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ADMINISTRATION AND PUBLIC SECTOR

Sub Decree No.84 (RGC) dated 08 July 2015 on Creation and Organization of National Committee on Road Traffic Safety

This Sub Decree created an organization of National Committee on Road Traffic Safety in order to increase, protect, prevent and for guaranting the safety and traffic order. The national class and Capital and province class are the composition of this committee. Their roles are mentioned as below:

- to build and implement the policy and the plan strategy;
- to track, control and evolution the implement the policy;
- to amendment on traffic law and edit relevant regulation;
- to request the government about safety equipment;
- be able to accept the advisor of technical, the specialist local and international, the contract official, or invite the representative of relevant ministries and institutions;
- to admire and cooperation to relevant natural person and legal entities; and
- to organize and control the annual budget, specially the internal rule and working report.

Royal Decree No NS/RKT/0615/648 dated 17 June 2015 on Special Statute of Civil Servants of the National Election Committee

This Royal Decree establishes a special statute for civil servants of the National Election Committee (NEC) by detailing their rights, duties, functions and responsibilities. The Royal Decree determines the mains issue related to the civil servants of NEC such as recruitment requirements and procedure, ranking, position, the dismissal, the appointment, the leave, the punishment, the accusation to the court, as well as the retirements.

The recruitment of civil servants of NEC can only be done via the exam. For the lower rank civil servant, the candidate must hold at least a baccalaureate degree.

Decision No 51 (RGC) dated 02 July 2015 on the Establishment of the Commission to Search on the Facts Leading to Violence at the Cambodia-Vietnam Border Post No 203

The Commission is chaired by a Secretary of State of the Ministry of Foreign Affair and International Cooperation and has vice-chairman and members from various ministries or/ and institutions. This Commission has the duties to search the facts related to the recent violent happened in Svay Rieng Province at the border area between Cambodia and Vietnam. In performing this mission, the Commission can contact Vietnamese counterpart for the matter. The Commission is also tasked to collect all related documents both legal and technical for consideration and discussion. In addition, the Commission needs to collect evidence at the scene, the witness and report to the head of Royal Government via the minister of interior.

Prakas No 661 (MEF) dated 09 June 2015 on the Creation of the Unit in Charge of Cambodia Industrial Development Policy 2015-2025

For the purpose of better implementation of the Cambodia Industrial Development Policy 2015-2025 (IDP), a unit is created within Ministry of Economy and Finance (MEF) for ensuring the progress of IDP. This unit represents MEF and acts on its behalf on any meeting with Council for Development of Cambodia (CDC) or other relevant ministries. The main role of this IDP unit is to ensure the collaboration with relevant authorities to implement the policies and activities plan that has been adopted. It shall also initiate and provide documents, program, activity plans, and strategies to Minister of Economy and Finance for review and render a decision. Besides, the Unit shall also submit trimester report to the Minister of Economy and Finance.

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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

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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.

Prakas No. 662 (MEF) dated 09 June 2015 on the Appointment of Board of Directors at the Economic and Finance Institute

The Board of Directors is appointed to manage, recommend and set out the initiatives of education program to the Ministry of Economy and Finance for review and approval. This board has a President, two Vice- Presidents, three Members and one Secretary. The board members must join the meeting as invited by the President of Board of Director. The President also has rights to invite all ministers, advisors and the experts for discussing and organizing the development project and the human resource development.

This Prakas is effective from the date of signature.

Sub-Decree No. 24 (RGC) dated 10 March 2015 on the Uniform and Identity Card for Road Inspection Officials

The Sub-Decree basically aims to manage and determine the Uniform, Rank Sign, Hat, Identity Sign, and Identity Card of the Road Inspection Officials during their mission as provided by Road Law and another regulation in the Kingdom of Cambodia.

AGRICULTURE, FORESTRY & FISHERY

Prakas No.552 (MEF) dated 12 May 2015 on the Form and the Procedure of Payment on the Urgent Repairing of Irrigation System

The MEF is issued the Prakas on the procedure and payment on the Urgent Repairing of Irrigation System in order to determinate and reserve the budget such as below:

- Need to reserve 20% of the annual budget of Chapter 61 of “Repairing and protecting of irrigation system” to use for urgent repairing of the problem of irrigation while it is using. However, it is not included in to crime of destruction irrigation system.
- 50% of this budget will be transferred in advance to relevant institutions under the Ministry of Water Resource and Meteorology such as Departments in province and city;
- This 50% of budget will be provided after exchanging the relevant reports in previous year;
- The maximum of each repairing is 200 million Riels. If it is more than this determination, the Ministry of Economy and Finance must approval in advance;
- The outstanding of annual budget is able to use for another protection of irrigation system;
- The outstanding of subsequent budget must transfer to National Budget;
- To prohibit for abuse purpose using.

All the regulation that contrary of this Prakas is abrogated.

BUSINESS

Sub Decree No.94 (RGC) dated 22 July 2015 on Conditions and Procedures for Requesting License for Conducting Business on Road Infrastructure Sector, Road Maintenance, and the Opening of Road Sector Laboratory

The purpose of this Sub-Decree is to promote quality in construction, repair, maintenance and development of road infrastructure with sustainability, eternity including guarantee the transparency, good faith, equity and effectiveness in the bidding participation process. This Sub Decree extends its scope of implementation on state entities which perform works related to road infrastructure, and any person who having business activities related to road infrastructure, road maintenance, technical consultation for road construction services, Project evaluation, monitoring of road infrastructure construction and the opening of road sector laboratory.

The Ministry of Public Work and Transport is the competent authority in issuing the license to any applicant who conduct the above mentioned business activities. Each applicant must fulfill the required criteria and follow the procedures as provided in the Sub Decree itself.

The validity of license is 5 years and renewable for the same duration. Applicant must submit the renewal request to the Ministry of Public Work and Transport at least 3 months before the expiration date of the license. The license is transferable to any third party, spouse, children, or any

legal representative if the approval from the Ministry of Public Work and Transport is given. The Ministry of Public Work and Transport reserves the right to withdraw or suspend if the licensee do not comply with the objective of the license, or any requirements of the license and etc.

This Sub Decree is effective from the date of signature within 6 months from the effective date of this Sub Decree, person who is currently conducting business activities related to road infrastructure, road maintenance, technical consultation for road construction services, project evaluation, and monitoring of road infrastructure construction shall request for the road license.

CIVIL

Royal Kram No NS/RKM/0715/009 dated 06 July 2015 on Special Lease Agreement

The objective of this law is to protect rights and interests of lessor and lessee through the rental agreement (lease agreement) and also for the living stability and public order. This law covers the rental agreement which includes the following criteria:

- Collecting rental fees is lessor's career;
- Lessee is either worker, student (high school and university) for living purpose;
- Immovable property of the subject of the lease agreement is lease room for living.

Workers are those who are doing unskilled manual work for minimum wages, shall be fixed by the Sub-Decree, under the supervision of employer.

Students refer to those who are studying at training center or university and having a serious financial problem in paying the rental fees.

The rental agreement is required to be made in writing and for certification by commune chief. This certification shall be responsible by the lessor. This law gives lessee two years' protection from increases and the option to renege on a contract at any time.

Any signed rental agreement prior to this law shall remain effective until the expiry date.

Notification of (MOSAVY) dated 2 March 2015 on the Status of Inter-Country Adoption in Cambodia

The Kingdom of Cambodia made a decision to cease all inter-country adoptions by foreigners living inside and outside of Cambodia since 2011. The regulatory frameworks which are being prepared include:

1. to clear procedures on domestic adoption; and
2. to standardize case management and family reunification procedures in order to reintegrate children who are currently living in state and NGO running residential care institutions back to their families.

Cambodia will start inter-country adoption with children with special needs and this process will start only after all local adoption options are exhausted or permanent adoptive parents and legal guardians could not be found, as stated in the public announcement to inform countries that have agreement with Kingdom of Cambodia.

This notification is also to confirm the status of the development of procedures and other steps that have been taken related to inter-country adoption, as well as actions underway that will see inter-country adoption open in Cambodia in a controlled and carefully monitored manner.

ENVIRONMENT

Royal Kram No.NS/RKM/0715/007 dated 10 July 2015 on the Promulgation of the Law on Disaster Management

In response to prevent and to manage the eventual disasters, a new Law on Disaster Management has been adopted recently for the purpose of preventing, adapting, reducing disasters cause by nature or human. The law also indicates certain mechanisms to remedy the consequence and impact of the disaster, including but not limited to providing medical care, supplying foods and equipment, conducting search and rescue. Obviously, the main entity in charge of disaster management is the

National Committee of Disaster management. This entity will also collaborate with relevant authorities, civil societies, as well as international entities in order to confront with any disasters. Additionally, the law also prescribes varieties of frameworks for managing disaster, interestingly, among which is a “State of Disaster”. This allow the government to declare the country or one areas under the State of Disaster during which competent authorities have the rights to evacuate people, public and private asset to a safe place etc. Any person who intentionally does not obey this evacuation order can be punished up to one year imprisonment and 2 million Riel fine (Article 42). Over and above this criminal penalty, there are a few more penalties including an offense of not reporting a risk of disaster to authorities on time (Article 44) as well as the punishment to any officials who are lack of responsibilities or fail to execute their mission during disaster management (Article 45) etc.

LABOR & SOCIAL AFFAIRS

Decision No. 52 (MLVT) dated 09 July 2015 on the Establishment of the Technical Working Team to Organize the Social Security Development

The Technical Team is created to organize the social security development strategy and it consists of one Chairman, two Deputies and eleven members. The Technical Team has the functions to organize and prepare the strategies plans for the social security development in order to encourage the social security development. To perform this function, the Team will study and prepare the strategic plan for the development, analysis the circumstance of the current policy relevant to the social security, preparing the policy for the social security system in Cambodia and so on.

This Decision will come into force from the date of the signature.

Announcement of the Ministry of Labor and Vocational Training dated 12 May 2015

As per the 7th, 8th and 9th meeting of the Labor Advisory Committee (LAC) has set out the procedure and the date for determining the minimum wage on the Textiles for the year of 2016. The discussion of the minimum wage of the year 2016 shall be held as follows:

- Begin the discussion of the minimum wage with internal parties on July 2015
- Begin the discussion of the minimum wage with mutual party on August 2015
- Begin the discussion of the minimum wage with trilateral party on the September 2015
- Host the Labor Committee Meeting for decision of the textile minimum wage in 2016 on the early October
- Setting out the date for coming into force of the minimum wage on January 01, 2016.

The minimum wage will be evaluated based on the society and the economic circumstance, and LAC will establish the trilateral team from employer, employee, and the government on the minimum wage discussion. This announcement is to inform the public, employee, employer, vocational training organization and the national and international organization.

Prakas No 333 (MLVT) dated 17 July 2015 on Amendment on the Composition of Labor Advisory Committee for Its 8th Mandate

This Prakas amends the principal members and the reserved members of the Labor Advisory Committee for its 8th mandate, including representatives of Government, representatives of Union, and representatives of employer.

In the event that the Chairman of LAC is absent, Secretary of State or Under Secretary of State or Director General of Labor Department of Ministry of Labor and Vocational Training can take charge as Acting Director of Labor Advisory Committee as delegated by the Chairman.

Members of Labor Advisory Committee shall participate in the meeting in accordance with date and invitation by the Chairman.

Chief Cabinet, Director General of General Department of Administration and Finance, Director General of Labor Department, Secretary General of Labor Advisory Committee and the Ministry itself shall implement this Prakas from the date of signature.

Any provisions contrary to this Prakas shall be abrogated.

OUR LIBRARY

BNG Legal prides itself on maintaining up-to-date with the latest laws and regulations. Our Legal Research Department devotes significant time and resources to finding, compiling, and translating all available laws, which we make available to our clients, free of charge.

For the benefit of our clients and the general public, we regularly publish timely and succinct guides to major topics in Cambodian law.



TAXATION AND CUSTOMS

Prakas No. 609 (MEF) dated 25 May 2015 on Establish the Tax Revenue Control and Evaluation Committee

This Committee is established for improving the efficiency and effectiveness of inspection and evaluation on the tax collection.

This committee is chaired by Minister of MEF, 1 vice chairman and 6 members

The duties of this committee are as following:

- Control and evaluation on activities and other factors related to tax collection which approved by the tax collection strategies in medium term;
- Encourage and provide instruction on action plan of tax collection in order to achieve the target which approved by tax collection strategies in medium term;
- Lead, facilitate and take action to improve the tax collection on tax liability
- Evaluation on the development by quarterly, semiannually and annually

This committee will have a regularly meeting schedule by quarterly, semiannually and annually. If any necessary, the chairman can call for an extraordinary meeting. Member of the committee have to attend the meeting. If chairman is absent, vice chairman has to lead the meeting.

This committee has a secretariat to assist. This secretariat has duties as below:

- Facilitate with other ministry and other office in apply action plan
- Prepare, check, inspect, facilitate and summary the report
- Prepare the recommendation to committee on the action plan
- Prepare and summary the report of annual and semiannual development Of the action plan
- Prepare and facilitate the meeting of the committee based on instruction from the president
- Lead and facilitate with development partner on researching relevant to tax collection
- Other duty assigned by president.

TRANSPORTATIONS

Sub decree No. 85 (RGC) dated 08 July 2015 on the Transactional Fine on Offense to the Law on Road Traffic

This sub-decree is aimed to reduce offenses and traffic accident, to keep the road traffic in order, to save life of human, animal, property and environment and to determine offenses and the provisional fine.

The competent officials who practice the provisional fine are:

- Police of traffic circulation of police of local authorities
- Police of traffic circulation of department of order and commissariat of national police at MOI

The duties of the said officials are as follows:

- Arrest or call the offender for provisional fine
- Receive the provisional fee and issue an invoice of provisional fine to offender
- Manage the said invoices
- Manage the incomes of the provisional fine
- Make a report on the provisional fee
- Send report and proof to prosecution service of the tribunal of first instance in the case that any person does not agree to pay the provisional fine on time

This sub-decree also defines many offenses to be the objectives of penalty.