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AGRICULTURE

Sub-Decree No. 228 on the Recognition of Cambodia Rice Federation dated on August 08, 2014.

The main purpose of this Sub-Decree is to officially recognize the Cambodia Rice Federation by the Royal Government of Cambodia (RGC). The Cambodia Rice Federation is the sole private institution in rice field in Cambodia who is under the technical governance of the Ministry of Commerce.

The Cambodia Rice Federation will play a key role as the partner of the RGC and to represent Cambodia's rice producers, rice export associations and federation in participating rice community activities in ASEAN countries, in negotiating with government of imported countries, in organizing rice conference and exhibition locally or internationally, and also in participating the rice seed production for famers.

IMMIGRATION & NATURALIZATION

Sub-Decree No. 227 on Amendment of Article 7 of Sub-Decree No. 75 dated August 20, 1999 on Formalities to Authorize Nonimmigrant Foreigners to Check In-Out and Reside in the Kingdom of Cambodia

This Sub-Decree increases the fee for two types of Visa for nonimmigrant foreigners to check in, check out and reside in the Kingdom of Cambodia.

Under new Article 7 in this Sub-Decree, different types of visa will be charged as follows:

- Diplomatic visa A Free of Charge;
- Official visa B Free of Charge;
- Courtesy visa C Free of Charge;
- Tourist visa T US\$30 (Former Fee: US\$20)
- Passing through visa D US\$15;
- Ordinary visa E US\$35 (Former Fee: US\$25); and
- Special visa K Free of Charge.

The fee fixed in the above must be come into effect on 01 October, 2014. With this regards, all relevant Ministries and Institutes must publish these fees to take their action effectively.

INTERNATIONAL AGREEMENTS

Sub-Decree No. 228 on the Recognition of Cambodia Rice Federation dated on August 08, 2014.

The Agreement has purposes to provide mutual judicial assistance in civil matters (civil, marriage and family, business, commercial and labor matters) as follows:

- Service of judicial and extra-judicial documents;
- Taking and transferring of evidence;
- Summons of witness and experts;
- Recognition and enforcement of the court judgments and decisions and arbitral awards;
- Exchange of legal information and documents relating to mutual judicial assistance; transfer of civil status documents;
- Other requests for mutual judicial assistance;

The national of each country shall be entitled to the same judicial protection, exemption from or reduction of court fees and legal aids, advanced payment for court charges.

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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.

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

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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.

The requests for judicial assistance shall be communicated via Ministry of Justice by using English language. There is no cost for mutual judicial assistance except expenses relating to witness and expert, recognition and enforcement of court judgments and decisions, arbitral awards. The request may be refused if it is prejudice sovereignty, security, public order, fundamental principle of its law, and not within the authorities of the competence authorities (court, and other authorities which have capacity to handle civil matters). The public documents and papers issued and certified by the competence authorities are not required to legalization. Further, the court judgment or decision in family and marriage which is not related to property shall be recognized without having special court proceeding. However, court judgments in civil matters and decisions relating to property in criminal or administrative decision as well as arbitral award shall be recognized and enforced by competence authorities without reviewing the substance and content.

Royal Kram No. NS/RKM/0714/020 on the Promulgation of the Law on Adoption of Treaty on Extradition between the Kingdom of Cambodia and the Socialist Republic of Vietnam

Recently, the Cambodian National Assembly has adopted the Treaty on Extradition between Vietnam and Cambodia with the main purpose to suppressing crime on the basic of respecting sovereignty, equality and interest of both countries.

Each party is obliged to provide for the return of criminal suspects who found in either party territory and sought for prosecution, trial or execution of punishment. The extradition shall be granted in the following cases:

- Any offenses which are punishable under the law of both parties by imprisonment of at least two (2) years
- If a period of at least six (6) months of the sentence remains to be served

Further, the extradition shall not be granted in many circumstances including political offenses, military offense, for the reason of race, sex language, religion, nationality, political opinion, the person sought has been tried innocent or pardoned, etc.

Each party shall have the rights to refuse extradition of its nationals but that party must submit the case as to the competent authorities for prosecution or trial in accordance with its laws and based on the Requesting State.

It is important to note that the Requesting State must not extradite the extradited person to the third State unless:

- A consent is provided by the Requested State
- The extradited person has not left the Requesting State within forty-five (45) days
- The extradited person has voluntarily returned to the Requesting State after leaving it.

The treaty will take effect in 30 days from the date of the receipt of the last instrument of ratification from each party.

LABOR & SOCIAL AFFAIRS

Prakas No. 197 dated August 20, 2014 on “Work Book of Cambodian Employees”

This Prakas provides that any employer as defined in the Article 1 of the Labor Law cannot employ Cambodian's employee that does not have a Work Book. The employer shall facilitate and allow their Cambodian employee to apply for the Work Book at the Department of Employment and Workforce of the Ministry of Labor and Vocational Training for those who work in Phnom Penh and at the Municipal/Provincial Department of Labor and Vocational Training for those who work in the provinces.

Current requirements for a Work Book application are:

- One set of a Work Book Application Form with tax stamp of 1,000 Riels accompanied with five photos sized 3 X 4 cm;
- One copy of Cambodian Identity Card or Birth Certificate or Family Book or Book of Resident or Certification Letter for Election;
- One copy of an Employment Certification issued by an Employer;
- One-time payment of 10, 000 Riels as an Excise for a Work Book;

The employee will also receive a “Certificate of Cambodian Employee” after the submission of the application for the Work Book.

The employer is required to submit their Cambodian employee's Work Book for a Visa of Movement In-Out every time there is a new employment or resignation. This Visa application shall be submitted to the Department of Employment and Workforce of the Ministry of Labor and Vocational Training or the Municipal/Provincial Department of Labor and Vocational Training for those who work in Phnom Penh or in the province respectively. It shall be filed within seven (07) days from the employment or resignation date.

If there will be any change in position or salary of the employee, the employer shall also submit the employee's work book for the said Visa.

Once the employee will no longer work for them, the employer shall give back their Work Book. The employer cannot use their employee's work book for other purpose rather than the ones required in the laws. The employer is not allowed to write any comment on their employee's work book.

Any violation of this Prakas is subject to a penalty as defined in the Chapter 16 of the Labor Law.

Joint-Prakas No. 262 dated July 16, 2014 on "Labor Inspection of Foreign Workforce in the Kingdom of Cambodia"

In accordance with this Joint-Prakas, every enterprise/establishment in the Kingdom of Cambodia employing foreign workforce shall comply with all requirements as listed in the labor law and the law on Immigration. Each enterprise/establishment shall facilitate the Joint-Team on Inspection of Foreign Workforce to verify the followings:

- Declaration of Staffs
- Declaration of Staffs Movement In-Out
- Permit for employment of foreign workforce (Quota)
- Employment Contract of foreigner
- Work Permit, Employment Card and Visa on Movement In-Out
- Valid Passport of foreigner
- Valid residential Visa of foreigner and other type of Visa as required
- Foreign workers employed in the enterprise/establishment

The Minister of Interior and the Minister of Labor and Vocational Training have assigned their authority to the General Department of Immigration and the General Department of Labor to monitor, organize and appoint a Joint-Team to conduct an inspection of the foreign workforce in the enterprises/establishment throughout the Kingdom of Cambodia. This team shall be composed with officers from the General Department of Immigration, the General Department of Labor, the Municipal/Provincial Department of Immigration and the Municipal/Provincial Department of Labor and Vocational Training in accordance with the Joint-Letter of Designation issued by the two General Departments.

This Joint-Team is the sole authority that is eligible to inspect the foreign workforce employed in the enterprises/establishments in the Kingdom of Cambodia.

LEGAL PROFESSION

Sub-Decree No 224 dated August 1st, 2014 on an Establishment of Vinick and Associates Notary Public of the Kingdom of Cambodia

Another new office of Notary Public has been established by the Royal Government of the Kingdom of Cambodia. It is named as "Vinick and Associates Notary Public of the Kingdom of Cambodia" (V&A Notary) located in Phnom Penh.

Other government appointed Notary Public or staffs will be hired by the Office to perform the works for the Office where necessary.

Once it operates, it is required to deposit an amount of 600,000,000 Riels at the National Bank of Cambodia as guarantee for their professional responsibilities.

V&A Notary is eligible to provide services as below:

- preparing contract or other legal documents required by either an individual or a legal entity;
- providing advice related to commercial matters, investment, family matters and property management;
- certifying the validity of an establishment or an amendment of the Memorandum and Articles of Association of a company or all types of legal entity;

- providing authenticity on legal documents or contracts or any translations as required by laws or requests from an individual or all types of legal entity;
- requesting to a competent authority for a compulsory execution of any legal documents or contracts with Notary's authenticity;
- certifying true copy of any original legal documents or contracts as required by laws or request from an individual or all types of legal entity;
- ensuring on signature and date of any legal document or contracts;
- requesting for registration or inscription with competent authority;
- accepting for deposit and maintain an original contract, unilateral documents such as will and other documents;
- issuing duplicate of authentic documents;
- And other services as permitted by laws and regulations in force.

TAXATION

Inter-ministerial Prakas No. 663 dated 30 June 2014 on Appointment of Agent for Collecting Fee from Khmer Identity Card

This Prakas appoints chief of Khmer Identity Card Department as agent to collect fee on ID at Khmer Identity Card Department and chief of ID department of Phnom Penh and Provincial Police Department as agent to collect fee on ID card at their location.

The agent has duties to:

- Manage and respond on income collected on duty of Khmer ID
- Transfer collected income to Income Agent at MOI
- Prepare monthly report on income and receipt, and then submit to Income Agent at MOI.