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A No 64, St 111
PO Box 172
Phnom Penh
Cambodia

T +855 23 217 510
+855 23 967 450

F +855 23 212 840

E cambodia@bnglegal.com

W www.bnglegal.com

ADMINISTRATION & PUBLIC SECTORS

Sub Decree No. 197 (RGC) dated 4 June 2014 on Statute of Royal School of Administration

The Sub Decree has purposes to (1) organize statute for the process of trainings in Royal School of Administration (RSA); (2) organize functions, duties, and structure of RSA to ensure efficiency and quality of performance.

The Royal School of Administration has primary missions and functions as follows:

- Prepare policy, condition, and procedure for competitive examination to select students and government officials to obtain training as high ranking civil servant student, and middle ranking civil servant student;
- Prepare policy, condition, and procedure for competitive examination to select civil servants currently work in ministries and public institutions to obtain continuing education;
- Prepare policy, condition, and procedure for competitive examination to select students and government officials to obtain specialist training to support public sector;
- Open preparation class for competitive examination in RSA based on training program of RSA;
- Bilateral and multilateral cooperation in regional and international in public administration, economic and diplomatic sector.

The School Council has main duties as follows:

- Review and approve internal regulation of the RSA;
- Issue decision relevant to process of RSA;
- Review and approve on training program, preparation for competitive examination, and composition of juries;
- Approve on strategy, action plan, and annual budget plan for RSA;
- Approve on commercial activities of RSA.

The Director of RSA has main duties as follows:

- Manage daily work of RSA;
- Organize meeting of the School Council;
- Implement the decision of the School Council;
- Prepare strategic plan for development of RSA for the School Council review;
- Submit annual report relevant to trainings, finance, and development plans to School Council.

Prakas No. 128/14 (MRD) dated 30 April 2014 on Function, Duty, and Organization Structure of Department of Rural Development in Capital and Provinces and Function and Duty of Subordinate Offices

The Department of Rural Development is a unit under Ministry of Rural Development (the "Ministry") for horizontal line and under Municipal and Provincial Hall for vertical line has main duties as follows:

- Implement effectively and responsibly the principle, policy, decision, and strategy of government as well as Prakas, decision, circulation, and regulations issued by the Ministry;
- Research, collect, and manage data relevant to economic situation, social affair and culture in its capital and provinces;
- Propose rural development for short, medium, and long term for the Ministry, capital and provincial authorities to review and approve in rural development of the Ministry;

The Department of Rural Development has subordinate offices such as Office of Administration and General Affairs, Office of Accounting and Finance, Office of Planning and Statistic, Office of

ABOUT US

BNG Legal is a leading law firm with offices in Phnom Penh and Yangon providing comprehensive legal services to foreign and local clients.

We differentiate ourselves by coupling a deep understanding of the local business environment with international professionalism and integrity.

We facilitate business, investment and trade between Cambodia, Myanmar and the rest of the world through innovative and cost-effective legal services.

Superior knowledge of local protocol, local procedure, and local people is necessary for any business to succeed in Cambodia, Myanmar and throughout Southeast Asia.

Conducting daily business in Cambodia and Myanmar, BNG Legal is up-to-date with the latest procedures and requirements, helping clients efficiently and successfully complete any project.

CAMBODIAN LAW BLOG

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BNG Legal believes expanding access to legal information is crucial to rule of law. To that end, several of our legal professionals write a blog discussing recent developments in the legal landscape.

LEGAL DATABASE

The laws and regulations in our database are based upon the Official Gazettes, law compendiums and other collections from the ministries and institutions of the Royal Government of Cambodia. These are available to the public through our partner site, www.bnglaw.net.

Training and Research, Office of Minority Development, Office of Rural Water Supply, Office of Rural Healthcare, Office of Community Development, Office of Rural Economic Development, Office of Rural Road, and Office of Rural, City, District, and Khan Development.

Prakas No.318 (MEF) dated March 20, 2014 on the Organization and Functioning of Department and Unit under the supervision of General Department of Economic Policy and Public Finance of the Ministry of Economy and Finance

This Prakas has an aim to determine the Organization and Functioning of the Departments and Units under the supervision of General Department of Economic Policy and Public Finance of the Ministry of Economy and Finance.

Under this Prakas, the General Department of Economic Policy and Public Finance plays its role in the name of the Ministry of Economy and Finance and has its mission as follows:

- Organize and observe application of the policies and strategies relevant to economic and financial sectors;
- Observe and evaluate economic tendency at national level, regional level, international level regarding the core sectors, main macro-economic and financial indicators;
- Participate in any tasks relevant to the organization of oversea business and financial policies and the cooperation pertaining financial sectors in the region and around the world.

Further, the General Department of Economic Policy and Public Finance has its structures as follows:

- Department of Macro-economy and Taxation Policy;
- Department of Statistics;
- Department of Economic Integrity and ASEAN; and
- Secretariat.

This Prakas applies to every Department and Unit under the supervision of General Department of Economic Policy and Public Finance.

AGRICULTURE

Sub Decree No. 179 (RGC) dated 12 May 2014 on Establishing Department of Agricultural Community Development under General Department of Agriculture of Ministry of Agriculture, Forestry, and Fishery

The Sub Decree establishes Department of Agricultural Community Development under General Department of Agriculture of Ministry of Agriculture, Forestry, and Fishery.

The Department of Agricultural Development Community has main duties as follows:

- Prepare policy, planning, and development project for Community Agriculture (CA), Union of Community Agriculture (UCA), Alliance of Community Agriculture in Cambodia (ACAC), agricultural production farm for the purpose to increase agricultural productivity and production, increase efficiency of agricultural techniques, and increase influence to negotiate in market;
- Create program to educate and raise awareness about development of CA, UCA, and ACAC;
- Coordinate among CA, UCA, and ACAC;
- Study and evaluate the economic situation of CA, UCA to meet market requirements and provide agricultural market information to CA and UCA;
- Participate in study, evaluate, and resolve complaints and disputes of CA, UCA, and ACAC;
- Prepare internal audit objective for CA, UCA, and ACAC.

CIVIL & PROCEDURES

Sub-Decree No. 198 (RGC) dated June 04, 2014 on the Revision of Article 4 of Sub-Decree No.132 Dated 23 June 2011 on the issuance of duplicate of Cambodian Identification Card (ID)

This Sub-Decree revised the content of Article 4 of Sub-Decree No.132 Dated 23 June 2011 on the issuance of duplicate of Cambodian Identification Card as below:

Invalid Cambodian ID cards that have not been applied to get the duplicate of Cambodian ID cards are subject to maintain its validity until 31st December 2018.

ENVIRONMENT

Prakas No. 215 (MOE) dated May 19, 2014 on Registration of Advisory Company for Study and Preparation of Social and Environmental Impact Assessment (EIA) Report.

This Prakas has the purposes to fix the condition and criteria of Advisory Company for study and preparation of Social and Environmental Impact Assessment (EIA) with the quality, effectiveness and transparency in responding to sustainable development goals.

The Advisory Company must register to be acceptance by Ministry of Environment. This Advisory Company, that is not registered, cannot conduct any study and preparation of Social and Environmental Impact Assessment (EIA).

The Advisory Company needs to complete some conditions to get the registration as provided in the article 3, 4 and 8 of this Prakas No. 215

The Ministry of Environment issues the acceptance license to the Advisory Company, which has completed the condition and criteria, with the validity for 5 years. If the Advisory Company, which intend to continue the services of Social and Environmental Impact Assessment (EIA) must send the request form to renew to the Ministry of Environment at least 3 months before the expiration date of the validity of this License.

The details of the roles, responsibilities, suspension and nullity of this Advisory Company can be found in this Prakas No. 215 dated 19 May 2014.

FINANCE

Prakas No. 571 (MEF) dated May 21, 2014 on Payment on Tax Liability by Installment

General Director of General Department of Taxation (GDT) is authorized to approve on the requesting of Tax Liability payment by installment on the amount equal or less than 4,000,000,000 Riel (1,000,000 USD). If the liability is more than 4,000,000,000Riel, GDT has to request the approval from Minister of Economy and Finance.

Installment Procedure:

- Maximum payment period is 3 years.
- If the installment within 1 year, there is no interest charge.
- If the installment more than 1 year, no interest charge for first year, on second year the market interest rate will be used for the interest charge calculation, and on third year the interest rate of 2% per month will be used for the interest charge calculation.

To define the tax payer who had tax liability can make payment by installment, GDT must:

1. Analyze the ability of Tax Payer whether can make one off payment or not.
2. Review the historical practice of law and regulation related to taxation of Tax Payer.
3. Review the financial situation of Tax Payer.

After received the requesting letter, GDT must:

1. Review the proposal.
2. Inspect the Business location or accommodation of requester.

INTELLECTUAL PROPERTIES

Instruction No. 153 (MOC) dated May 26, 2014 on the Applications for Registration of a Mark, trade name, Request for change of Mark owner and Endorsement of Affidavit of use or non-use of Mark

Where the applicant's address is inside the Kingdom of Cambodia, the applicant can submit the applications for registration of a mark, trade name, recordal of change of applicant address and endorsement of affidavit of use or non-use directly to the Department of Intellectual Property of the Ministry of Commerce.

However, where the applicant's permanent residence or principle place of business is outside the Kingdom of Cambodia, the applicant must appoint a lawful trademark agent residing and practicing in the Kingdom of Cambodia to submit the applications for registration of a mark, trade name, recordal of change of applicant address and endorsement of affidavit of use or non-use on your behalf.

INVESTMENT

Joint Prakas No. 177 (MAFF) dated May 09, 2014 on Implementation of Management of the Economic Land Concession of the Minister of Environment and the Minister of Agriculture, Forestry and Fisheries.

The purpose of this Joint Prakas is to implement all the provisions and technical related to the management of the economic land concession in the Kingdom of Cambodia to make all the plans in guarantee of sustainable development, transparency, accountability and effectiveness.

All the development of the investment company must respect the policy of "Principle of Tiger Skin Formula" in guarantee of not against: land using or taking profit by people, community forest, and land protected.

All the companies that received the permission in principal from Royal Government of Cambodia must do all the procedures as requested and send to Ministry of Agriculture, Forestry and Fisheries.

All economic land concession or long term lease must register the state land and reclassification of private land of the state.

Ministry of Agriculture, Forestry and Fisheries or ministry of environment, who will advise to all investment companies that did not complete their obligations mentioning in the contract or technic principal and other laws, will send the request to the government to nullify all the development of investment plans.

The forest administration of Ministry of Agriculture, Forestry and Fisheries, and general department of defense administration, and natural conservation must follow up, control and cooperate with relevant units to implement this joint prakas with the transparency and high effectiveness.

LABOR & SOCIAL AFFAIRS

Circular No. 04 (RGC) dated June 05, 2014 on Determination of procedure to provide social security benefit to right holders and veterans and family of veterans.

To ensure the effectiveness of providing social security benefit to right holders such as former civil servants and those who have lost their profession, the Royal Government of Cambodia issued a Circular No. 04 on June 05, 2014 instructing the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Ministry of Economy and Finance as follows:

1. Provide a table detailing the amount of money for social security benefit to right holders and veterans and family of veterans;
2. Transfer right to sign on payment mandate;
3. Control and forward monthly social payment mandate to relevant entities;
4. Manage and prepare to pay for the right holders and veterans and family of veterans on time regarding their social security benefit;

The assigned authorities responsible for monthly social security payment must have accountability and responsibility to the Royal Government.

The detailed procedure for this payment is to be consulted with Circular No. 04 dated 05 June 2014.

Prakas No 037/14 (MLVT) dated February 21, 2014 on Establishment of Single Labour Inspector Team

The purpose of this Prakas is to establish a Single Labour Inspector Team which shall be under the supervision of the Ministry of Labour and Vocational Training in order to carry out their roles and duties at enterprise/establishment in the Kingdom of Cambodia.

The Single Labour Inspector Team composes of:

- Officer of Labour Inspection Department
- Officer of Occupational Health Department
- Officer of Department of Occupation and Manual Work
- Officer of Labour Dispute Department
- Officer of Child Labour Department
- Officer of National Social Security Fund
- Officer of Department of Job Market Information
- Officer of Committee for Resolution of Strike and Demonstration.

The Single Labour Inspection Team shall have their main roles and duties are inspect the implementation of the law and regulations related to the Labour Law including the international conventions, general conditions, security, livelihood conditions, working conditions, protection, formalities of the enterprise/establishment, payroll, child labor, social security, etc.

LAND & PROPERTIES

Sub-Decree No. 180 (RGC) dated May 16, 2014 on Establishment of General Department of Domicile subordinated to the Ministry of Land Management, Urban Planning and Construction.

Base on this Sub-Decree, the General Department of Domicile has the role as an assistant of the Ministry of Land Management, Urban Planning and Construction on education of the situation about the need and house supply, preparation of strategy, policy and legal regulation, and cooperate with the Ministry, relevant Institutes, International organization, development partner, social civil, private domain, humanitarian, and collect all funding for the habitat working and prepare all funds and house loan.

The General Department of Domicile compose a General and some deputy Generals to work as an assistant as needed.

The General Department of Domicile has 3 subordinate departments:

1. Provision department, planning and relationship on cooperation of habitat working
2. Technical department and habitat development
3. Funding department and house loan

Roles and tasks of General Department of Domicile and subordinate departments are determined by another Sub-Degree.

All the provisions, which are contrary of this Sub-Degree, are abrogated.

PUBLIC SERVICE FEES

Prakas No 616 (MEF) dated June 04, 2014 on the Determination of Principal, Mechanism, Procedure and Control of Incentive by using incentive funds of entity under the supervision of the Ministry of Economy and Finance

The fundamental purposes of this Prakas are as follows:

- To strengthen and improve the productivity, quality, effectiveness and efficiency of accomplished work of officials who are under supervision of the Ministry of Economy and Finance;

- to provide incentives to leadership, officials, staffs/employees and unit based on the accomplished work and in compliance with the principal of meritocracy with equity, brotherliness, transparency and accountability;
- assure the harmonization of the principal, mechanism, procedure and control of incentives for leadership, officials, staffs and entities by using incentive funds of the Ministry of Economy and Finance
- To assist the implementation of politic policies of the Ministry of Economy and Finance with effectiveness and efficiency.

Within this Prakas, the incentives are divided into 4 categories; living allowance, function/position allowance, allowance on accomplished work and fund for the development of institutions.

This Prakas is effective from the date of signature.

TRANSPORTATION

Decision No.94 dated 06 May, 2014 on Establishing Committee to incorporate new road network into the map of road geography and printing the map of road geography.

This Committee has duties as follows:

- Prepare to update road numbers that have not been put in the map of road geography;
- Observe and Evaluate all request to include new road for putting in the map of road geography;
- Request for decision of government to print the new map of road geography to be used officially in the Kingdome of Cambodia;
- Report result of work to chief of government through Council of Ministers.

This Committee is entitled to use the stamp of Ministry of Public Work and Transport.

TAXATION

Prakas No 521 (MEF) dated April 22, 2014 on the implementation of Sub-Decree No 150 dated March 26, 2014 on the Amendment of the Specific Tax Rate on Some Goods

In compliance with the Sub Decree No 150 dated March 26, 2014, the Specific Tax rate for tobacco and alcohol products, which are imported and locally produced have been amended and determined as follows:

- 20% on alcohol products of 43 lines of tariff cod of the applicable Customs Tariff of Cambodia
- 15% on cigarette products of 03 lines of tariff code of the applicable Customs Tariff of Cambodia.

The basic calculation of Specific Tax rate on imported and domestic goods shall be determined in accordance with the laws and regulation in force. Any provision contrary to this Prakas shall be abrogated.

Prakas No. 623 (MEF) dated June 06, 2014 on Measure and Procedure for determining the uncollectible debt

If below conditions are met, any tax liability is classed as uncollectible debt:

1. Tax liability age is more than three year from date issued by tax department
2. Tax payer has no asset to pay the liability
3. Tax payer has met at least one of below condition:
 - a. Dead
 - b. Handicap, old or present in jail that cannot work and cannot earn income
 - c. Disappear was issued by court
 - d. Bankrupt was issued by court
 - e. Income could not offset with basic expenses

The uncollectible debt does not mean that the debt will be written off. It means that any additional tax, interest and other penalty is void from the uncollectible debt was effective.

The uncollectible debt is recorded in the separate account and follows up by the tax department. If the tax payer is solvable and the debt is in the period that can be collected, the tax department can collect this debt any time.

To evaluate the uncollectible debt, a committee has been established and have member as below:

1. Deputy General Director of General Department of Taxation
2. Director of Tax Payer and Tax Liability Department
3. Director of Large Enterprise Tax Payer Department
4. Director of Tax Branch
5. Chief of Tax Liability of Tax Payer and Tax Liability Department

Duty of Uncollectible Debt Committee as below

1. Review on tax liability of tax payer base on the condition of uncollectible debt.
2. Inspect on tax payer office or accommodation.
3. Report and request to General Director for decision making.

General Director of GDT is authorized to approve uncollectible debt base on the request from the committee if tax liability is less than or equal to 500,000,000 Riel (USD 125,000). If the liability is more than 500,000,000 Riel, Minister of Ministry of Economy and Finance is authorized to approve base on the request from General Director of GDT.

Prakas No. 193 date February 19, 2009 and other provision against this prakas is abrogated.

Prakas No. 548 (MEF) dated May 07, 2014 on the Collection of Tax on Means of Transportation for 2014.

This Prakas aims to inform that the Tax on Means of Transportation for 2014 will be collected from 19 May, 2014 until 31 December, 2014.

The Tax on Means of Transportation for 2014 can be paid at Department of Large Taxpayer or, Provincial-Khan Tax Branch or any CANADIA Bank PLC's Branch or, ACLEDA Bank PLC by filing two copies of Tax on Means of Transportation Return Form.

The requirement documents for submitting the Tax on Means of Transportation Return Form for 2014 are as follow:

- Tax on Means of Transportation Return Form
- Attach a copy of a vehicle registration card or an import tax receipt for a temporary number plate of a vehicle.
- Attach a copy of an ID card, a passport or a birth certificate of a vehicle-owner.
- Attach a copy of a certificate of a vehicle technical inspection.

However, there are no requirement documents or filling form for the Motorcycle and Three-wheeled Motorcycle.

In order to facilitate for the tax payment on Means of Transportation for the upcoming year, the vehicle's owner can request an Identity Card for the tax payment on Means of Transportation by following the instruction mention in the Tax on Means of Transportation Return Form for 2014 and pay 5000 riels as the fee for the tax payment ID card.

The collection of Tax on Means of Transportation shall not apply to three (3) types of vehicle as following:

- Ambulance or fire brigade truck of State
- Transportation and Vehicle of Royal Armed Force entity, of Military Force, of National Police
- Transportation and Vehicle of Ambassador, of Foreign Consul, of International Organization or of Technical Cooperation Agency of any government

Those three types of vehicle must make a request to General Department of Taxation in order to obtain the tax-exemption.

All transportations and vehicles are classified into difference categories. Then, the Tax on Means of Transportation will be paid according to those each category. There are four (4) annexes attached in this Prakas:

- Annex I relating to image and appearance of vehicle tax stamp
- Annex II, III and IV relating to the Tax on Means of Transportation fee which will be paid for each categories of vehicle.

From the date of 1st January, 2015, the Tax Entity will control and sanction to all the transportations or vehicles which are not pay the Tax on Means of Transportation for 2014.

This Prakas is effective from the date of signature.

The Notice No. 1179 (MEF) dated 16 May, 2014 on the Execution of the Collection of Tax on Means of Transportation for 2014.

This Notice aims to inform the owner of vehicles about the collection of Tax on Means of Transportation for 2014 which will be executed from 19 May, 2014 until 31 December, 2014.

The transportation and vehicle's owner can submit the Tax on Means of Transportation Return Form and pay the tax at:

- Department of Large Taxpayer or,
- Provincial-Khan Tax Branch or,
- Any CANADIA Bank PLC's Branch or,
- ACLEDA Bank PLC.

All transportations and vehicles which are subject to the tax payment are classified into difference categories. The important requirement documents, for each category, are as follow:

- Two copies of Tax on Means of Transportation Return Form
- Attach a copy of a vehicle registration card or an import tax receipt for a temporary number plate of a vehicle.
- Attach a copy of an ID card, a passport or a birth certificate of a vehicle-owner.

In order to facilitate for the tax payment on Means of Transportation for the upcoming year, the vehicle's owner can request an Identity Card for the tax payment on Means of Transportation by following the instruction mention in the Tax on Means of Transportation Return Form for 2014 and pay 5000 riels for the fee of the tax payment ID card.

Moreover, the collection of Tax on Means of Transportation shall not apply to three (3) types of vehicle as following:

- Ambulance or fire brigade truck of State
- Transportation and Vehicle of Royal Armed Force entity, of Military Force, of National Police
- Transportation and Vehicle of Ambassador, of Foreign Consul, of International Organization or of Technical Cooperation Agency of any government

However, the three types of vehicle must make a request to General Department of Taxation in order to obtain this tax-exemption.

In case that the vehicle's owner will not pay for the Tax on Means of Transportation for 2014, the punishment must be applied.

From the date of 1st January, 2015, the Tax Entity will control and sanction to all the transportations or vehicles which are not pay the Tax on Means of Transportation for 2014.

TELECOM/POST/IT

Sub-degree No. 39 (RGC) dated 28 January, 2014 on the Organization and the Functioning of Ministry of Posts and Telecommunications.

All the entities of the Ministry of Posts and Telecommunications are under the scoop of this sub-degree. Then, the main objective of this sub-degree aims to:

- Organize missions and structure of Ministry of Posts and Telecommunications.
- Organize duties of Ministry of Posts and Telecommunications organs
- Assure the quality and the effectiveness on the work performance in field of posts and telecommunications.

The missions of the so-called ministry focus mainly on:

- Manage, execute and follow up the execution on regulatory standards, policy and national strategy plan for posts and telecommunications field development, for technology communication and also press.
- Manage the policy on issuing license and the universal service use policy (USO) in the field of posts and telecommunications

- Represent the Cambodian government in any international cooperation on posts and telecommunications and press.

In brief, Ministry of Posts and Telecommunications has its missions in leading and management on posts and telecommunications field including communications technology and press in the Kingdom of Cambodia.

Then, the structure of the Ministry of Posts and Telecommunications has been devised in three classes which are central entity, autonomous entity and local entity.

The central entity composes by Cabinet of Minister, General Department of Administration, General Department of Post and Telecommunication, General Department of Communication Technology and Press, General Inspectorate, National Institution of Posts, Telecommunications, Communication Technology and Press, Department of Audition.

Then, the autonomous entity composes by the regulator of Telecommunications and Public Establishment which combines by Telecommunication and Posts.

The local entity composes by Provincial Department of Posts and Telecommunications.

The duties of each department have been determined in this Sub Decree.

This Sub Decree is effective from the date of signature.

TOURISM

Sub-Decree No. 191 (RGC) dated 29, May 2014 on The Management of Entertainment-Tourism Center for Adult

The Sub-Decree basically aims:

- To manage the entertainment tourism center for adult in order to enhance the efficiency and quality of tourism services
- To prevent the negative impact in tourism sector, to maintain public order including environment, culture, tradition and dignity of the State.

Within this Sub-Decree, the entertainment tourism center for adult is divided into 4 categories; Dance-hall (club), discotheque, karaoke and beer-garden. The determination of the business activities location must comply with the following conditions:

- Located at least 200m from the surrounding area of Ministries, institutions, public establishment, embassy, hospital, school, religious area, temple site and other cultural site.
- No provoking any disturbance to Ministry, institution, public establishment, embassy, hospital, school, religious site and the living of citizen.
- Assuring wellness of security, safety, public order, sanitation, and environment.

The Ministry of Tourism is the competent institution to lead, manage, control and examine the issuance of license. The requirement and criteria for entertainment tourism center for adult's license shall be determined by Sub-Decree issued by the Minister of the Ministry of Tourism.

This Sub-Decree is effective as of the date of the signature.