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ADMINISTRATIVE AND PUBLIC SECTORS

Royal Decree No. 1014/1175 dated 2 October 2014 on Common Principles of Organization of Civil Services of the State

This Royal Decree has as its objective to define new common principles for the organization of public functions/civil services in order to determine positions, cadres, grades, categories, and remunerations as well as integration of civil servants of ministries and institutions both national and sub-national level to new cadre, grade, category, and remuneration. The cadres are divided into three categories A, B, and C:

- The civil servants in category A may have a role in leadership, management, inspection, audit, training, research, suggest policy and planning. The civil servants in category A shall have at least a bachelor degree or an equivalent certificate.
- The civil servants in category B may have a role in prepare work for responsible persons make decision and enforce, training, guarantee, workflow guarantee, and support civil servant in category A. The civil servant in category B shall have at least baccalaureate + 2 years of study with certificate.
- The civil servant in category C may have a role in prepare office work, Secretariat, training in primary level, simple operation which requires technical skill or specific knowledge. The civil servant in category C shall have at least general knowledge training or technical training with certificate.

The categories A and B are divided into 3 grades and 14 categories. The grade 3 is the lowest which divided into 4 categories from number 4 to 1. The grade 2 is the second highest which divided into 4 categories from number 4 to 1. The grade 1 is the highest which divided into 6 categories from 6 to 1. The category C has only one grade and divided into 10 categories from number 10 to 1. The remuneration for category A from A.3.4 is 345 to A.1.1 is 550. The remuneration for category B from B.3.4 is 300 to B.1.1 is 470. The remuneration for category C from C.10 is 265 to C.1 is 390. The Ministry of Public Function shall implement new cadre, grade, and category from 1 January 2015.

Royal Kram No. 1014/1193 dated 03 October 2014 on Amendment on the article 02, 03, 05 and 12 of the Law on the establishment of the National Committee of Economic and Social Commission for Asia and the Pacific

This law is to amend on the certain article of the law of National Committee of ESCAP dated 12 January 2009. The amendment is made to authorize the Ministry of Foreign Affair and International Corporation (MIFAIC) to govern the National Committee of ESCAP.

The National Committee of ESCAP is led by one President in the status as the minister holding the responsibility before the government and MIFAIC. The National Committee of ESCAP duty is to prepare the policy and strategy and plan to the MIFAIC, facilitate with the relevant ministries, institutes, partners and other international organizations, conduct the meetings with Committee of Economic and Social Affair for Asia and Pacific of United Nations (UN-ESCAP). The NC-ESCAP

will also attend the international meeting as requested by the government and the MIFAIC and other obligations that the MIFAIC requires.

The NC-ESCAP has the finance budget from the MIFAIC and it has its independent rights to manage the budget.

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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.bnqlaw.net.

Sub-Decree No. 277 dated 30 September 2004 on the "Revision of Article 2 of Sub-Decree No. 62 on Allowance of Members of Government, Under-Secretary of State, Advisors and Civil Servants and Force Army from Under-Secretary of State Level

Under this Sub-Decree, representative allowance, hospitality allowance, mission allowance, and cost for house renting, water and electricity of members of Royal Government, Under-Secretary of State, advisor, as well as civil servants and force army from Under-Secretary of State level is combined into one single allowance, ("Functional Allowance") as follows:

No.	Position	Functional Allowance (Riel)
1	Prime Minister	3,675,000
2	Deputy Prime Minister	2,800,000
3	Senior Minister	2,450,000
4	Minister	2,100,000
5	Secretary of State	1,750,000
6	Under-Secretary of state	1,400,000

CIVIL AND PROCEDURES

Announcement No. 1840 dated 09 November 2014 on Declaration of Assets and Liability of the Ministry of Justice

The announcement is issued by the Ministry of Justice to President of the Court of Appeal and the President of the Prosecutor to inform the official at the Court of Appeal to perform the obligations as follows:

- Informing and encouraging the officials to declare the assets and liability and submit to the Anti-Corruption Unit.
- Making the list of all of the officials that bind to the obligation of declaration of the assets and liability and submit to the Ministry of Justice before 30 November 2014.
- Finalizing the report on the declaration of the assets and liability and send to the Ministry of Justice.

Under the Law on Anti-Corruption article 17, the persons having duty to make the declaration of assets and liability are:

1. Members of Senate, members of National Assembly, and Members of the Royal Government;
2. Appointed public officials with a specific mandate;
3. Members of the National Council Against corruption, chairperson, vice-Chair persons and all officials of the Anti-corruption Unit;
4. Civil servants, police, military personnel and other public servants appointed by Royal Decrees or Sub-decrees;
5. Other officials appointed by Prakas and decided by Anti-corruption Unit's list of

declaration on assets and liabilities, after the consultation with National Council Against corruption

6. Trial judges, prosecutors, notary public, court clerks and bailiff;
7. Leaders of civil society.

As mentioned in article 18 of the law in Anti-Corruption, the above-mentioned persons shall declare their assets and liabilities every two years, in early January and no later than the thirty-first of January. The declaration of assets and liabilities shall be done within 30 days after taking office.

CONSTITUTION

Constitutional Law dated 23 October 2014 on “revision of Article 76 and other Articles in Chapter 15 New to Chapter 16 New of the Constitution of the Kingdom of Cambodia”

On 23 October 2014, his majesty of the Kingdom of Cambodia approved to a constitutional law on “revision of Article 76 and other Articles from new chapter 15 to Chapter 16 New of the Constitution of the Kingdom of Cambodia”.

According to the revision, the organization in charge of preparing the elections has been removed from Article 76 to new chapter 15 (Two) of the Constitution consisting more details and accuracy to ensure the transparency, neutral and independency of the organization. In this new chapter, members of the National Election Committee (“NEC”) are the organization responsible for managing the election of members of Senate and National Assembly.

In particular, the new law states that the function of members of the NEC is incompatible with public functions and other membership of institutions articulated in the Constitution. Further, the law makes clear that members of the NEC can no longer be members of any political parties, NGOs, Unions, Associations, or commercial companies.

The NEC is composed of nine members and their term is for five years. Four members must be selected by the ruling party and another four members must be selected by parties having their seats at the National Assembly who are not members of the government party. Another member of NEC must be selected by the mutual agreement of the parties having their seats at the National Assembly.

Finally, all the content of the Chapter 15 New regarding the effect, the revision, and the amendment of the Constitution remains unchanged but has been removed to Chapter 16 New (Two) and all the content of the Chapter 16 New regarding the transitional provisions also remains unchanged but has been removed to new chapter 17 (Two).

CRIMINAL & PROCEDURES

Sub-Decree No. 273 dated 07 October 2014 on the Organization and Functioning of General Secretariat of National Committee for Anti-Human Trafficking

This Sub-Decree aims to determine the role and responsibility of General Secretariat of National Committee for Anti-Human Trafficking in coordination with relevant ministries, national and international institutions as well as Committee for Anti-Human Trafficking in sub-national and villes-provinces level to fight against all forms of Human Trafficking and human exploitation in all image especially women and children.

The General Secretariat of National Committee for Anti-Human Trafficking is to assist the National Committee for Anti-Human Trafficking for the following tasks:

- Upon authorization by the president of the National Committee, the General Secretariat may make relationships with embassies and relevant governments to request case investigations or examinations of irregularities and the bad impact of human trafficking crime;
- Following up, controlling and evaluating the flexibility of human trafficking crimes, sex exploitation, and other relevant offenses in connection to men and women, and particularly children;

- Working with relevant professional competence for requesting human resource training and capacity development in order to fight against human trafficking;
- Organize to publish the short, medium and long term projects for relevant institutions and citizens in order to better inform people about all forms of human trafficking and sexual exploitation;
- Upon authorization by the president of the National Committee, organizes and attends meetings, seminars, conferences in national level, sub-national level, and international level in relation to fighting against human-trafficking;

It should be noted that the General Secretariat is empowered to use the stamp of the National Committee for Anti-Human Trafficking.

Finally, the structure of General Secretariat of National Committee for Anti-Human trafficking is as follows:

- Total Administrative Secretariat;
- Group of officials to assist secretariat;

The Total Administrative Secretariat is governed by one present having title and privilege equal to director of department and has a vice-president as assistant having title and privilege equal to deputy director of department under the Ministry of Interior (“MoI”).

EDUCATION

Sub-Decree No.275 dated 9 October 2014 on Organization and Functioning of National Committee for Memorial of the World.

This National Committee for Memorial of the World is under the auspice of the Ministry of Culture and Fine Arts to protect and Conservation the inheritance document in Cambodia of international frame and the purpose of memorial of the world program of UNESCO. This Committee has a President, two Vice President and members.

This sub-decree also provided about duty of the National Committee memorial of the World. This Committee has a secretariat is an inspectorial located in the Ministry of Culture and Fine Arts. This Committee has right to use memorial of the World sign through the Committee of UNESCO and has right to use stamp of the Ministry of Culture and Fine Arts to progressing their work in necessary

This Commission has right to use budget of the Ministry of Culture and Fine Arts and other legal budget to progressing their work.

INDUSTRY MINE AND ENERGY

Royal No. 1014/025 on 23 June 2006 on Law on Amendment Articles 1, 3, 4, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 30, 34, 37, 38, 39, 40, 41, 42, 43, 45, 46, 49, 55, and 56 of Law on Administration of Factory and Handicraft

The factories and handicrafts, which are under supervisory authority of Ministry of Industry and Handicraft (“MIH”), are as follows:

1. Food, beverage and tobacco
2. Textile, wearing apparel and leather product
3. Paper product
4. Chemical, rubber and plastic product, except oil and gas industry
5. Non-metallic mineral based product
6. Basic metal
7. Fabricated metal, machinery and equipment

8. Other sector such as: production of jewelry, decoration material, music instrument, sport equipment, toy and office equipment.

The establishment of factory shall have permit from the MIH with the approval of the relevant institutions and authorities. The establishment of factory is targeting on:

- Preparation of location or / and the construction of building for the factory operation
- Construction of building for installation of machinery for the factory operation
- Machinery installation in a building, place or vehicle for the factory operation
- Raw material for the factory operation.

The MIH shall reply with its decisions to the applicant for the factory establishment within a maximum period 7 working days from the date of the receipt of the complete and correct application. Before starting the operation of the factory, the factory owner shall inform to the MIH within the minimum period of 15 days in advance.

Each factory shall have the name and the signboard shall be written in Khmer while it shall be bigger than and on the top of other language. The factory owner shall install factory signboard in front of the factory, where it is easy to visually view. Changing the name of factory shall be approved by the MIH.

Competent officials of the MIH are eligible to enter the factory anytime during working hours in accordance with a specified or a non-specified date to control the quality, factory situation, machinery, other means or activity where the factory owner violates the provisions of this law. In necessary case, the inspection of the factory is carried out by:

1. Taking the product sample with an appropriate quantity for quality analysis together with other concerned documents
2. Investigating, halting or restraining the product, material, raw-material and concerned document which may cause accident to human or asset of the factory or the surrounding area
3. Questioning or summoning factory owner, manager, employee or worker in the factory to clarify information or to request for information and document.

The handicraft is permitted to establish and operate as long as the handicraft owner inform the local authority and register at the provincial/municipal department of Industrial and Handicraft where enterprise is located within maximum period of 7 days following the operation date, except the kind of handicraft specified by announcement of the MIH, which shall be applied for permit from the MIH prior to the operation.

Any handicraft owner, who has not informed the local authority in writing, and not registered at the municipal or provincial department of Industry and Handicraft where enterprise are located shall be subject to fine penalty from 500,000 Riels to 2,500,000 Riels.

Any person, who establish factory without permit from MIH, or fail to inform to MIH within 15 days before operation, or fail to provide accurate data and report to MIH shall be subject to fine penalty from 10,000,000 Riels to 50,000,000 Riels.

JUDICIARY

Sub-decree N0 274 dated 09 October 2014 on the Organization and Function of General Secretariat of Supreme Counsel of Magistracy

The General Secretariat of Supreme Counsel of Magistracy (SCM) is in charge of administrative affairs and finance of the SCM. The General Secretariat plays a role in coordinating any matters between the SCM, judges, and prosecutors.

The General Secretariat consists of the following structure:

- Department of Administrative Affaires, Staffs, and Finance: be in charge of administration, budget, and staff; arranging meeting; compiling documents for publication etc.
- Department of Complaint and Discipline: receiving any complaints relating to judges and prosecutors.
- Department of Judges and Prosecutor's Career: compiling documents regarding judges and prosecutors' retirement, promotion, etc.
- Procurement Auction Unit

The General Secretariat is led by a secretary-general and a few vice secretary-generals. Each department has a director and a few deputy directors.

TELECOMMUNICATION/POST/IT

Prakas No. 159 dated 3 March 2014 on the Creation of Cyber War Team of the Council of Ministers

Recently, the Council of Ministers' Press and Quick Reaction has created a "Cyber War Team" (CWT) to monitor and collect information from Facebook, Twitter, Pages, Google Plus, Blog, YouTube and other media outlets in order to keep track and to promote the new broadcast of government.

The CWT's mission, role and obligations are to investigate, collect analyze and compile all forms of national and international news to use as the basis for explanation and clarification to inform the public with the aim to protect the government's stance and prestige.

The secretariat of CWT is divided into 6 departments:

- Keeping track Department
- Initiative Department
- Control Department
- Networking Department
- Technical Department
- Data collection Department

This Prakas is effective from the signature date.

TOURISM

Prakas No. 153 dated 18 September on Issuance of the License for the Regional Tourist Guides

This regulation is adopted to set out the procedure for granting the license to the tourist guides in the region, with its goal to strengthen the effective management of the regional tourist guides, guarantee the professional performance and the professional ethic, and to prevent the negative impact in tourist area and cultural and traditional protection.

Required documents to grant the license:

- Application to be submitted at Provincial of the Ministry of Tourism or online
- Having the KHMER nationality and at the age of 18 or older
- Identity card or passport (copy)
- Certificate of the Tourist Guide issued by institutes recognized by Ministry of Tourism
- Certificate of Conducts issued by the commune or district authority

- Medical certificate issued by labor hospital, provincial municipal hospital recognized by Ministry of Health and approval by Ministry of Tourism.
- Contract to bind the State Law
- Curriculum Vita
- Photo

The fee for the Tourist Guide license cost 250,000 riels and it has it two years validity and shall be renewal 30 days before its expiry. The suspension of the Tourist Guide license can be no longer than 02 years.

Tourist guides must practice its proficiency in accordance with code of professional tourist and its ethic of the Kingdom of Cambodia. The Tourist Guide will be punished from 2,000,000 riels for the professional performance with expired license including the liability under civil, criminal or other substantive regulations and the punishment would be 3,000,000 riels for the tourist guide operation without the authorized license.