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ADMINISTRATION & PUBLIC SECTOR

Decision No. 115 dated 4 July 2014 on Creation of the Coordinating Working Group attached to the National Committee for Disaster Management, for Preparation of Disaster Response and Restoration.

This Working Group is composed of 1 President, 3 Vice-Presidents, and 34 Members. It has main duties to:

- Facilitate on leading and cooperation with Government's Ministries and Institutions, Cambodian Red Cross, United Nation Coordinator, Development Partners, National and International Organization, to prepare measures for responding and restoration on disaster;
- Collect equipment, facilities, human resources, and finance, and obtain voluntary contribution funds or voluntary donation from national and international organizations, and individual in country and abroad for responding to emergency and restoration on disaster;
- Disseminate disaster situation and obtain information from National Committee for Disaster Management and government's ministries and institutions for compiling measures in respond to disaster;
- Have annual meeting to evaluate and estimate impacts, damages, and monitor emergency response and restoration for reporting to Council of Ministers and head of Royal Government.

CIVIL AVIATION

Sub-Decree No. 212 on "Management of Civil Aviation Security of the Kingdom of Cambodia" dated July 15, 2014

Under this Sub-Decree, National Commission of Civil Aviation Security was established to govern any task pertaining civil aviation security in the Kingdom of Cambodia. The National Committee of Civil Aviation Security is composed of 1 president, 8 vice-presidents and 14 members. The president of this committee is the Minister in charge of the Office of the Council of Ministers and the stand-by Vice-president is the Secretary of State of Secretariat of Civil Aviation.

Further, the National Committee of Civil Aviation Security has its structure as below:

- Secretariat of National Committee of Civil Aviation Security;
- Sheriffs' International Airport and Sheriffs' Local Airport;
- Coordinating Institution of the National Committee of Civil Aviation Security;
- Commission of International Airport Security; and
- Commission of Local Airport Security.

The National Committee of Civil Aviation Security has its Role and responsibilities in examining and making decision on National Curriculum for Civil Aviation Security, for Civil Aviation Security Training, and for coordinating of transportation via airline. This Committee also has its role to share and assign competent authorities under its supervision or relevant entities to perform their duties in conformity of the National Curriculum for Civil Aviation, national policies, treaties, protocols, Memorandum of Understanding ("MOU"), and International convention on Civil Aviation Security as well as other legal norms in question.

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

cambodianlaw.wordpress.com

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.

CUSTOM & IMPORT-EXPORT

Royal Decree No NS/RKM/0614/013 dated June 14, 2014 on the Promulgation of the Law on Approval of the ASEAN Agreement on Customs promulgated on June 14, 2014

The ASEAN Agreement on Customs has primary objectives to:

- Promote strategic partnership between the customs authorities of Member States;
- Simplify, harmonize and modernize customs procedures, formalities and practices of customs control;
- Facilitate international transactions and movement of goods and means of transport;
- Expedite clearance and release of goods and means of transport;
- Ensure predictability, consistency and transparency in the application of customs laws;

The Agreement is applicable to goods being imported into, exported from, in transit through, or trans-shipped through territories of Member States. It set out customs procedures and formalities such as customs control, examination of goods, goods declarations, lodging and registering of the goods declaration, customs clearance, customs valuation, customs duties and taxes, securities, repayment and drawback, risk management, and post clearance audit.

Further, it requires Member States to use Information and Communication Technology (ICT) in customs operations to enhance customs controls and to facilitate trade. In addition, the custom authorities of Member States shall cooperate with each other and relevant agencies to protect ASEAN Community through combating customs fraud, offenses and any transnational crime such as illicit drugs trafficking, intellectual property rights (IPR) infringement, and money laundering. The Agreement also requires Member States to ensure the right to review on the decision of its customs authorities through administrative review and appeal to judicial review.

Prakas No. 626 (MoEF) dated 12 June 2014 on the Establishment and Putting in Functions on Customs and Excise Branch in Tbong Khmum Province

The Customs and Excise Branch in Ponhea Kraek District of Tbong Khmum Province is a local unit of General Department of Customs and Excise of Cambodia (GDCE).

The Customs and Excise Branch in Tbong Khmum Province has main functions and duties as follows:

- Manage all customs and excise units including customs and excise office, and customs checkpoints under its control;
- Manage, organize, and disseminate by all means to vendors and relevant people to understand legitimacy of imported-exported goods and responsibilities when found to avoid tax obligations directly or indirectly, movement, distribute, and store imported-exported goods illegally;
- Investigate, prevent and suppress all customs offenses in Tbong Khmum province on imported-exported goods by tax evasion that being distribute, store, and use.

FINANCE

Prakas No. 649 dated 29 June 2014 on Establishment of the Commission for Reform of Public Finance Management of MoEF

The commission is chaired by Minister of MoEF and there are 8 members from MoEF. The monthly meeting is conducted at least once per month (if necessary the meeting can be several time per month). The commission can use MoEF stamp.

The commission has duties as below:

- Being a focal point of MoEF in preparing and follow up on the reform action plan of MoEF
- Reviewing and approving the action plan of MoEF on reform of public finance management of MoEF
- Leading and following up on reform plan by assuring the consistency of hierarchy and efficiency in the reform process
- Coordinating the reform activities of MoEF with other reform of government
- Being a focal point of MoEF in seeking fund with other development partners

GAMBLING

Decision No. 116 dated 10 June 2014 on the Modification of Composition of the Joint-Committee for Suppression of Casino, Lottery, Football Betting, Online Gambling and Other Illegal Gambling prohibited by Laws

The joint-committee for suppression of casino, lottery, football betting, online gambling and other illegal gambling has the following roles and duties to:

- Cooperate and protect the rights of companies who are authorized by the Government and licensed by the Ministry of Economy and Finance to operate casino, lottery and other type of gambling
- Take measure to suppress and to eliminate all casino, lottery, football betting, online gambling and other gambling which are not authorized by the Government and licensed by the Ministry of Economy and Finance
- Take measure to suppress all business related to pawn brokerage and business accepting collateral by transfer who is operating without a license from the Ministry of Economy and Finance.

Within this Decision, the Joint-committee is composed of 9 members from the Ministry of Economy and Finance, the Ministry of Interior and the General Commissariat of National Police.

HEALTH

Sub-Decree No. 200 on the Establishment of Department of Mental Health and Drug Abuse, dated June 12, 2014

The Department of Mental Health and Drug Abuse is established under the Directorate General for Health of the Ministry of Health. The Department of Mental Health and Drug Abuse has the following roles and duties:

- Being an executive unit of the Ministry of Health in relation to mental health matter and drug abuse
- To prepare/plan and implement policies, strategies, guideline/instruction on mental health and other relevant laws-regulations related to mental health and drug abuse
- To administer data of mental health and drug abuse
- To inspect, control and evaluate on progress and accomplished works from their activities implementation in order to strengthen and improve the mental health and drug abuse services
- To conduct research on mental health and other related issue in order to achieve highly developed strategy for training, care treatment, protection, education, encouragement and rehabilitation
- To cooperate and coordinate with competent authorities, Ministries, relevant institutions, development partners, national and international associations and with other countries in the region and around the world
- To training all level of human resources mental health and drug abuse skills in cooperation with relevant department, training institutions of the Ministry of Health and other relevant public and private institutions
- To organize any events that relevant to mental health and drug abuse locally or internationally.

The Department of Mental Health and Drug Abuse shall be directed by one President and, if necessary, one Vice President.

IMMIGRATION & NATURALIZATION

Sub-decree No. 205 ANK.BK dated 20 June, 2014 on Issuing Normal Passport to Cambodian Worker and Student.

According to the Sub-decree, Cambodian worker who is going to work legally in a foreign country and Cambodian scholar who is going to study abroad have right to acquire a normal passport for which the duty is in charge of Cambodian Government.

The student must also attach the clarification letter certified by the Ministry of Education Youth and Sport along with his/her request. The passport will be issued within 20 (twenty) days from the date of receiving the request.

The Sub-decree No. 568 RNK.BK dated 23 December, 2013 on Issuing normal passport to Cambodian worker and student and other Regulations which contrast to the current provisions of this Sub-decree will be abrogated.

This Sub-decree is effective from the date of signature.

INTERNATIONAL AGREEMENTS

Royal Kram No NS/RKM/0614/010 dated June 14, 2014 on Law on Ratification on Protocol to the ASEAN Charter on Dispute Settlement Mechanisms

Following ratification by the National Assembly on May 20, 2014 and by the Senate on May 29, 2014, the law on the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms was promulgated on June 14, 2014.

This protocol aims to transform ASEAN into a rules-based organization with practical efficient and credible mechanisms in place to resolve disputes in an effective and timely manner. In accordance with Article 25 of the ASEAN Charter repeated in this protocol, where not otherwise specifically provided, appropriate dispute settlement mechanisms shall be established for disputes which concern the interpretation or application of the ASEAN Charter and other ASEAN instruments.

Under this protocol, the parties to the dispute are encouraged at every stage of a dispute to make every effort to reach a mutually agreed solution to the dispute. Where a mutually agreed solution is reached, it shall be notified to the Secretary-General of ASEAN and other Member States.

Further, it should be noted that a complaining party to the dispute may firstly request consultation with a responding party with respect to any dispute concerning the interpretation or application of the ASEAN Charter or other ASEAN instruments. The parties to the dispute may at any time agree to good offices, mediation or conciliation and the proceedings may begin and be terminated at any time. The parties to the dispute may request the Chairman ex-officio capacity, to provide good offices, mediation or conciliation of which the procedures directed by the ASEAN Coordinating Council to the Parties to the dispute.

Where the parties to the dispute reach an amicable settlement of the dispute, they shall draw up and sign a written settlement agreement. By signing the settlement agreement, the parties to the dispute put an end to the dispute and are bound by the agreement.

However, if the disputes cannot be resolved by mediation, the parties to the dispute may agree to Arbitration upon their mutual consent or otherwise based on a direction of the ASEAN Coordinating Council. The Chair of the arbitral tribunal shall not be a national of any party to the dispute, and shall preferably be a national of a Member State.

Finally, the arbitral tribunal shall apply the provisions of ASEAN Charter and other ASEAN instruments as well as applicable rules of public international law. The award of the arbitral tribunal shall be final and binding only on the parties to the dispute and not to add or diminish the rights and obligations in the ASEAN Charter or any other relevant ASEAN instrument.

Royal Kram No NS/RKM/0614/011 dated June 14, 2014 on the Promulgation of the Law on the Approval of the Agreement on the Privileges and Immunities of Association of South-East Asian Nations (ASEAN).

The ASEAN Charter signed in November 20, 2007 confers ASEAN, as an inter-government organization, legal personality. The ASEAN Charter accords also privileges and immunities to ASEAN in the territories of its member States as are necessary for the fulfillment of its purposes; the Secretary-General of ASEAN and staff of the ASEAN Secretariat as are necessary for the independent exercise of their functions; and the Permanent Representatives of the Member States to ASEAN, officials of the Member States and officials on ASEAN duties as are necessary for the exercise of their functions, respectively.

Based on the above mentioned provisions of the ASEAN Charter, the Agreement on the Privileges and Immunities of ASEAN (signed on October 25, 2009) defines the major privileges and immunities provided to:

1. The ASEAN, its property and assets; non violations of ASEAN premises; exemptions of tax and customs etc.

2. Secretary-General of ASEAN and Staff of the ASEAN Secretariat: immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity; exemption from taxation on the salaries and emoluments paid to them by ASEAN etc.
3. Experts on missions for ASEAN
4. Permanent mission
5. Permanent representatives and officials on ASEAN duties
6. Staffs of the permanent mission
7. Officials of the member States

By the Royal Kram No NS/RKM/0614/011 dated June 14, 2014, Cambodia then officially promulgates the Law on the Approval of the Agreement on the Privileges and Immunities of Association of South-East Asian Nations (ASEAN). The Royal Kram instructs the Royal Government of Cambodia to continue all relevant procedures to implement this agreement.

Royal Kram No NS/RKM/0614/014 dated June 14, 2014 on the Promulgation of the Law on the Approval for Cambodia to be Signatory Party of the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedure.

The International Convention on the Simplification and Harmonization of Customs procedure done at Kyoto on May 18th, 1973 and entered into force on September 25, 1974, was established under the auspices of Customs Co-operation Council. This International Convention aims to:

- Eliminating divergence between the Customs procedures and practices of the contracting parties that can hamper international trade and other international exchange;
- Meeting the needs of international trade and Customs for facilitation, simplification, and harmonization of customs procedure and practices;
- Ensuring appropriate standards of customs control; and
- Enabling the customs to respond to major changes in business and administrative methods and techniques.

The Protocol of Amendment to the International Convention on the Simplification and Harmonization of customs procedure (done at Brussels on June 26, 1999) is made in order to enable the achievement of a high degree of simplification and harmonization of customs procedures and practices which is an essential aim of the Customs Co-operation Council, and thus, make a major contribution to facilitation of international trade.

By the Royal Kram No NS/RKM/0614/014 dated June 14, 2014, the Head of State of Cambodia hereby promulgates the Law on the Approval for Cambodia to be signatory party of this Amendment Protocol. The Royal Kram instructs the Royal Government of Cambodia to continue all relevant procedures to implement this Amendment Protocol to the Convention.

Decision of the Royal Government of Cambodia No 111 dated July 23, 2014 on the Establishment of Inter-Ministerial Working Group for Preparation of Intergovernmental Agreement (IGA) between Royal Government of Cambodia (RGC) and Government of United States on the Foreign Account Tax Compliance Act (FATCA).

United State of America has enacted the provisions commonly known as the Foreign Account Tax Compliance Act (FATCA) becoming law in March 2010. FATCA targets tax non-compliance by U.S. taxpayers with foreign accounts. FATCA focuses on reporting by U.S. taxpayers about certain foreign financial accounts and offshore assets, and by foreign financial institutions about financial accounts held by U.S. taxpayers or foreign entities in which U.S. taxpayers hold a substantial ownership interest. The objective of FATCA is the reporting of foreign financial assets; withholding is the cost of not reporting. In enforcing the FATCA, U.S. Government collaborated with other governments to develop the intergovernmental agreements (IGAs) to implement FATCA. All IGAs contemplate that a partner government will require all foreign financial institutions (FFIs) located in its jurisdiction (that are not otherwise exempt) to identify U.S. accounts and report information about U.S. accounts. Both Model 1 and Model 2 IGAs can be implemented without having in effect a double tax convention or tax information exchange agreement with the United States. FATCA has raised many issues especially in relation to the sovereignty of each State and the bank secrecy.

By the Decision No 111, RGC establishes an Inter-Ministerial Working Group for preparation of this IGA between RGC and the U.S. Government. This Working Group is led by the Governor General of National Bank of Cambodia (NBC) and is composed of representatives from different ministries and institutions such as Ministry of Economy and Finance, General Department of Taxation, Council of Ministers, Ministry of Commerce, Ministry of Foreign Affairs and International

Cooperation, Ministry of Justice, and Securities and Exchange Commission of Cambodia.

This Inter-Ministerial Working Group has major duties to:

- Conduct in-depth study of content and procedure for negotiating with U.S. authority regarding the choice of IGAs model
- Review and study the consistency of national legal framework in use in Cambodia
- Review and resolve any challenges in implementing the FATCA
- Drafting IGA between RGC and U.S. government on FATCA for the interest of the people of both States
- Be agent of the RGC in determining, leading, implementing and monitoring the implementation of the FATCA.

The organization and functioning of the secretariat of the Working Group will be determined by the Prakas (regulation) of the Governor General of NBC, also Chairman of this Working Group.

INVESTMENT

Decision No. 112 dated 30 June 2014 on Creation of Inter-Ministerial Commission to Coordinate and Resolve the Dispute in Framework of Investment of UNION DEVELOPMENT GROUP CO. LTD Company in Koh Kong Province

Inter-Ministerial Commission has the roles, responsibilities and missions as the following: Prepare to update road numbers that have not been put in the map of road geography;

- To coordinate and resolve the dispute in framework of investment of Union Development Group Co. Ltd Company
- To deliberate and provide the advice on conservative works and development in framework of investment of Union Development Group Co. Ltd Company
- To deliberate and provide the advice and resolve on the form of ownership license and other relevant letters with possessions, land using in framework of investment of Union Development Group Co. Ltd Company
- To take measure and emergency resolve all anarchies acts happening in framework of investment of Union Development Group Co. Ltd Company
- To make a report on the result of working and send to Royal Government through the Council of Ministers.

The Inter-Ministerial Commission is authorized to use seal of the Ministry of Environment and having a secretary that is located in the Ministry of Environment.

JUDICIARY

Royal-Kram No 0714/015 dated 16 July 2014 on Law on Organization of the Courts

Under this Royal Kram, the jurisdiction of the Kingdom of Cambodia composes of Court of First Instance, Court of Appeal and Supreme Court. While the Court of First Instance is the lower Court, Court of Appeal and the Supreme Court are high Courts. According to Article 4 of this Royal Kram, all jurisdictions in all levels are competent to resolve all cases including administrative cases.

Based on Article 7 of the said Royal Kram, the trial shall be conducted in public except when the publicity will harm to Public order or good tradition or when there is a special regulation. However, in all cases, the judgments and rulings shall be pronounced in public.

Further, in each jurisdiction in all level, there is an administrative entity supervised by the central administration of the Ministry of Justice ("MOJ) to support the process of organization of the Court and Prosecution. The MOJ has the power to control administrative task of all jurisdiction and can also issue legal norms and instruction necessary to ensure good functioning of the Courts. In addition to the administrative power, the MOI also dispose the right to manage budget of all tribunals.

Finally, it should be noted that in each jurisdiction, it is separated into parliaments based on field of expertise. The Judge who managed the case in the position of prosecution or investigative judge shall not make a decision of his/her own managed case.

The details of the organization of the Courts in Cambodia are to be consulted with Royal-Kram No 0714 dated 16 July 2014.

Royal-Kram No 0714/017 dated 16 July 2014 on Law on the Organization and Functioning of the Supreme Council of Magistracy (“SCM”).

This law aims to establish a Supreme Court of Magistracy (“SCM”) who plays a vital role as an independent body in governing the judiciary, maintain discipline of judges, and to ensure the good functioning of the Courts of the Kingdom of Cambodia. It empowers to appoint, promote, discipline, and dismiss judges.

Further, the mandate of the elected members of the “SCM” is 5 years and can be renewed. The “SCM” are composed of 11 members having Her Majesty, the King of Cambodia as a Chairman. While 7 members of the “SMC” are elected, its 4 members are just ex-officio, which includes the Minister of Justice from the executive power who can lead the decision-making process of the “SMC”. Finally, though this Royal Kram allows only 4 members of the “SCM” to request for “SCM” meeting, it will be considered as invalid unless there are at least 6 attendees in the meeting. The chairman of the “SCM” may call for the “SCM” meeting but does not make a decision.

Royal Decree No. NS/RKM/0714/016 dated 16 July 2104 on Promulgation of the Law on the Status of Judges and Prosecutors of the Kingdom of Cambodia

This law has the purpose to determine the status of judges and prosecutors and other principles related to judges and prosecutor, aiming at ensuring the independence of the judiciary in accordance with the Constitution of the Kingdom of Cambodia.

The technical terms in this law are defined as following:

- Judges refer to the sitting judges including trial judges and investigating judges
- Prosecutors refer to deputy prosecutors, prosecutors, deputy prosecutor general and prosecutor general
- Judiciary refers to judges and prosecutors.

During their career, judges may be appointed as prosecutors, and prosecutors may be appointed as judges.

The cadre of judges is composed of three ranks: Senior Judge, Junior Judge, and Subordinate Judge. And the cadre of prosecutors is also composed of three ranks: Senior Prosecutor, Junior Prosecutor, and Subordinate Prosecutor.

It is permissible for any candidate who meets all of the following conditions to take the examination for the selection of judge students: 1. Must have Khmer nationality, 2. Must be not more than 35 years of age for student candidates and must not be more than 40 years of age for candidates from civil servant as of the date of the examination, 3. Must hold at least a Bachelor in Law, 4. Must not have been convicted of a misdemeanor or a felony, 5. Must have sufficient fitness to fulfill the duty

Judges shall be appointed to perform their duties at any particular court for a term of four years.

The examination for selection into the cadre of judges is also allowed to all the government officers, clerks and lawyers who hold a Bachelor in Law, have at least 5 years of working experience in legal and judicial filed and whose age is not older than 45 years old as of the date of the examination.

Please note that Judges and prosecutors shall not be subjected to criminal or civil charges for their decisions made in their competent framework and duties as judges or prosecutors. However, this principle shall not apply when judges or prosecutors use their decision to severely and with bad intention to abuse their power and duties provided by law. In addition, all judges shall make decisions impartially, based upon legal principles, without pressure, threat or intimidation, or order whether direct or indirect, from any party to the case or any other person.

Otherwise, all prosecutors shall perform their functions and duties based upon legal principles, without pressure, threat or intimidation, or order whether direct or indirect, from any party to the case or any other person except under Article 75 of this law.

In political activities, judges and prosecutors shall absolutely adhere to a neutral attitude.

In general, Judges and prosecutors of both sexes shall go into retirement at the age of 60.

The profession of judges or prosecutors of all adjudicate court or prosecution attached to the court shall not be lawyers, or commercial, or perform activity that have the conflict of interest or harm the honor of the judiciary. However, the judge and prosecutor can stipulate as the professors at institute.

All the provisions, which are contrary of this Prakas, must be abrogated.

TAXATION

Prakas No. 637 dated 17 June 2014 on Creation of Commission for Evaluation of Immovable Property for the Purpose of Immovable Property Tax of the Ministry of Economy and Finance

Base on this Prakas, Commission of Immovable Property Evaluation on immovable property tax has its role and responsibilities as follows:

- To prepare the policy and principal for fixing each types and areas of the immovable property evaluation for the Ministry of Economic and Finance to control (implement) and approve.
- To fix each types and areas of the immovable property rate in each Municipal and Provincial for sending to Minister of the Ministry of Economy and Finance (MEF) to control and decide. In an urgent case, this Commission can invite all relevant institutes to give (provide) the ideas on the evaluation.
- To publish advice and educate in the public to Sub-Commission and also the tax payer about immovable property rate and provisions to govern on the immovable property tax.
- To check on the immovable property rate for a definite period and importantly for the change of immovable property price (rate)
- To issue the Instruction and coordinate on the implementation of collection of immovable property tax.
- To follow up and control all the work of Sub-Commission of Immovable Property Evaluation for immovable property tax of Municipality and Province.

Sub-Commission will be created by this Commission to implement their works in the Municipal and Provincial. The Commission is authorized to use seal of the Ministry of Economy and Finance to implement their tasks. Prakas No. 494 dated 19 July 2010 is abrogated.

Prakas No. 638 dated 17 June 2014 on the Appointment of Composition of Committee for Evaluating the Land for Tax on Unused Land

Committee for Evaluating the Land for Tax on Unused Land is composed of 9 members representing various ministries such as Ministry of Economy and Finance, Ministry of Land Management Urban Planning and Construction, Ministry of Agriculture, Forestry, and Fishery, and Department of Taxation.

The Committee Evaluate Land for Tax on Unused Land has duties to:

- Create a list of area names or Khan of capital and cities, districts of provinces which have taxable lands;
- Determine annual land prices per square meters;
- Provide comments on the dispute.

Committee for Evaluating the Land for Tax on Unused Land has the rights to appoint Sub-Committee in capital and provinces which chair by governor of capital and provinces to assist the above duties.

The Prakas No. 067 dated 6 January 2009 shall be abrogated.

Prakas No. 664 dated 30 June 2014 on Export Tax to be under Responsibility of the State for Certain of Goods

The Ministry of Economy and Finance has recently decided that the State shall be in charge of export tax for certain goods such as Wood in Chips or Particles, Sawdust and other Chip wood having the following code number 4401.21.00, 4401.22.00, 4401.31.00, 4404.20.10 as shown in Cambodian Custom Tariff 2012.

This Prakas is effective from the date of signature.

Prakas No. 777 dated 21 July 2014 on Export Tax to be under Responsibility of the State for Aquaculture Products

The Ministry of Economy and Finance has recently decided that the State shall be in charge of export tax for Aquaculture products as the result of aquaculture activities having the code number as shown in Chapter 3 of Cambodian Custom Tariff 2012.

This Prakas is effective from the date of signature.

TELECOM/POST/IT

Prakas No. 134 dated June 12, 2014 on the Organization and Functioning of the Departments under the Supervision of the General Inspectorate, of the Ministry of Post and Telecommunication,

Missions, roles, duties and organizational structures of all the departments and bureaus under the supervision of the General Inspectorate of the Ministry of Post and Telecommunications are defined under this Prakas.

The General Inspectorate is the executive unit of the Ministry to carry out a regular inspection on technical works, administrative works and financial matters. This Prakas entrusts the General Inspectorate the duties to:

- Generally inspect administrative procedure of the Ministry, their under supervising units, and the sub-national administrations of the Post and Telecommunications domain and Communication technology and information;
- Inspect on every financial operation of public entities, public enterprises and private companies providing post and telecommunication services and communication technology and information;
- Inspect on technical tasks of public entities, public enterprises and private companies providing post and telecommunication services and communication technology and information;
- Follow up and strengthen the enforcement of the laws and relevant regulations with officials in charge of the post and telecommunications domain and communication technology and information to be responsible in accordance with administrative disciplinary measures and courts;
- Inspect on complaints and defamations from citizens and civil societies related to the management of the post and telecommunications and communication technology and information domain;
- Report to the Ministry the mission activities;
- Implement other duties as entrusted by the Ministry

There are three (03) departments under the supervision of the General Inspectorate and each department is composed with three (03) bureaus as follows:

1. Department of Administrative Inspection and Receiving Complaints: Administration Bureau, Administrative Inspection Bureau, and Receiving Complaint Bureau;
2. Department of Financial Inspection: Administration Bureau, Financial Inspection Bureau 1 and Financial Inspection Bureau 2;
3. Department of Technical Inspections: Administration Bureau, Research and Crime Repression Bureau and Technical Inspection Bureau

Prakas No. 124 dated June 02, 2014 of the Ministry of Post and Telecommunications on the Organization and Functioning of Departments, Centers and Supervising Units under the National Institute of Posts, Telecommunications, Communication Technology and Information,

National Institute of Posts, Telecommunications, Communication Technology and Information is an executive unit of the Ministry of Posts and Telecommunications in charge of educational works, trainings, researches and developments for Posts, Telecommunications, Communication Technology and Information domain.

This institute is responsible to:

- Organize educational events and trainings on Posts and Telecommunications domain as well as Communication Technology and Information
- Organize evaluation tests on Posts and Telecommunications skill as well as Communication Technology and Information
- Request for an issuance of degrees and certificates acknowledge capacity level on Posts and Telecommunications skill as well as Communication Technology and Information
- Cooperate with national and international institutions and private sectors to strengthen an education, research training and technology transfer on Posts and Telecommunications as well as Communication Technology and Information domain
- Research and develop Posts and Telecommunications as well as Communication Technology and Information domain.

- Report on the working actions to the Ministry of Posts and Telecommunications
- Implement further duties as assigned by the Ministry

The Institute composes of five departments as below:

1. Department of Posts with four offices: Administration Office, Re-Training and Associate Degree Office, Graduated-Level and Post-graduated level Education Office and Research Office.
2. Department of Telecommunications with four offices: Administration Office, Re-Training and Associate Degree Office, Graduated-Level and Post-graduated level Education Office and Research Office.
3. Department of Communication Technology and Information with six offices: Administration Office, Re-Training and Associate Degree Office, Education and Distance Training Office, Graduated-Level and Post-graduated level Education Office, Information Technology Services Office and Research Office.
4. Research and Development Center with four offices: Administration Office, Research and Development Office, Experience and Pilot Project and Advertisement and Industrial Relation Office.
5. Secretariat with six offices: Administration Office, Education Office, Foundation-Year Office, Public Relation and International Cooperation Office, Planning and Quality Office. and Technical Service Office.

Prakas No. 125 of the Ministry of Post and Telecommunications on an Organization and Function of Departments and Units under the Supervision of the General Department of Communication Technology and Information, dated June 02, 2014

Missions, organizational structures, roles and duties of departments, secretariats and bureaus under the supervision of the General Department of Communication Technology and Information of the Ministry of Post and Telecommunications are defined under this Prakas.

The General Department of Communication Technology and Information is entrusted a role as an executive unit of the Ministry of Post and Telecommunications for enforcement missions and keep track on an implementation of policy, strategy, actions plan for development of the communication technology and information domain and collaborate on the technical works under the sub-regional, regional, global and international organization collaboration framework and determine norms for computer programs and information security for the communication technology and information domain.

This General Department has the duties to:

- Organize and implement the policy, strategy and action plans for development of the Communication Technology and Information domain;
- Prepare regulations for the Communication technology and information domain
- Collaborate on the communication technology and information tasks under the sub-regional, regional, global and international organization collaboration framework;
- Establish a Prior Notice System on Information security;
- Launch the National Center in charge of the communication technology and information task security;
- Research and develop innovation on the communication technology and information domain;
- Organize and develop an industrial park for the communication technology and information domain;
- Manage and publish the use of computer programs and content information in the communication technology and information domain;
- Develop necessary physical infrastructure and computer programs;
- Manage the governmental video conference system;
- Manage MIS system and websites of ministry;
- Develop the communication technology and information for rural areas;
- Report to the ministry about the mission activities;
- Fulfill other duties entrusted by the ministry

The General Department of Communication Technology and Information composes with seven (07) departments and one (01) secretariat as below:

1. Department of E-Government with five (05) bureaus namely Administration Bureau,

Standard Bureau, Website Bureau, E-Government System Bureau and Operational E-Government System Bureau.

2. Department of Communication Technology and Information Policies with four (04) bureaus namely Administration Bureau, Policy Planning Bureau, Strategy and Action Plan Planning Bureau and Tracking, Controlling and Consulting Bureau.
3. Department governing National Information Infrastructure and Governmental Video Conference System with six (06) bureaus namely Administration Bureau, Operational Network Bureau, Technical Supporting Network Bureau, Plan and Configuration Network Bureau, Technical Network Equipment Bureau and Governmental Video Conference System Bureau.
4. Department of Computer Programs and Information Contents with five (05) bureaus namely Administration Bureau, Computer Programs and Information Contents Development Bureau, Technical Computer Programs and Information Contents Consultation Bureau, Computer Programs and Information Contents Review Bureau and Computer Programs and Information Contents Registration and Licensing Bureau.
5. Department of Communication Technology and Information Securities with five (05) bureaus namely Administration Bureau, Urgent Computer Issue Response Bureau, Quality Warranty and Digital Autopsy Bureau, Norms Control and Risks Bureau and Key Public Infrastructure Bureau.
6. Department of Communication Technology and Information Industry with four (04) bureaus namely Administration Bureau, Communication Technology and Information Industry Promotion Bureau, Investment and Trade Promotion Bureau and International Cooperation Bureau.
7. Department of Rural Communication Technology and Information with four (04) bureaus namely Administration Bureau, Universal Service Obligation Bureau, Rural Communication Technology and Information Development Bureau and Rural Communication Technology and Information Consumption Promotion Bureau.
8. Secretariat

Prakas No. 126 of the Ministry of Post and Telecommunications on an Organization and Function of the Departments, Centers and Units under Supervision of General Department of Post and Telecommunications, dated June 03, 2014

Under this Prakas, the General Department of Post and Telecommunications has been entrusted a role as an executive unit of the Ministry of Post and Telecommunication on policy mission planning and national strategy structuring for the development of the Post and Telecommunication domain and collaborate with post and telecommunication and communication technology and information tasks under the bilateral, sub-regional, regional, global and international organization collaboration framework.

Below are the duties of the General Department of Post and Telecommunications:

- Organize policy and national strategy plans for development of the post and telecommunication domain
- Draft bill and regulations for post and telecommunication domain
- Collaborate and facilitate tasks in the post and telecommunication domain under bilateral, sub-regional, regional, global and international organization collaboration framework
- Organize and keep tracking on the policy implementation for the consumption of the universal service obligation in the post and telecommunication domain as well as the use of frequency and national broadband policy
- Manage all provincial departments of post and telecommunication
- Advise and keep track on the issuance of the post licensing
- Organize and keep track on the implementation of the policy for competition and consumer protection promotion in the post domain
- Jointly organize policy and communication technology and information development plan
- Control data of the telecommunication services and information technology
- Organize telephone numbering plan and post codes
- Report to the ministry about the mission activities
- Fulfill other duties entrusted by the ministry

The General Department of Post and Telecommunication composes of four (04) departments, one (01) center, twenty-four (24) provincial departments of Post and Telecommunication, and one secretariat.

The four (04) departments of this General Department are:

1. Department of Telecommunication Policy has four (04) under supervising bureaus namely Administration Bureau, Regulatory Bureau, Telecommunication Policy Bureau and Telecommunication Resources Bureau.
2. Department of Post Policy has four (04) under supervising bureaus namely Administration Bureau, Universal Post Bureau, Post Policy Bureau and Post Regulatory Bureau
3. Department of Post Controlling Management has five (05) under supervising bureaus namely Administration Bureau, Quality and Post Service Safety Bureau, Universal Service Obligation of Post Bureau, Post Service Cost Evaluation Bureau and Post Business Control Bureau.

Department of International Cooperation has four (04) under supervising bureaus namely Administration Bureau, ASEAN Affairs Bureau, Bilateral Cooperation Bureau and Multilateral Cooperation Bureau.

TRANSPORTATION

Decision No. 113 SSR dated 01 July, 2014 on Establishment Inter-Ministerial Commission to pushing the Execution of the Infrastructure of Expressway from Phnom Penh to Sihanouk Province Project.

This decision aims to establish Inter-Ministerial Commission in order to push the execution of the project on the infrastructure of Expressway from Phnom Penh to Sihanouk Province. This project has been proposed by China Road Company and Bridge Corporation (CRBC) under Built-Operate-Transfer framework.

The duties of this Commission focus mainly on:

- Verify, Give advises on procedure, legal framework and picture of investment on the said project
- Expedite the execution to realize this project
- Make report on work acquisition to Head of Government via Council of Minister.

The Inter-Ministerial Commission can invite any Ministry-Institution Representative to join the meeting. Otherwise, this Commission has right to use the rubber stamp of Council for the Development of Cambodia.

All provisions which contrast to this Decision must be abrogated.

TOURISM

Royal Decree No NS/RKT/0614/671 on the Modification/Rectification of Article 2, 4 and 12 of Royal Decree No NS/RKT/0212/079 dated 16 February, 2012 on the Establishment of National Committee for Management and Development of the Cambodian Beach Areas (M.C.M.D).

The Ministry of Industry, Mines and Energy was separated into two Ministries, namely the Ministry of Industry and Handicraft and the Ministry of Mines and Energy. Due to the current changes, the Secretary of State of the Ministry of Industry, Mines and Energy was changed to the Secretary of State of the Ministry of Industry and Handicraft and added new member namely the Secretary of State of Ministry of Mines and Energy provided in the Article 2 (New).

The General Secretariat of M.C.M.D shall be established. The General Secretariat shall have an office in the Ministry of Tourism or Ministry Environment or the Ministry of Land Management Urban Planning and Construction by the decision of the head of M.C.M.D and agreed by deputy head.

Furthermore, the M.C.M.D has a separate budget from the Ministry of Tourism or Ministry of Environment or the Ministry of Land Management Urban Planning and Construction by the decision of the head of M.C.M.D and agreed by deputy head. The M.C.M.D may receive and manage all funds from financial partner and international cooperation and other sources to serve their duty.

Any provisions which are contrary to this Royal Decree shall be abrogated.