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Corporate & Investment

Prakas No.965 on the Management of Residential Housing Development Business, dated August 24, 2016

This Prakas ensures the effective management and control of housing development businesses, protection of the interests of customers and the developers, prevention of financial risks in the real estate sector, and prevention against money laundering.

A project of more than four apartments, three villas, or four units of housing must obtain a project license from Ministry of Economy and Finance before it starts.

There are two kinds of licenses. Type 1 license is issued to those developers who use all of their own capital and/or loans from a financial institution to develop housing. Type 2 license is issued to those developers who use their own capital and/or loans from financial institution and/or money raised from buyers. Developers with Type 1 License can sell the houses when the construction is complete. Developers with Type 2 License can sell houses only if they have construction permit, project permit from Ministry of Economy and Finance. Type 2 developers must deposit a business security of 2% of the total investment value with the National Bank of Cambodia or secure a bank guarantee from a commercial bank.

Civil Law

Prakas No.986 on Guarantee Deposit for the Bidding and Deposit to Guarantee the Performance of Contracts

This Prakas determines the formalities, amount of money, and procedure for making and withdrawal of deposits in public procurements and establishes measures against bidders, suppliers or contractors who do not comply with the requirements in the bidding documents and terms of the contract. The Prakas does not apply to the price surveys, recruitments of individual consultants, and separate procurements that do not require deposit and the price surveys, recruitments of individual consultants, and separate procurements for contracting specialized entities of state's institutions and contracting communities that do not require deposit.

Guarantee deposit for the bidding is 2% of the amount of promised to spend, while the deposit to guarantee the performance of contracts is 10% of the contract value.

The guarantee deposit for bidding and the deposit to guarantee the performance of the contract are credited to the deposit account of General Department of National Treasury (GDNT) opened at National Bank of Cambodia or to an account in a commercial bank partnered with the Ministry of Economy and Finance.

Guarantee deposit for bidding can be seized by the state if the bidder withdraws itself from the procurement process when the period of procurement is still effective, the successful bidder does not submit the letter to guarantee the performance of the contract, or the successful bidder refuses to sign the contract. Unsuccessful bidders can withdraw their deposit for bidding and deposit to guarantee the performance of the contract within five days after the successful bidder signs the procurement contract.

Joint Prakas No. 1039 on Public Service Fee of Ministry of Foreign Affairs and International Cooperation (MFAIC) dated 21 September 2016

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ABOUT US

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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.

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The Prakas provides a list of public services that are rendered by the MFAIC, maximum timeframe for the services to be rendered, fees associated with the documents issued, and the valid term of the documents.

MFAIC shall inform the public and post the Joint Prakas, the Schedule of Services and Fees, all forms of documents and procedures to apply for relevant services, especially at the place that provides the public service. An applicant can file a complaint against any officer who does not follow the Joint Prakas, such as charging fee higher than that provided in the Schedule or delaying the service. The applicant can use hotline call, complaint box, or email to file a complaint to the head of the institution or the government Anti-Corruption Unit.

Joint Prakas No.977/2016 on amendment of Article 1 of Joint Prakas No.132 dated 29 January 2013 on the Provision of Public services of Ministry of Royal Palace, dated August 26, 2016

The Joint Prakas allows the Ministry of Royal Palace to collect the ticket income from visitors to the Palace. The ticket price is 1,000 riels for Cambodians and 40,000 riels for foreigners.

Immigration

Decision No. 108 on the Establishment of the Inter-Ministerial Working Group to Examine the Irregularities of Documents of Cambodian Administration Used by Foreigners in Kingdom of Cambodia, dated September 27, 2016

This Decision creates an inter-ministerial working group, which is composed of 15 members from the Council of Ministers, Ministries of Interior, Foreign Affairs and International Cooperation, and Justice. The working group is tasked to search for irregular documents of Cambodia administration that are used by foreigners in the Kingdom of Cambodia.

The Inter-Ministerial Working Group has the following duties:

- Develop plan for researching any relevant laws and regulations and investigate the irregularity of documents of Cambodia administration used by foreigners in the Kingdom of Cambodia.
- Submit recommendations to the Deputy Prime Minister, Minister of Ministry of Interior to decide on the annulment on the irregular documents of Cambodia administration used by foreigners in the Kingdom of Cambodia, and require them to follow the procedure to apply to be foreign immigrants.

Mines & Natural Resources

Sub-Decree No. 195 on the Management of the Exportation of Mineral Ores, dated September 22, 2016

The purpose of this sub-decree is to control the exportation of mineral ores in order to optimize the value of the mineral ores as to contribute to the socio-economic development.

The objectives of this sub-decree are to:

- Determine the basis for the evaluation of mineral ores that can be exported.
- Determine the conditions under which mineral ores can be exported.

Mineral ores are those obtained from the exploitation of mineral resources by the concessionaire, who has secured mining license from the Ministry of Mining and Energy.

Mineral ores that can be processed or used as raw materials for consumption in local industries cannot be exported. These are ores obtained from industrial ores, metal ores, and other non-metal ores. However, they can be exported if:

- The short and long term social-economic benefits from exportation outweigh the benefits of local processing

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- Local processing causes adverse and serious effect to the environment and the society

- The quantity of mineral ores exceeds the needs of local industries.

There are only two of mineral ores that cannot be exported: uranium and other radioactive minerals.

Circular No 05 on Measures for Strengthening the Management of Natural Resources, dated September 22, 2016

The government has been working to deepen the reform in the natural resource management, particularly on forestry and fisheries, by pushing for the amendment of laws and regulations as well as the re-division of clear jurisdiction between the relevant institutions at the national level, and between national level and sub-national level to ensure the enhancement of effective and sustainable management of natural resources.

Recently, the government decided to transfer and hand over the authority to manage the protected areas and conservation all of forests to the Ministry of Agriculture, Forestry and Fisheries, and including some of the forest areas to be the natural protected areas.

Education

Sub-decree No. 191 on the Transfer of Functions Relating to the Management of Early Childhood Education, Primary Education, and Non-Formal Education to City and District Administration, dated September 14, 2016

To align with the sub-national democratic development agenda of the Royal Government of Cambodia, the Ministry of Education, Youth and Sport (MoEYS) will transfer three educational functions such as the management of early childhood education, primary education and non-formal education to district/city administration. The transfer will be effectuated in four provinces in 2017 and 15 provinces in 2018. The transfer will be completed throughout the country in 2019. The transfer of functions will be accompanied by the transfer of financial and human resources. Following the transfer, the MoEYS's role is only to formulate the policies, strategies and legal instruments related to the transferred functions, monitor and evaluate the implementation of those laws and regulations and of sub-national administration. The sub-national administration will become the implementing agencies of education policies and strategies. The transfer of functions aims to move educational services closer to the citizen and to promote quality.