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Agriculture

Royal Kram No. NS/RKM/0112/005 dated January 14, 2012 on Promulgation of Law on Management of Pesticide and Agricultural Fertilizer. (L/R/Agr/Khm /2012) (Royal Gazette, Year 12, No. 09, dated February 04, 2012).

On January 14, 2012, the Cambodian legislature promulgated the Law on the Management of Pesticides and Agricultural Fertilizer, which contains 12 Chapter and 119 Articles and provides regulations for the use of pesticides and fertilizer by agricultural producers. The Ministry of Agriculture, Forestry and Fishery (MAFF) is in charge of regulating agriculture.

Pesticide and agricultural fertilizer registration certificate

Those seeking entry into the agricultural sector must apply for a pesticide registration certificate (Plentiful Registration and Permanent Registration) and agricultural fertilizer registration certificate from the MAFF. These certificates are valid for period of three years from the date of registration and can be renewed. The Law also governs patent protection rights for pesticides and agricultural fertilizer, which are legally registered. The pesticide protection period is 8 years and the agricultural fertilizer protection period is 5 years from the date of registration.

Management of pesticide and agricultural fertilizer for purpose of business

Those who seek to pursue the import-export, distribution, packaging, and other trade in pesticides or agricultural fertilizer in Cambodia must apply for an approval letter from the MAFF granting a license for specific activities.

Advertising of pesticide and agricultural fertilizer

Individuals and businesses in the pesticide and fertilizer trade may advertise their products if they have an approval letter from MAFF, and abide by the other provisions of this law regulating the advertising of such products.

Rights of legal person and legal entity

Individuals and businesses possessing a certificate and approval letter in accordance with this law may transfer such rights to a third party after obtaining an approval letter from MAFF. The transferee must respect the requirements of the law as noted in Article 77.

Rights of action

Individuals and businesses may appeal decisions by the agricultural fertilizer and pesticide inspection official by filing a complaint within 30 days of such decision to the MAFF. The MAFF must decide on a complaint within 45 days of submission of the complaint. If that decision affects their rights under the law, they may file a complaint with the court.

Penalty

This law also provides penalties for violations, such as revoking or suspending the certificate and approval letter as well as fines and/or imprisonment under Article 101.

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Banking

Prakas No. B.7.011.241 (NBC) dated December 27, 2011 on Financial Lease Business. (L/R/Bank/Khm&Eng/2012) (Royal Gazette, Year 12, No. 10, dated February 08, 2012).

On December 27, 2011, the National Bank of Cambodia (NBC) Governor issued a Prakas on the financial leasing business. The purpose of this Prakas is to set up, promote and develop the financial leasing industry by providing guidance for financial leasing business operators in Cambodia. A bank can offer leasing services as part of its banking operations as defined in Article 2.1 of the Law on Banking and Financial Institutions (1999) and Article 34 of the Law on Financial Leases (2009). These provisions also apply to Commercial banks, Specialized Banks and Microfinance institutions. According to the Prakas, a financial lease refers to a lease for an initial non-cancelable term of a year or more, in which the lessee specifies movable property and selects the supplier without relying primarily on the skill and judgment of the lessor. Further, the movable property must be acquired by the lessor by means of a financial lease agreement for leasing to the lessee. The Prakas also outlines conditions that leasing institutions must comply with in order to offer financial leasing services. Banks must obtain approval from the NBC by demonstrating compliance with the requirements defined in Article 4 of the Prakas. Other institutions intending to provide or providing financial lease products must apply for a license from the NBC. Specific requirements for the application for a license will be determined in another Prakas.

Prakas No. B.7.011.242 (NBC) dated December 27, 2011 on Licensing of Financial Lease Companies. (L/R/Bank/Khm&Eng/2012) (Royal Gazette, Year 12, No. 10, dated February 08, 2012).

On December 27, 2011, the National Bank of Cambodia (NBC) Governor issued a Prakas on the licensing of financial lease companies. According to this Prakas, financial lease companies are defined as institutions solely engaged in the financial lease business with a minimum registered paid up capital of 200,000,000 Riel.

According to this Prakas, any natural or legal person who offers financial leasing services must hold a license issued by the NBC. The Prakas details the required documentation for the license application as well as the costs and fees involved in this process. The license is valid for 5 years from the approval date and renewable by filing a request. The Prakas also provides rules concerning capital deposit and reporting obligations. It also contains provisions regarding the shareholding structure and governance of financial leasing companies as well as sanctions for non-compliance, which include from restrictions on operation and fines. The Prakas provides for a six-month grace period for any person or company engaged in the financial lease business without a license to apply for a license from the NBC.

Prakas No. B.7.011.243 (NBC) dated December 27, 2011 on Transparency in Credit Services of Bank and Financial Institutions. (L/R/Bank/Khm&Eng/2012) (Royal Gazette, Year 12, No. 10, dated February 08, 2012).

On December 27, 2011, the National Bank of Cambodia (NBC) Governor issued a Prakas on transparency in credit services of banks and financial institutions. Its aim is to make sure that advertising and terms used for advertisements by the banks and financial institutions are fair, clear and not misleading, and that customers are given clear information about products and services before, during and after receiving credit services. It also guarantees that customers shall be informed in advance about changes to the interest rates, charges or terms and conditions. Finally, customer information shall be treated as private and confidential. Banks and financial institutions shall provide secure and reliable core banking and payment systems.

Quality Standard

Prakas No. 068 (MIME) dated January 24, 2012 on Adjustment of the Products Registration Procedure. (L/R/Ind-Min&Eng/Khm/2012) (Royal Gazette, Year 12, dated No. 09, dated February 04, 2012).

This Prakas applies to factories and handicrafts. In addition to the obligation to apply for an establishment and operation license, this Prakas stipulates a new obligation to register factory and

handicraft products for a registration listing number, which must be listed on every product. The registration listing number is valid for a period of 3 years, consistent with the validity period of the operation license. The registration listing number can be applied for in the capital or provinces at Industry, Mine and Energy bureaus, at the one-stop service office of the capital or provinces, or at the one-stop service office of the General Department of Industry.

Tourism

Instructive Circular No. 01 (RGC) dated February 03, 2012 on Development of the Beach Areas of the Kingdom of Cambodia. (L/R/Tour/Khm/2012) (Royal Gazette, Year 12, No. 11, dated February 12, 2012).

This Instructive Circular defines certain Cambodian Beach Areas as Public Use Areas, and classifies it as State Public Land. However, it also provides rules for use of beach areas for purpose of development and living. All development projects (including the beach areas and islands) must respect the master plan concerning the use of land, which was issued by the Ministry of Management of Land and Urban Planning (MMLUP) as well as international rules concerning environmentally-protected land. If the master plan of the Ministry of Management of Land, Urban Planning is not applicable to plots that otherwise fall under this law, the local authorities shall apply for a land use plan from the MMLUP and other relevant Ministries before commencing any development projects.

This Instructive Circular is not retroactive and is not related to the International Convention on Maritime Law (1982).