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## CIVIL

### Sub-Decree No 33 (RGC) dated 12 March 2015 on the Creation of “Nitei Niron Notary Public”

“Nitei Niron Notary Public” or “N&N Notary Public”, which is located at No 9A, Street 183, Sangkat Tomnob Terk, Khan Chamkamorn, Phnom Penh, is created.

The roles of Notary Public are as follows:

- Write contracts, agreements, other legal documents, stamp to certify signature and thumbprint of parties
- Legal consultation related to family law, movable and immovable properties, business and investment
- Certify true copies
- Write will and other authentic documents to be compliance with civil code, law on the implementation of civil code and other laws and regulations of Cambodia
- Other tasks of notary profession to be compliance with codes, laws and other regulations of Cambodia

At the beginning of the process, “Nitei Niron Notary Public needs to deposit 600, 000, 000 riels at NBC as a guarantee of the well-functioning of the notary public. In the case of the resolution of the notary public, this money is refunded after reducing debts, obligations and other expenses.

## EDUCATION, YOUTH & SPORT

### Sub-decree No.20 (RGC) dated 05 March 2015 of the Management on the Informal System of Education Program Service

The main objectives of the sub-decree describe the procedure of recruiting the teacher by the contract and their benefit.

To be a teacher by the contract, the candidate has to complete the condition as the following:

- At least Baccalaureate level or the candidate that has its proper expert in accordance to the requested of the training.
- All the retirement teacher in the previous framework
- The priority of the Candidate in local residence where the system of informal education program is placed
- The priority for the woman and indicate
- Those benefit as the following:
  - 50% of the total salary of local and the final cash of the teaching official in the junior level for the new recruiting teacher of literacy and equivalent junior level program
  - 60% of the total salary of local and the final cash of the teaching official in the junior level for the previous framework teacher of literacy and equivalent junior level program
  - 80% of the total salary of local and the final cash of the teaching official in the junior level for the new recruiting teacher of re-enter school program
  - 90% of the total salary of local and the final cash of the teaching official in the junior level for the previous framework teacher for re-enter school program
  - 100% of the total salary of local and the final cash of the teaching official in the junior level for the expert in or outside the community.

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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.

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](http://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](http://www.bnglaw.net).

## LABOR & SOCIAL AFFAIRS

### **Prakas No.061 (MLVT) date 23 February 2015 on the Organization and Functioning of Department of Technical and Vocational Education and Training**

Department of Technical and Vocational Education and Training is in charge to develop education system, technical and vocational training, apprenticeship, to manage information about work market inside and outside the country, to ensure quality of education, technical and vocational training and to develop school program.

Department of Technical and Vocational Education and Training is led by a General Director and a Vice General Director.

Department of Technical and Vocational Education and Training has one secretariat and six Departments as follows:

1. Department of information about work market
2. Department of Training
3. Department school program
4. Department to ensure good quality
5. Department of policies and strategies
6. Department to manage educational establishment
7. Secretariat

Secretariat of General Department of education, technical and vocational training has structure equal to office of middle class, led by a director and a number of vice directors as assistants. Secretariat has duties as follows:

- Coordinate all documents in and out of General Department
- Coordinate all works of General Department with Inter-ministries, any department under the supervision of Ministry of Labor and Vocational Training, Phnom Penh, Ministries, Institutions of Government, any National and International Organization and other Partners
- Govern and circulate all administrative documents of General Department
- Govern all documents of General Department
- Govern all materials, movable and immovable properties of General Department
- Instruct administrative works of Entities under the supervision of General Department
- Arrange meeting and do report or a PV of meeting of leader of General Department
- Total the monthly, trimester, semester and annual report of General Department
- Execute any duty up to instructions of management of General Department

### **Prakas No. 062 (MLVT) dated 23 February 2015 on the Organization and the Functioning of the Department of Labor Market Information**

The Ministry of Economy and Finance issue the Prakas regarding the organization and the functioning of the Department of Labor Market Information.

It functions:

- Code and public the job announcement
- Collect the data of the market
- Build work statistic with relevant authority
- Organize and control the system of the data
- Prepare the strategy to attract the students in grand image
- Coordinate with the supplier and industry
- Practice other duty

It covers 6 bureaus necessities as the following:

- Administration bureau
- Vacancy statistic bureau
- Job information bureau
- Advertisement and Marketing bureau

- IT management bureau
- Industrial relation bureau

**Prakas No. 063 (MLVT) dated 19 March 2015 of the Organization and Functioning of the Department of Training**

As per the demand of the Ministry of Labor, under the provision of the Prakas No. 063 article 1, the Department of Training is under governance of the General Department of the Technical and Vocational Training to be responsible for preparing the documents and any formulas for both non formal and formal education and evaluation on those trainings. The Department of Training is also to cooperate with the enterprises, institutes, and other companies for the implementation of the apprenticeship obligations. The Department of Training will work in regard to the education such as implementation of the equity of the male and female in the education program, and any work that is assigned by the General Department. For the effective and efficient work, this Department consists of 7 offices.

This Prakas comes into force from the 23 February 2015.

## **MINE, ENERGY, NATURAL RESOURCES**

**Decision (RGC) No 20 dated 20 March 2015 on Policy Setting for Sand Exploitation**

To avoid further anarchy of sand exploitation in Cambodia, the Royal Government has issued a decision that delegates the Ministry of Mining and Energy (MME) a full authority to issued “Sand Exploitation License”. Article 2 in the Decision stated clearly that “Provisional Sand License” can, henceforth, no longer be offered to anyone.

Collaborating with the MME, the Sand Management Committee is also a law enforcement body in sand exploitation. This committee has authorities to observe sand exploitations and provide recommendations to the MME. In the scenario of a severe misconduct during sand exploitation, the MME and Sand Management Committee shall evaluate the impacts and take action pursuant to the law.

## **PUBLIC SECTOR**

**De Prakas No. 265 (MEF) dated March 25, 2015 on the Modification of Prakas No.6 of Prakas No. 616 dated June 06, 2014 on the Determination of Principle, Mechanism, Procedure and Control on the Incentive by Using the Bonus under the Supervision of the Ministry of Economic and Finance**

This Prakas modified the incentives by bonus to the civil servants and high ranking officials working at the Ministry of Economy and Finance of index as follows:

- 1- Living Subsidy will be provided monthly and determined in index as below:
  - General Director/ Secretary General’s index = 25
  - Director of Department and Vice-Secretary General’s index = 30
  - Chief of Office and Deputy Chief of Office’s index = 75
- 2- Functional Subsidy will be provided monthly and determined in index as below:
  - Minister’s index = 2105
  - Secretary of State’s index = 1316
  - Under Secretary of State’s index = 1053
  - Chief of project and Director of Cabinet’s index = 526

**Prakas No. 249 (MEF) dated March 03, 2014 on the Establishment of Procurement Team of Budget Entity**

In order to set the mechanism of directing and implementing the public procurement by the Budget Entity of the procurement implementation institution, the Ministry of Economy and Finance has issued the Prakas on the Establishment of Procurement Team of Budget Entity. This Prakas also aims to ensure the smooth procurement operation fully with transparency, accountability, efficiency, equality, economy and timely manner. In this regard, the public procurement institution shall create a procurement team in compliance with conditions and procedures set in this Prakas.

The creation of a Procurement Team by any Budget Institution can be made by a form of Prakas or a decision, but need to be copied also to the General Department of Public Procurement and to Department of Economy and Finance at sub-national level. The Procurement team has the following composition:

- Head of budget entity                      Chairman
- Deputy Head of budget entity              Vice-Chairman
- 3 Officials                                      Members.

## **TAXATION AND CUSTOMS**

### **Prakas No. 209 (MEF) dated 16 February 2015 on Incentive for GDT and Relevant Sub-national Organization**

To increase efficiency on tax collection on Immovable Property tax for 2014, 2015 and 2016, Government provides incentive as below:

1. 1% of total annual tax collected on immovable property of ownership transfer. This incentive is provided to the authorities and tax department of the property location.
2. 10% of total monthly tax collected on immovable property of ownership transfer for unregistered land. This incentive is provided to the authorities and tax department that related to this transaction.
3. 5% of total annual tax on property collected. This incentive is provided to the authorities and tax department of the property location.
4. 10% of total monthly tax collected on property tax if the authorities cooperated with tax department found the new properties that did not register and paid tax. This incentive is provided to the authorities and tax department of the property location.

Director of GDT shall requests to Minister of Economy and Finance (MEF) to share this incentive based on equity principle.