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# B.N.G Monthly Law Update

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## I. LAWS & REGULATIONS UPDATE

### AGRICULTURE

- ▶ Prakas N° 402 (MAFF) of September 1, 2008 on The Registration Sample, Certificate, and Permit for Use of Cambodian Specified Rubber Certification Trade Mark and Official Letter (Ogs, Year 08, N° 71, September 27, 2008):

This Prakas regulates relevant registration samples, certificates and permits for certifying Cambodian rubber quality to ensure the unity of Cambodian specified rubber quality standard to provide confidence in doing business with rubber derived from the Kingdom of Cambodia for national and international markets.

The Cambodian Rubber Research Institution (CRRI) shall be entitled to use the following six items, including a relevant registration sample, certificate and permit for certification of Cambodian rubber quality:

1. Cambodian specified rubber certificate issued by the CRRI;
2. Cambodian specified rubber certificate issued by the National Specification Laboratory;
3. Rubber recycle factory registration;
4. National Specification Laboratory registration;
5. Permit for use of Cambodian specified rubber certification trade mark; and
6. Official letter of the National Specification Laboratory.

The above registration sample, certificate and permit may be modified or created for new model in accordance with the necessity of the national rubber development.

- ▶ Prakas N° 403 (MAFF) of September 1, 2008 on The Formalities and Procedures for Applying and Granting Cambodian Specified Rubber Certificate (Ogs, Year 08, N° 71, September 27, 2008):

This Prakas determines formalities and procedures for applying and granting the Cambodian specified rubber certificate to ensure an appropriate condition for application of rubber recycle persons or rubber exporters in order to provide confidence in doing business on rubber derived from the Kingdom of Cambodia for national and international markets.

Rubber recycling entities or rubber exporters asking for the Cambodian specified rubber certificate shall prepare test applications for the Laboratory of the Cambodian Rubber Research institute [CRRI] or National Specification Laboratory [NSL] by attaching a part of their clear-trade-mark sample. The methods of testing rubber quality shall be determined in annex 1 attached to this Prakas. The sample test shall be carried out in accordance with analytical methods issued by the CRRI under the Cambodian specified rubber standard.

All test reports given to rubber recycling entities or rubber exporters shall be registered with the test reports. After applicants receive the test reports, the CRRI or NSL shall issue the Cambodian specified rubber certificate to them. Samples of test report issued by the CRRI and the test report issued by NSL shall be determined in annexes 2 and 3 attached to this Prakas.

Applicants shall have an obligation to pay the CRRI or NSL for the test fees and issuance of the Cambodian specified rubber certificate. More detailed procedures are found in this Prakas.

- ▶ Prakas N° 404 (MAFF) of September 1, 2008 on The Formalities and Procedures for Providing Official Letter and Permit for the Use of the Cambodian Specified Rubber Certification Trade Mark (Ogs, Year 08, N° 72, September 30, 2008):

This Prakas regulates formalities and procedures for providing official letter and permit for use of trade mark of the Cambodian specified rubber to ensure that Cambodian rubber is of the highest quality through rubber recycle factory registration and the National Specification Laboratory, and increase the confidence in doing business on rubber derived from the Kingdom of Cambodia to national and international markets.

Detailed procedures for granting an official letter and permit, rubber recycle factory registration, suspension, cancellation or withdrawal of trade mark of the Cambodian specified rubber and issuance of Cambodian specified rubber certificate are found in this Prakas.

## **CUSTOMS & IMPORT-EXPORT**

- ▶ Prakas N° 653 (MEF) of August 27, 2008 on Establishing and Putting Customs and Duty Office of Sou Nuon Bavet Customs' Temporary Storage into Operation (Sou Nuon Bavet Dry Port Customs and Duty Office) (Ogs, Year 08, N° 66, September 8, 2008):

The MEF, according to its requirement, has decided to establish and put the Sou Nuon Bavet Dry Port Customs and Excise Office into operation. It is under the direct management of Svay Rien Customs and Excise Branch of the Customs and Excise Department.

The Sou Nuon Bavet Dry Port Customs and Excise Office led by one Chief and assisted by some Deputy Chiefs shall have the following duties:

- To manage and control goods and transportation means in the location of the Sou Nuon Bavet customs' temporary storage for all kinds of goods and all export/import transportation means by container system and import/export transportation means by Bavet entrance, except for:
  - personal materials of passengers, drivers, and materials for transportation materials
  - non-business import/export and import/export from time to time of people living at the border areas;
  - customs-formed-exported goods at the Export Customs and Excise Office under the aspect between the Federation Office and CAMCONTROL officers, and having adequately attached customs stamp;
  - international transit transported goods;
  - imported/exported goods of the special economic zones;

- imported goods under the national transit regime and
- other imported/exported goods as possibly defined or decided by the Director of the Customs and Excise Department upon the notorious request of relevant competent authorities or other related persons.
- To manage inspection and control groups of management cooperation of imported/exported goods under Sou Nuon Bavet customs' temporary storage for goods stated above; and
- To examine and collect tax on imported/exported goods as stipulated above, and authorize the goods to be out from customs' temporary storage after the examination and completion of customs formalities under law in force.

Any Prakas contrary to this Prakas shall be abrogated.

- ▶ Prakas N° 654 (MEF) of August 27, 2008 on Establishing and Putting Customs and Duty Office of Teng Lay Import-Export and Transport Customs' Temporary Storage into Operation (Teng Lay Dry Port Customs and Duty Office) (Ogs, Year 08, N° 66, September 8, 2008):

The MEF, according to its requirement, has decided to establish and put Teng Lay Dry Port Customs and Excise Office into operation. It is under the direct management of the Customs and Excise Office of the Customs and Excise Department.

The Teng Lay Dry Port Customs and Excise Office led by one Chief and assisted by some Deputy Chiefs shall have the following duties:

- To manage and control goods in customs' temporary storage for all exported goods out of the framework of investment, and for all imported goods, except when approval from the Customs and Excise Department is required;
- To appoint inspectors and controllers to inspect the execution and management of imported/exported goods under Teng Lay customs' temporary storage for goods stated above; and
- To control and collect tax on the above imported/exported goods and allow goods to be taken out from customs' temporary storage after there is an inspection and completion of customs formalities in conformity with law in force.

Any Prakas contrary to this Prakas shall be abrogated.

- ▶ Prakas N° 655 (MEF) of September 4, 2008 on Establishing and Putting Ole Worldwide Logistics Customs and Excise Office into Operation (Ole Worldwide Dry Port Customs and Excise Office) (Ogs, Year 08, N° 66, September 8, 2008):

The MEF, according to its requirement, has decided to establish and put Ole Worldwide Logistics Customs and Excise Office into operation. It is under the

direct management of the Customs and Excise Office of the Customs and Excise Department.

The Ole Worldwide Logistics Customs and Excise Office led by one Chief and assisted by some Deputy Chiefs shall have the following duties:

- To manage and control goods in the location of the customs' temporary storage for all exported goods out of the framework of investment, and for all imported goods, except for a particular approval from the Customs and Excise Department;
- To appoint inspectors and controllers to inspect the execution and management of imported/exported goods under Ole Worldwide Logistics customs' temporary storage for goods stated above; and
- To control and collect tax on the above imported/exported goods and allow goods to be taken out from customs' temporary storage after there is an inspection and completion of customs formalities in conformity with law in force.

Any Prakas contrary to this Prakas shall be abrogated.

- ▶ Prakas N° 734 (MEF) of September 11, 2007 on The Special Customs Procedures to Be Implemented in Special Economic Zones (Ogs, Year 08, N° 69, September 19, 2008):

The special customs procedures for implementation in the special economic zones have been put into operation under this Prakas. The procedures have been stated in details in an annex of this Prakas.

## **INTELLECTUAL PROPERTIES**

- ▶ Sub-Decree N° 142 (RGC) of September 18, 2008 on The Establishment of National Committee for Intellectual Property Management (Ogs, Year 08, N° 72, September 30, 2008):

The National Committee for Intellectual Property Management [NCIPM] has been formed under this Sub-Decree.

The purpose of this Sub-Decree is to push for and ensure only one national intellectual property policy and strengthen cooperation between ministries and relevant institutions to smoothly prepare, disseminate and enforce intellectual property law and provision in accordance with Cambodia's commitment to WTO, as well as cooperation in receiving and effectively using intellectual property technical assistance from international NGOs and other countries.

The NCIPM consisting of 14 representatives from Ministries and institutions shall have the following duties:

- To be in charge of a central point for coordinating multilateral or bilateral cooperation with countries and international NGOs in intellectual property rights;

- To smoothly coordinate with relevant ministries for all works related to intellectual property rights;
- To cooperate and push for the preparation of draft law and provisions on intellectual property and enforcement of international agreements;
- To receive and use intellectual property technical assistance from countries and international NGOs;
- To cooperate with relevant ministries to disseminate law and provisions as well as give intellectual property knowledge to the public, law enforcement officers and students at the establishments;
- To work together with competent authorities and court institutions to prevent and cease intellectual property infringement;
- To cooperate and research international agreements and conventions on intellectual property rights to consider the advantages of weak points and strength points prior to reporting and asking an approval from the Head of the Royal Government for accessing a member; and
- To prepare annual and step-by-step reports on working results for the Royal Government.

The NCIPM shall be entitled to use the stamp of the Ministry of Commerce for its operation, and shall have its secretariat for its general staff. The secretariat of the NCIM shall be located at the Intellectual Property Department of the Ministry of Commerce and may use officials of the Intellectual Property Department as its assistant if necessary.

Decision No. 16 dated February 22, 1999 on the Creation of Commission for Three-Section Management of Intellectual Property Rights, and other provisions contrary to this Sub-Decree shall be abrogated.

## INVESTMENT

- ▶ Sub-Decree N° 125 (RGC) of September 5, 2008 on The Establishment of KIRISAKOR HOK KONG Special Economic Zone [SEZ] (Ogs, Year 08, N° 66, September 8, 2008):

The RGC, according to its requirement, has established **KIRISAKOR HOK KONG SEZ**, located in Prek Khsach and Phanhi Meas communes, Kiri Sakor district, and Chroy Prass commune, Koh Kong district, Koh Kong province.

The 2200.68-hectare Kirisakor Koh Kong SEZ shall be split into A and B sections and its plan and geographic boundary are in Annex agreed by relevant Ministries and attached to this Sub-Decree.

All territories in the area of Kirisakor Koh Kong SEZ as defined above are the legal private possession of a company. The organization and function of this SEZ shall be under the scope of laws and regulations of the Kingdom of Cambodia.

**LAND & PROPERTY**

- ▶ Sub-Decree N° 123 (MEF) of September 2, 2008 on The Transfer of a Part of Sneay Lake Surface in Kampong Cham Province (Ogs, Year 08, N° 65, September 4, 2008):

Under this Sub-Decree, a part of 107.67-hectare location of 126.10-hectare Sneay lake surface in Kampong Cham province located in national road 7 next to the Western downtown of Kampong Cham district, and in Sambuor Meas and Veal Vong communes, Kampong Cham district has been classified as State private property.

The above transferred land shall be reorganized by the Ministry of Land Management, Urban Planning and Construction, Ministry of Interior, Ministry of Environment, Ministry of Economy and Finance, relevant Ministries and Institutions, and Kampong Cham provincial hall by cooperating with development partner company in accordance with the Royal Government's policy provided for in letter No. 1943 SChN of December 22, 2006 of the Council of Ministers.

646.020-square-meters of land (six hundred forty six thousand and twenty square meter) shall be granted to development partner. The land of 430.680 (four hundred thirty thousand six hundred eighty) square meter is a part of State recorded into State property inventory of Kampong Cham provincial hall.

The fulfillment of [private] possessive formalities shall be conducted in accordance with law and principles in force.

- ▶ Sub-Decree N° 124 (RGC) of September 3, 2008 on The Determination of Choeung Ek Lake Surface and Streams in Meanchey and Dangkor Districts, Phnom Penh, and Ta Khmao District, Kandal Province as State Public Properties (Ogs, Year 08, N° 66, September 8, 2008):

Under this Sub-Decree, 520-hectare Choeung Ek lake surface and streams in Meanchey and Dangkor districts, Phnom Penh, and Ta Khmao district, Kandal province have been determined as State public property (in accordance with Geographical Position System, GPS DATUM: INDIAN-THAILAND 1960).

77 points of the lake and dams have been determined in this Sub-Decree, and its map is an annex of this Sub-Decree.

- ▶ Sub-Decree N° 131 (RGC) of September 15, 2008 on The Modification of Sub-Decree on Economic Land Concession (Ogs, Year 08, N° 69, September 19, 2008):

All contents related to provinces/municipalities entitled or having the right to decide to grant economic land concession provided for in Sub-Decree No. 146 dated December 27, 2005 have been taken back under this Sub-Decree.

Other contents in Sub-Decree No. 146 dated December 27, 2005 is still in force.

- ▶ Sub-Decree N° 132 (RGC) of September 15, 2008 on The Transfer of Locations of Bousra/O Pheay Waterfall and Thor Rong Resorts (Ogs, Year 08, N° 69, September 19, 2008):

Under this Sub-Decree, the resort location of Bousra/O Pheay waterfall in Pech Cheada district, Mondulkiri province, and Thor Rong resort in Kampong Seila, Koh Kong province have been converted as State private property for the development of project investments.

The above transferred land shall be reorganized by the Council for the Development of Cambodia, Ministry of Economy and Finance, Ministry of Land Management, Urban Planning and Construction, Ministry of Interior, Ministry of National Defense, and relevant provincial halls in accordance with the Royal Government's policy.

- ▶ Sub-Decree N° 133 (RGC) of September 15, 2008 on The Transfer of Locations in Neang Kok Village, as well as Koh Yor and Koh Nou, Koh Kong Province (Ogs, Year 08, N° 70, September 23, 2008):

Under this Sub-Decree, locations in Neang Kok village, Pak Khlang commune, Mondol Seima district, Koh Kong province as well as Koh Yor and Koh Nou, Koh Kong province have been converted to State private property for development project investments.

The above transferred land shall be reorganized by the Council for the Development of Cambodia, Ministry of Economy and Finance, Ministry of Land Management, Urban Planning and Construction, Ministry of Interior, Ministry of National Defense, and Koh Kong provincial halls in accordance with the Royal Government's policy.

## LEGAL PROFESSION

- ▶ Sub-Decree N° 130 (RGC) of September 11, 2008 on The Establishment of the Attorney-At-Law Vocational Training Center (Ogs, Year 08, N° 69, September 19, 2008):

The Attorney-At-Law Vocational Training Center has been formed under this present Sub-Decree. The Center shall be under direct management and under the responsibility of the Council of Bar Association, and administrative sector by the Royal Academy for Judicial Professions. The Center shall have internal rules regulating conditions of its operation. The internal rules shall be approved by the Council of Bar Association.

The Centre shall have the following duties:

- To prepare draft procedures for recruitment exams of students for study at the Center and exams for the attorney-at-law professional certificate;
- To arrange study programs and recruitment of training teachers for the Council of Bar Association for review and approval;
- To train law students in professional legal skills, further train law lecturers, and prepare improving training courses for practicing lawyers;
- To prepare semi annual reports on its activities and finance for the Council of Bar Association; and
- To perform other duties assigned by the Council of Bar Association.



The recruitment exam, training, financial sources and other important areas related to law students and other final provisions are stated in details in this Sub-Decree. Sub-Decree No. 93 dated September 14, 2001 on the Creation of Vocational Training Center for Lawyers of the Kingdom of Cambodia and other provisions contrary to this present Sub-Decree shall be abrogated.

## **MILITARY/POLICE/WEAPONS**

- ▶ Inter-Ministerial Prakas N° 56 (MoJ&MAFF) of September 4, 2008 on Providing Competence for Judicial Police Officers (Ogs, Year 08, N° 69, September 19, 2008):

The Ministry of Justice, pursuant to its requirement, has decided to recognize civil servants listed in this Inter-Ministerial Prakas and working for the Fishery Department as competent judicial police officers.

For central-level judicial police officers, they shall have their territorial scopes throughout the country.

For inspectorial-level and fishery administrative judicial police officers, they shall have territorial scopes in their administrative centres where the judicial police officers have been assigned to work for, except for the extension of their territorial scopes stated in Article 68 of the Code of Criminal Procedure.

The above judicial police officers shall be competent judicial police officers and perform their duties in accordance with procedures as defined in the Law on Fishery and Code of Criminal Procedure of the Kingdom of Cambodia.

## **NATURALIZATION**

- ▶ Royal Decree NS/0808/935 of August 9, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. BANG CHANG SIK, Korean Origin, Korean National, Born in Seoul City, Republic of Korea (Ogs, Year 08, N° 65, September 4, 2008).
- ▶ Royal Decree NS/0808/936 of August 9, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. YU KEUN KWAN, Korean Origin, Korean National, Born in Chungnam City, Republic of Korea (Ogs, Year 08, N° 65, September 4, 2008).
- ▶ Royal Decree NS/0808/942 of August 14, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. ZHANG ZHONGWEN, Chinese Origin, Chinese National, Born in Yinchuan City, People's Republic of China (Ogs, Year 08, N° 65, September 4, 2008).
- ▶ Royal Decree NS/0808/943 of August 14, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. NG SNEG WEE, Indonesian Origin, Indonesian National, Born in Medan Province, Indonesia (Ogs, Year 08, N° 65, September 4, 2008).

- ▶ Royal Decree NS/0808/958 of August 23, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. CHANG CHRISTOPHER, Korean Origin, American National, Born in Seoul City, Republic of Korea (Ogs, Year 08, N<sup>o</sup> 65, September 4, 2008).
- ▶ Royal Decree NS/0808/959 of August 23, 2008 on the Granting of Cambodian Nationality by Naturalization to Mr. LAM CHUN MING, Chinese Origin, Chinese National, Born in Hong Kong City, People's Republic of China (Ogs, Year 08, N<sup>o</sup> 65, September 4, 2008).

## **PUBLIC ADMINISTRATION**

- ▶ Sub-Decree N<sup>o</sup> 122 (RGC) of August 28, 2008 on The Management of Decorative Materials (Ogs, Year 08, N<sup>o</sup> 65, September 4, 2008):

The purpose of this Sub-Decree is to manage all kinds of materials exploited in the Kingdom of Cambodia. This Sub-Decree also aims at protection and prevention of production, circulation, and import of false, unqualified and illegal materials in order to ensure the quality and safety for users and facilitation of doing business with materials.

The notification of decorative material products, conditions for ensuring safety, list of decorative material substance, trade mark of decorative materials, governing competence, transitional provisions and final provisions are stated in details in this Sub-Decree.

- ▶ Prakas N<sup>o</sup> 631 (MEF) of August 21, 2008 on The Organization and Functioning of the Legislation Department (Ogs, Year 08, N<sup>o</sup> 65, September 4, 2008):

Under this Prakas, the Legislation Department shall be a supporting staff of the Ministry of Economy and Finance on:

- Cooperating with relevant departments to study, compile, and prepare the draft laws and regulations on finance and other laws relevant to the works of the Ministry and the treaties relating to economics and finance;
- Directing and following up the implementation of financial laws and laws relevant to the works of the Ministry and the treaties relating to economics and finance;
- Receiving the claims and complaints of the people relating to the competence of the Ministry;
- Studying and compiling legal documents and submitting them to the Ministry for dissemination and instruction for implementation;
- Preparing the reports for the Minister on implementation of Laws, Royal Krams, Royal Decrees, Sub-Decrees, Circulars, Prakas, and Treaties on Economy and Finance;
- Following up and making the Unit of the Ministry of Economy and Finance to have laws and regulations published in Official Gazette; and
- Filing the Laws and Regulations, Royal Krams, Royal Decrees, Sub-Decrees, Circulars, Prakas, and other Instructions at the Documentation

Center of the Ministry and instructing all departments and units under to Ministry in management and maintenance of the documents.

The Legislation Department shall be headed by a director assisted by a number of deputy directors.

The Legislation Department shall have three Offices: (1) Private Legislation Office; (2) Public Legislation Office; and (3) Administrative Office. Structure and duties of each Office are found in this Prakas.

- ▶ Prakas N° 625 (MoI) of May 20, 2008 on The Establishment of New Villages under Krang Skear Commune, Toeuk Phos District, Kampong Chhnang Province (Ogs, Year 08, N° 65, September 4, 2008):

The Ministry of Interior, pursuant to a letter No. 01 dated June 22, 2007 of Kampong Chhnang Provincial Hall, has decided to form seven new villages from Phnom Ta Sam Village, Krang Skear Commune, Toeuk Phos District, Kampong Chhnang Province.

The seven new villages are Anhchanh village, Damnak Ampil village, O Lpov village, Kpul village, Phnom Taos village, Damnak Khlung village, and Kraing Sda Kheang Tbound village. Any provision contrary to this Prakas shall be abrogated.

- ▶ Prakas N° 854 (MoI) of June 16, 2008 on The Division of New Villages to Be under the Meanchey District, Phnom Penh (Ogs, Year 08, N° 65, September 4, 2008):

The Ministry of Interior, pursuant to a letter No. 178 dated June 11, 2007 of Phnom Penh Municipality, has decided to create 37 new villages from Meanchey district in which 9 villages from Sangkat Stung Meanchey, 10 villages from Sangkat Boeng Tounmpon, 5 villages from Sangkat Chak Angrae Leu, 6 villages from Sangkat Chak Angrae Kraom, 3 villages from Sangkat Chbar Ampob II, 2 villages from Sangkat Prek Pra, and 2 villages from Sangkat Nirauth. The 37 new villages' name is found in this Prakas.

- ▶ Prakas N° 886 (MoI) of June 23, 2008 on The Establishment of Boeung Snor Village under Slor Kram Commune, Svay Chek District, Banteay Meanchey Province (Ogs, Year 08, N° 65, September 4, 2008):

The Ministry of Interior, pursuant to a letter No. 2112 dated May 6, 2008 of Banteay Meanchey Provincial Hall, has decided to establish Boeung Snor village to be under Slor Kram commune, Svay Chek district, Banteay Meanchey province. Any provision contrary to this Prakas shall be abrogated.

- ▶ Prakas N° 972 (MoI) of July 10, 2008 on The Division of New Villages to Be under Kampong Thom Province (Ogs, Year 08, N° 65, September 4, 2008):

The Ministry of Interior, pursuant to a letter No. 12 dated November 12, 2007 of Kampong Thom Provincial Hall, has decided to divide two villages to be under the supervision of Kampong Thom province.

The two new villages are Treapaing Sala village from Prasat village, Chhouk commune, Prasat Sambour district, Kampong Thom province, and Daun Duong village from Treapaing Chrey village, Ballangk commune, Baray district, Kampong Thom province. Any provision contrary to this Prakas shall be abrogated.

- ▶ Prakas N° 1019 (MoI) of July 17, 2008 on The Division and Establishment of New Villages under Battambang Province (Ogs, Year 08, N° 65, September 4, 2008):

The Ministry of Interior, pursuant to a letter No. 955 dated May 9, 2008 of Battambang provincial hall, has made following decisions:

- To create 30 new villages to be under the supervision of Battambang province in which 1 villages from Sangkae district, 1 village from Ratanak Mundol district, 1 village from Kamreang district, 7 villages from Phnom Proek district, 2 villages from Sampov Loun district, 13 from Mong Russei district, and 5 villages from Bavel district. The 30 new villages' name is found in this Prakas; and
  - To establish 7 new villages to be under the supervision of Battambang province in which 3 villages in Chrei Seima commune and 4 villages in Serei Meanchei commune. The new villages' name is found in this Prakas.
- ▶ Royal Decree NS/0808/975 on The Modification of Royal Decree NS/0807/393 dated August 30, 2007 on the Modification of Royal Decree No. NS/RKT/ 1202/353 dated December 28, 2002 on the Establishment of the Supreme National Economic Council (Ogs, Year 08, N° 66, September 8, 2008):

Article 4 of Royal Decree NS/0807/393 dated August 30, 2007 on the Modification of Royal Decree No. NS/RKT/ 1202/353 dated December 28, 2002 on the Establishment of the Supreme National Economic Council [SNEC] has been modified as follows:

#### **Article 4 (New)**

The **SNEC** shall have an honour president elected from dignitaries who have a reputation for serving the nation, much experience and recognition in national and international circles. The honour president of the **SNEC** may have the rank equal to **Deputy Prime Minister** or **Senior Minister**.

- ▶ Prakas N° 686 (MEF) on The Establishment of Procurement Audit Office of the Public Procurement Department (Ogs, Year 08, N° 66, September 8, 2008):

The Ministry of Economy and Finance, pursuant to its necessity, has decided to additionally establish the Procurement Audit Office to be under the supervision of the Public Procurement Department.

The Procurement Audit Office has been formed to direct a procurement implementation to be strict and accurate in conformity with methods and procurement procedures by complying with relevant laws and provisions in force in order to prevent inactivity of public procurements and ensure the responsibilities of procurement enforcement institutions.

The Procurement Audit Office shall have the following duties:

- To audit procurement affairs in the framework of public procurement concentration of Ministries/Institutions, provinces/municipalities, public enterprise, administrative public establishment and other institutions governed by the State;
- To prepare a regular report on procurement audit of procurement enforcement institution for the Chief of Department for review and approval. In a necessary case, the Chief of Department shall raise recommendation for the leadership of the Ministries for applicable instructions;
- To receive complaint on procurement affairs and analyse those complaints, and raise recommendation for the Chief of Department for review and approval. In necessary case, the Chief of Department shall raise recommendation for the leadership of the Ministries for applicable instructions.

All provisions contrary to this Prakas shall be abrogated.

- ▶ Sub-Decree N° 126 (RGC) on The Code of Ethics of Teachers (Ogs, Year 08, N° 67, September 12, 2008):

This Sub-Decree regulates the code of ethics of teachers in the Kingdom of Cambodia. The purpose of this Sub-Decree is as follows:

- To promote the morality of teachers;
- To improve the dignity of teachers; and
- To improve quality and effectiveness of education.

The scope of this Sub-Decree is applicable to any person conducting teacher profession in the Kingdom of Cambodia, except for religious teachers, military strategic technical and security teachers, territorial administrative management teachers, royal administrative teachers, and judicial professional teachers.

Duties of teachers in relationship to interaction with students and parents or guardians, relations between teachers and teachers and non-teaching staff are stated in details in this Sub-Decree.

- ▶ Sub-Decree N° 134 (RGC) on The Promotion of Custom and Excise Department, Tax Department, and National Treasury of the Ministry of Economy and Finance to the General Department of Customs and Excise of Cambodia, General Department of Tax, and General Department of National Treasury under the Management of the Ministry of Economy and Finance (Ogs, Year 08, N° 70, September 23, 2008):

Under this present Sub-Decree, the Customs and Excise Department, Tax Department, and National Treasury of the Ministry of Economy and Finance [MEF] as defined in Sub-Decree No. 4 dated January 20, 2000 on the Organization and Functioning of the MEF have been promoted to the General Department of Customs and Excise of Cambodia, General Department of Tax, and General Department of National Treasury under the management of the MEF.

The General Department of Customs and Excise of Cambodia is a supporting staff of the Ministry on:

- Proposing policy related to changes in foreign trade, draft laws and regulations on collections of all kinds of import-export taxes, especially reviewing the creation and implementation of customs tariffs and procedures related to customs and excise on all types of goods
- Inspecting imported and exported goods at the border entrance, and coordinating a collective inspection for only one time if there is an inspection from other institutions in accordance with finding risks;
- Managing, inspecting and implementing the collection of tax on all types of exported and imported goods;
- Raising measures to prevent and impound all types of smuggled goods;
- Inspecting, following up, and managing all kinds of the import and export of business or non-business goods, travelers' belongings, currencies, metals, precious stones, cultural patrimonies, packages and parcels as well as all types of means of transportation;
- Proposing technical training projects for customs and excise officials, agents and staff;
- Implementing the policy on economic integration and international cooperation in customs and excise section with foreign countries;
- Participating in the preparation of annual national budget to be incorporated into the Draft Financial Law for each year;
- Performing other duties assigned by the Ministry of Economy and Finance.

The General Department of Customs and Excise of Cambodia has a unity management organization system throughout the country and has the rights to lead and inspect all customs and excise units from the central level to the provincial/municipal levels as determined by the Ministry of Finance.

The General Department of Customs and Excise of Cambodia is headed by a Director General and assisted by a number of General Deputy Directors.

The General Department of Tax has the following duties:

- To propose tax policy and collect all types of taxes for the national budget;
- To prepare draft laws and regulations on taxation and determine necessary documents and legal documents that taxpayers or withholding agents shall retain and submit to the tax administration;
- To determine the tax basis on taxpayers or withholding agents based on investigation and compilation of information;
- To calculate and collect tax, value added tax, registration tax, interests, and other revenues;
- To create programs and implement audit works for taxpayers;
- To be in charge of international cooperation on taxation;

- To implement measures and penalties for taxpayers and withholding agents violating provisions on taxation; and
- To participate in preparation of annual national budget to be incorporated into the Draft Financial Law each year.

The General Department of Tax is a Tax Administration having a unity system of structure and management throughout the country and inspecting implementation of provisions on taxation as determined by the Ministry.

The General Department of Tax is headed by a Director General and assisted by a number of Deputy Directors General.

The General Department of National Treasury has the following duties:

- To manage local and central-level budget cash and autonomous budgets;
- To manage accounts of local and central-level Ministries/Institutions, private deposit accounts, account of unplanned budgets and special accounts of treasury;
- To manage state money, securities and bonds;
- To balance and manage national expenses and income;
- To participate in the implementation of monetary policy;
- To redirect and follow up the implementation of financial policy and public debt;
- To maintain and follow up the implementation of general accounting and centralized accounts;
- To prepare principles for public accounting statements;
- To guarantee a general balance of accounts;
- To provide all ministries and provincial/municipal institutions with services on payment of expenses, salaries, and collecting revenues according the Financial Law for each year;
- To establish relations with the National Bank of Cambodia to implement monetary policy;
- To participate in the preparation of the annual national budget to be incorporated into the Draft Financial Law each year; and
- To prepare draft law for the annual budget.

The General Department of National Treasury is headed by a Director General and assisted by a number of Deputy Directors General.

More details of missions, duties and structure of the General Department of Customs and Excise of Cambodia, General Department of Tax, and General Department of National Treasury are found in this Sub-Decree.

- ▶ Sub-Decree N° 143 (RGC) of September 22, 2008 on The Calendar of Public Holidays for Civil Servants, Employers, and Employees in 2009 (Ogs, Year 08, N<sup>0</sup> 72, September 30, 2008):

With reference to the proposal of the Permanent Committee for National/International Festivals, the Royal Government issues this Sub-Decree to allow civil servants, employers and employees to have days off in 2009 under the following calendar:

January 1, 2009	International New Year's Day	1 day
January 7, 2009	Victory Day over Genocidal Regime	1 day
February 9, 2009	Meakh Bochea Day	1 day
March 8, 2009	International Women's Day	1 day
April 14-15-16, 2009	Khmer New Year	3 days
May 1, 2009	International Labor Day	1 day
May 8, 2009	Visaka Bochea Day	1 day
May 12, 2009	Royal Plowing Ceremony	1 day
May 13-14-15, 2009	King Norodom Sihamoni's Birthday	3 days
June 18, 2009	Samdach Preah Reach Mohesey Norodom Monineath Sihanouk's Birthday	1 day
September 18-19-20, 2009	Pchum Ben Day	3 days
September 24, 2009	Constitution's Day	1 day
October 29, 2009	Coronation Day of King Norodom Sihamoni	1 day
October 31, 2009	King Norodom Sihanouk's Birthday	1 day
November 1-2-3, 2009	Water Festival	3 days
November 9, 2009	Independence Day	1 day
December 10, 2009	International Human Rights Day	1 day

If a day above falls on a Saturday or Sunday, the holiday shall be extended to Monday. In such cases, Civil Servants, Employers, and Employees shall be entitled to only one day off (Monday).

## TELECOM/POST/IT

- ▶ Sub-Decree N° 135 (RGC) of September 15, 2008 on The Establishment of IT and Telecommunication Service Data Management Center of the Ministry of Post and Telecommunication (Ogs, Year 08, N° 70, September 23, 2008):



A centre, called “IT and Telecommunication Service Data Management Center of the Ministry of Post and Telecommunication” has been formed under this present Sub-Decree.

The Center shall have the following duties:

- To directly manage all kinds of IT and telecommunication data services, and other additional new services in accordance with the technical revolution of these sectors;
- To lead, manage and control all collective working activities of the Center;
- To regularly report traffic and data status to the Ministry of Post and Telecommunication, and Ministry of Economy and Finance;
- To provide traffic and income figures for facilitation of determining taxes and duties, and devise income between State and IT and Telecommunication business partner, and between operators and operators;
- To provide an accurate data for prediction of income source, economic potential analysis, investment projects, and IT and telecommunication developments;
- To expand and manage an interconnection network to ensure systematic transmission traffic circulation (avoidance of traffic block) among all operator systems;
- To support all small operators in ability to do business through the networking opening for systematic transmission call;
- To cut illegal traffics by order of telecommunication regular competence; and
- To install a Master Clock (Master Clock) network for all operators.

All operators providing telecommunication services at the gateway of international telecommunication and internet, and other new operators getting license from the Ministry of Post and Telecommunication shall grant CRD (Call Direct Links) to the Data Management Center through direct links to immediately extract data on time. Whereas a direct link network has technical problems, all operators will automatically provide CDR (Raw CDR) to the Data Management Center.

The Ministry of Post and Telecommunication and Ministry of Economy and Finance shall have an agreement with the DATA MANAMEMENT CENTER in accordance with form and cooperative agreement for the center’s operation.

## TREATIES

- ▶ Prakas N° 613 (MEF) of August 13, 2007 on The Use of Cambodia Tariff Reduction/Elimination Schedule for the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and Korean Governments (Ogs, Year 08, N<sup>o</sup> 65, September 4, 2008):

The Cambodia Tariff Reduction/Elimination Schedule for the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and Korea Governments has been declared to be used under this Prakas. Its entire content is attached to this Prakas.

- ▶ Prakas N° 645 (MEF) of August 22, 2007 on The Use of Cambodia Tariff Reduction/Elimination Schedule for the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and People's Republic of China Governments(Ogs, Year 08, N° 67, September 12, 2008):

The Cambodia Tariff Reduction/Elimination Schedule for the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Cooperation between ASEAN and People's Republic of China Governments has been declared to be used under this Prakas. Its entire content is attached to this Prakas.

## II. APPOINTMENTS

- ▶ Royal Decree NS/0808/979 of August 28, 2008 on The Appointment of Mrs. Som Sopal as Okhna (Ogs, Year 08, N° 66, September 8, 2008).
- ▶ Royal Decree NS/0808/986 of August 28, 2008 on The Appointment of Mr. Chea Sophean as Okhna (Ogs, Year 08, N° 67, September 12, 2008).
- ▶ Royal Decree NS/0808/988 of August 29, 2008 on The Appointment of Mr. Heang Huokheay as Okhna (Ogs, Year 08, N° 67, September 12, 2008).
- ▶ Royal Decree NS/0908/1024 of September 9, 2008 on The Appointment of Mr. Lim Heng as Okhna (Ogs, Year 08, N° 68, September 15, 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 properly 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
2174	June 12, 2007	ANGBOUY S. A. R. L	No. 145 C13, Street 598, Sangkat Tuol Sangkae, Khan Russey Keo, Phnom Penh
2175	June 12, 2007	HENG SENG IMPORT EXPORT Co., Ltd.	No. 51 E1, Street 288, Sangkat Toul Svay Prey I, Khan Chamkar Mon, Phnom Penh

2177	June 12, 2007	(CAMBODIA) JA YIK Co., Ltd.	No. 2A11, Street 118, Sangakt Phsar Thmei I, Khan Daun Penh, Phnom Penh
2180	June 12, 2007	UNIVERSAL LOGISTICS (CAMBODIA) Pte Ltd.	No. 113, Moa Tse Tuong Blvd, Sangkat Tuol Svay Prey I, Khan Chamkar Mon, Phnom Penh
2181	June 12, 2007	XI FENG INTERNATIONAL (CAMBODIA) INVESTMENT Co., Ltd.	No. 39, Street 592, Sangkat Boeung Kok II, Khan Tuol Kork, Phnom Penh
2182	June 12, 2007	MILARIC CORPORATION Co., Ltd.	No. 64, Street 160, Sangkat Toeuk Laak II, Khan Tuol Kork, Phnom Penh
2183	June 12, 2007	PICH SONG TRANSPORT & PUBLIC SERVICES Co., Ltd.	No. 32 AZ, Street 223, Sangkat Phsar Doeum Kor, Khan Tuol Kork, Phnom Penh
2217	June 14, 2007	KHUN KHENG GROUP Co., Ltd.	No. 18 A, Toeuk Thla Village, Sangkat Toeuk Thla, Khan Russey Keo, Phnom Penh
2219	June 14, 2007	AI YI JU REAL ESTATES Co., Ltd.	No. 41 Eo, Street 310, Sangkat Boeung Keng Kang I, Khan Chamkar Mon, Phnom Penh
2220	June 14, 2007	CAOUTCHOUC RATANAK Co., Ltd.	L Block Apartment, Plot No. 18 M, Toeuk Thla Village, Sangkat Teouk Thla, Khan Russey Keo, Phnom Penh
2221	June 14, 2007	MIMOK FURNITURE Co., Ltd.	Intellectual Office Center (IOC), Third Floor, Rome No. 2 (F3R02), Prech Monivong Blvd, Sangkat Boeun Reang, Khan Daun Penh, Phnom Penh
2223	June 14, 2007	BONNIE BLAIR (CAMBODIA) Co., Ltd.	No. 164, Prech Norodom Blvd, Sangkat Chaktomukh, Khan Daun Penh, Phnom Penh
2225	June 14, 2007	DAEMYUNG (CAMBODIA) Co., Ltd.	No. 43, Street 77 BT, Chamroeun Pal Village, Sangkat Boeung Tom Pun, Khan Meanchey, Phnom Penh
2230	June 14, 2007	I. K. C International Co., Ltd.	Kruos Village, Svay Dangkm Commune, Siem Reap District, Seam Reap Province
2294	June 20, 2007	KAVINA TRADING Co., Ltd.	No. 886 <sup>E</sup> , Norbride Street, Sangkat Kakab, Khan Dangkor, Phnom Penh
2295	June 20, 2007	UN-INTER TRADING & DEVELOPMENT GROUP (CAMBODIA) Co., Ltd.	No. 234, Mao Tse Tuong Blvd, Sangkat Tomnub Toeuk, Khan Chamkar Morn, Phnom Penh
2314	June 20, 2007	ALL BROTHERS INVESTMENT Co., Ltd.	No. 35, Street 294, Sangkat Boeun Keng Kang I, Khan Chamkar Mon, Phnom Penh
2315	June 20, 2007	E.R.A Ltd.	No. 10, Street 296, Sangkat Toul Svay Prey II, Khan Chamkar Mon, Phnom Penh
2316	June 20, 2007	YOUNG FUN Co., Ltd.	No. 64 B, Street 163, Sangkat Phsar Doeum Thlov, Khan Chamkar Mon, Phnom Penh
2317	June 20, 2007	I x 100 Co., Ltd.	No. 71, Street 255, Group 22, Village 8, Sangkat Boeun Salang, Khan Tuol Kork, Phnom Penh
2318	June 20, 2007	PROSPEROUS PLASTIC (CAMBODIA) Co., Ltd.	Trapaing Krasaing Village, Bael Chan Commune, Angksnuol District, Kandal Province
2351	June 21, 2007	GOLD METAL II Co., Ltd.	No. 28, Street 200, Sangkat Boeung Reang, Khan Daun Penh, Phnom Penh
2352	June 21, 2007	NEW AUTO CAM CO., LTD.	No. 345, Phvol Lum, Sangkat Chbar Ampov II, Khan Meanchey, Phnom Penh
2360	June 22,	ANGKOR INTERNATIONAL	Borei Sieng Nam, Khna Village,

	2007	DYNASTY GROUP Co., Ltd.	Chreav Commune, Siem Reap District, Siem Reap Province
2361	June 22, 2007	BI PENG NGUON Co., Ltd.	O Anchheachh Village, Anlung Veng Commune, Anlung Veng District, Oudor Meanchey Province
2363	June 22, 2007	L L Y CONSTRUCTION (CAMBODIA) Co., Ltd.	No. 1006 D, Street 128, Sangkat Toeuk Laak I, Khan Tuol Kork, Phnom Penh
2364	June 22, 2007	SAINT BRIGHT Co., Ltd.	No. 4, Street 370, Sangkat Boeun Keng Kang I, Khan Chamkar Mon, Phnom Penh
2365	June 22, 2007	C I G (CAMBODIA) INVESTMENT GROUP Co., Ltd.	IOC Building (Room R 01-02, Fifth Floor), No. 254, Monivong Blvd, Sangkat Boeung Reang, Khan Daun Penh, Phnom Penh

### *Abbreviations*

Co., Ltd.	Company Limited
CoM	Council of Ministers
CRR I	Cambodian Rubber Research Institution
H.E	Excellencies
K.I.P	Kampot Institute of Polytechnic
MAFF	Ministry of Agriculture Forestry and Fisheries
MEF	Ministry of Economics and Finance
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
NA	National Assembly
NBC	National Bank of Cambodia
NCIPM	National Committee for Intellectual Property Management
NCT	National Committee on Training
NSL	National Specification Laboratory
Ogs	Official Gazette
RAJP	Royal Academy for Judicial Profession
RGC	Royal Government of Cambodia
SECC	Security and Exchange Commission 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/](http://www.bigpond.com.kh/Council_of_Jurists/)***