graduate from the Vocational Training Center will receive a certificate equivalent to an Associate's Degree. Criteria for the selection of students shall be defined by Prakas from the Ministry of Interior in accordance with standards from the Ministry of Education, Youth and Sports.

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Decision No. 71 (RGC) dated November 20, 2009 on the Organization of Cambodia Working Group for Combating Human Trafficking along Mekong Great Sub-Region (L&R/Lgp/2009/Khm) (Ogs, Year 09, No. 87, November 27, 2009)

This Decision creates a Cambodian Task Force, abbreviated as COMMIT, which combats human trafficking along the Mekong Greater Sub-Region. The task force cooperates with the UN to also combat human trafficking in other regions of Southeast Asia, and to facilitate all national and local activities related to human trafficking and migrant issues.

This COMMIT Task Force has a permanent secretariat in the Department General of Social Development, in the Ministry of Women's Affairs, and it also has the right to use the Ministry's stamp.

Education

Prakas No. 2786 (MoEYS) dated October 22, 2009 on the Internal Regulations for General Public Education Schools (L&R/Edc/2009/Khm) (Ogs, Year 09, No. 83, November 12, 2009)

This Prakas regulates the public general educational system regarding security, order, discipline, and morality in order to enhance the quality and efficiency of education. This Prakas also determines the criteria for admission, dress, hygiene, and conduct standards for students, study conditions, and communication among educational establishments, parents, and communities. The criteria for admission discuss school entrance, the formalities of school admission, and the school entrance permission. Students are expected to adhere to standards of dress, hygiene, and conduct, and rules regarding the recital of the national anthem and participation in school activities.

The section on study conditions pertains to asking permission, absence and penalty for absence, scoring, passing, and grade level repetition. Any student who is absent in excess of 55 times without permission, that student will be absolutely expelled from the list of the educational establishment.

The section on the communication among educational establishments, parents, and communities discusses danger-health and safety protection, as well as the school year and hours of study.

International Agreements

Royal Kram NS/RKM/1009/018 dated October 22, 2009 on the promulgation of the law on ratification of the Agreement on Trade and Service of the Agreement on Broad Economic Cooperation between ASEAN and People's Republic of China (L&R/Ina/2009/Khm)

This law was adopted by the National Assembly on 16 October, 2009, recalling that ASEAN and the Republic of China signed this framework agreement on 04 November, 2002, in Phnom Penh, Cambodia. The agreement is composed of four chapters and 33 articles ranging from definitions to its extent to other provisions. The agreement promotes trade and service between ASEAN and the People's Republic of China. The parties shall have discussion and mutual agreement on its incorporation within the trade and service sectors in order to enhance capacity, efficiency, and local competition.

Royal Kram NS/RKM/1009/019 dated October 22, 2009 on the Promulgating on Ratification of the Agreement on Broad Economic Partnership between ASEAN and Japan. (L&R/Ina/2009/Khm) (Ogs, Year 09, No 81, November 04, 2009)

This agreement is an addendum to a joint declaration made in Phnom Penh on November 05, 2002, on the broad economic partnership between the Association of Southeast Asian Nations (ASEAN) and Japan. The agreement aims to liberalize and facilitate trade in goods and services between the parties; improve investment opportunity by guaranteeing protection to the investment and investment activities of the party states; and create the framework for boosting economic cooperation between the parties.

Article 6, declares that the provisions of this agreement shall not apply to any tax regulations and shall not affect the rights and obligations of any party of the convention regarding duty.

Article 8 discusses National Security, while Article 9 covers the cooperation between state parties and non-governmental organizations.

A mixed-state committee shall be created and obliged to review the implementation and operation of the agreement. The Committee shall submit reports and suggestions to the party states regarding the progress and facilitation of the agreement's implementation and operation according to the article 11.

Article 14 stipulates that the trade of goods must be compliant to the joint system. Articles 15, 16, 17 and 18 discuss tax and duty regulations. Article 20 concerns protection measures. Subsequent articles cover custom procedures, the Rule of Origin, including the composition of the sub-committee on the Rule of Origin, and measures for protecting settlement lists.

Chapter 4 covers hygiene measures, which are declared in Annexure A.

Chapter 7 covers investment. According to Article 51, each party shall maintain good and transparent conditions for investors from other party states. Article 53 stipulates the parties' economic cooperation regarding various economic activities and sectors.

Article 64 requires arbitration for settling any dispute arising from the implementation of this agreement. Subsequent articles cover the arbitration procedure, rules on choosing arbitrators, implementation of the arbitral award, and remedy to the wronged party.

Royal Kram NS/RKM/1009/020 dated October 22, 2009 on Promulgating the Law on Adoption on ASEAN Comprehensive Investment Agreement (L&R/Ivm/2009/Khm) (Ogs, Year 09, No. 84, November 15, 2009)

Adopted by the National Assembly on October 15, 2009, this law creates a liberal, facilitative, transparent and competitive investment environment in ASEAN to achieve economic integration under the ASEAN Economic Community (AEC).

The ACIA covers investments within the ASEAN territory in the sectors of, and services incidental to, manufacturing, agriculture, fishery, forestry, mining, and quarrying. The ACIA does not cover taxation measures, subsidies or grants provided by the member states, government procurement, services supplied in the exercise of governmental authority by the relevant body or authority of a member state, and measures adopted or maintained by a member state affecting trades and services under the ASEAN Framework Agreement signed in Bangkok, Thailand on 15 December 1995.

The following principals are adopted to ensure smooth investment flow in ASEAN:

- National Treatment Granted to ASEAN Investors: a member state cannot grant less favorable treatment than that of its own investors to investors of member state.
- Elimination of Investment Impediments: a Member State shall not expropriate or nationalize a covered investment without legal grounds and proportional measures. Each Member State shall grant entry, temporary stay, and authorization to work to investors and key personnel.
- Securing Investment Process and Procedures: in the event of serious balance-of-payments and external financial difficulties, restrictions on payments or transfers related to investments may be ordered by a member state. Such restrictions shall be proportional, temporary, and shall avoid unnecessary damage to the commercial, economic, and financial interests of other member states.
- Enhancing Transparency: each member state shall inform the ASEAN Investment Area (AIA) council of any trade-related agreements and make publicly available any information regarding new laws and regulations or changes to prevailing laws and regulations.
- Investment Dispute Resolutions: The ACIA provides several options for disputing parties, including conciliation, consultation, and arbitration.

Royal Kram NS/RKM/1009/021 dated October 22, 2009 on Promulgation the Law on Adoption of the Agreement on Trade, Services under the Framework Agreement on Broad Economic Cooperation between ASEAN and Republic of Korea (L&R/Ina/2009/Khm) (Ogs, Year 09, No. 85, November 19, 2009)

This law was adopted by the National Assembly on 16 October, 2009.

Recalling that SEAN and the Republic of Korea signed this framework agreement on 13 December, 2005, in Kuala Lumpur, Malaysia. It is composed of four chapters and 32 articles ranging from definitions and their connection to other provisions. The theme of this agreement is to enhance and deepen the economic cooperation and integration of all ASEAN member states through economic liberalization according to Article V of the GENERAL AGREEMENT ON TRADE IN SERVICES (GATS).

The parties shall have the discussion and mutual agreement on the incorporation of the trade and service sectors in order to enhance capacity, efficiency, and local competition.

Investment

Decision No. 68 (RGC) dated November 12, 2009 on the Establishment the Inter-Ministerial Commission to Facilitate and Settle Disputes in the Investment-Development Project of UNION DEVELOPMENT GROUP Co., Ltd., Koh Kong province (L&R/Ivm/2009/Khm) (Ogs, Year 09, No. 85, November 19, 2009)

The Inter-Ministerial Commission shall facilitate and resolve disputes in the development project area of UNION DEVELOPMENT GROUP Co., Ltd. The Commission shall prevent chaos and resolve any disorder, and shall have the authority to advise and resolve any issues regarding title deeds and all documents related to the occupation of land in the company area. Comprised of its secretary located in the Ministry of Environment, the Commission shall also have legal

rights to use the Ministry's stamp for dispute settlement.

Military

Sub Decree No. 200 (RGC) dated November 24, on Conditions and Formalities of the Census, Selecting, Invitation, Postpone for the Youth under Study, Citizen situated in special conditions and the Implementation of the Law on Military Obligation (L&R/MPW/2009/Khm) (Ogs, Year 09, No. 88, November 30, 2009)

This Sub-Decree discusses the implementation of military conscription through census, recruitment, and invitation. It also discusses postponement and completion of military obligation, and the creation of three committee levels of military obligation: (1) National, (2) Capital/Provincial, and (3) Local Commune/Sangkat. The composition and competencies of each committee are also discussed. This Sub-Decree applies to all Cambodian citizens, of both sexes, between the ages of 18 and 30, resident Cambodian citizens of dual nationalities.

Taxation

Prakas No. 967 (MoEF) dated November 05, 2009 on the Modification of Custom Tax Rates on Certain Imported Goods (L&R/Tax/2009/Khm) (Ogs, Year 09, No. 87, November 27, 2009)

This Prakas reduces custom tax rates on certain imported goods and within certain sectors, including the agricultural sector and the SME. Another tax reduction is set for the commercial sector.

Announcement No. 012 (MoEF) dated of October 28, 2009 on Abolish Measures against Fraudulent Publication, Commercialization, and Usage of the Counterfeit Card for the Tax Payment on Transportation Means and all types of Vehicle in 2009 (L&R/Tax/2009/Khm) (Ogs, Year 09, No. 85, November 19, 2009)

This announcement regulates counterfeit cards (or, license plate stickers) for all means of transportation. The Ministry of Economy and Finance will not recognize any counterfeit card and is entitled to punish all persons who falsely publish, commercialize, and use such cards under Article 136 of the Tax Law. The counterfeiter faces either fines and/or imprisonment.

The announcement also anticipates sanction against conductors of any means of transportation who fail to pay their respective vehicular taxes in 2009. In this case, the amount of tax to be paid will be doubled.

Traffic

Sub Decree No. 192 (RGC) dated November 16, 2009 on the Using of Special Light, Special Horn, Priorities in Trafficking (L&R/Trf/2009/Khm) (Ogs, Year 09, No. 86, November 23, 2009)

This Sub-Decree regulates the proper use of vehicular lights, horns, and sirens on emergency, police, government, or diplomatic vehicles. For these privileged vehicles, it also delineates their priority right of way, especially while in convoy of government officials and international delegates.