

November 2017

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## Real Estate

### **Prakas No. 761 on Service Fees and Professional Commissions for the Provision of Evaluation Service and Immovable Property Service, dated July 31, 2017**

This Prakas sets out the level of service fees and professional commissions which evaluation and immovable property service company charge for their services.

<b>1. For Evaluation Company</b>			
<b>N</b>	<b>Operation</b>	<b>Fee (Dollars)</b>	<b>Professioanl Fee</b>
1.1	1. Immovable Property Evaluation	Under 100.000	0, 17% or minimum of 170 dollars
		100.001 – 1.000.000	0,10%
		1.000.001 – 5.000.000	0,050%
		5.000.001 – 10.000.000	0,030%
		Over 10.000.001	0,025%
1.2	2. Immovable Property Evaluation for Special Purpose or Special Property	No fee determination	Professional fee shall calculated following with each case by having prior agreement with client
1.3	3. Update on the evaluation of property as stated in (1) and (2)	No fee determination	Calculate in the rate of 50% of professional fee which receive from the previous evaluation
<b>2. For Immovable Property Agent Company and Immovable Property Management Company</b>			
	<b>Operation</b>	<b>Duration (Year)</b>	<b>Professional Service Fee</b>
2.1	1. Buy-Sell immovable property	No determination	Minimum 3%
2.2	2. Rent	Under 01 year	Following with parties' agreements
		01 year	Immovable Property rental fee for 01 month
		Over 01 year	Immovable Property rental fee for 01 month plus 25% in proportion with the rent of each month
2.3	3. Immovable Property Management	No determination	Following with parties' agreement

### **Prakas No. 636 on Business Management of Evaluation Service Provision and Immovable Property Service, dated June 29, 2017**

Under this Prakas, business of evaluation service and immovable property service shall be controlled by Ministry of Economy and Finance (“MEF”).

Under this sub-decree, before providing service for every evaluation service and/or immovable property service, businessmen shall obtain business license and professional certificate issued by MEF first.

Business license is provided to legal entity and business certificate is provided to natural person.

There are three (3) types of business license such as:

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- Evaluation license: provide to company or any company subsidiary in order to provide evaluation service to client in return with professional service fee;

- Immovable property agent license: provide to company or any subsidiary in order to provide immovable property agent service to client in return with professional commissions fee;

- Immovable Property Management license: provide company or any subsidiary in order to provide immovable property management service to client in return with professional service fee.

There are two (2) types of professional certificate such as:

- Evaluation Professional Certificate: provide to natural person
- Immovable Property Agent Certificate: provide to natural person

## Corporates & Investment

### **Prakas No. 375 of the Ministry of Agriculture, Forestry and Fisheries “MAFF” on the Formalities of Application Form and Procedure for Granting of Certificates for Seed Quality, dated 06 July 2017**

The main purpose of this Prakas is to determine the formalities of Application Form and procedures for granting of certificates for seed quality in order to manage the business activities involving seeds in Cambodia.

There are four request forms in this Prakas as details below:

- 1- Request form for a certificate for seed quality
- 2- Request form for obtaining the certificate of recognition the research institutes and laboratories providing seed technical services
- 3- Request from for Seed Business Permit
- 4- Request form for Seed Export/import permit

All business activities relating to any variety of seeds, including production, processing, importing and exporting of seeds shall submit the application form for a certificate for seed quality and seed registration in the national list of seed varieties to be obtained from the General Department of Agriculture (“GDA”) of the MAFF, following the Law on Seed Management and Plant Breeder’s Right. The seed quality will be tested and evaluated by the research institutes and laboratories of MAFF.

In order to fulfill the requirement pursuant to the Law on Seed Management and Plant Breeder’s Right, any person who has a seed business shall obtain the business permit from GDA.

In order to import or export seeds, a permit from the GDA must be obtained. The official timeframe for obtaining the import/export permit is within 20 working days. The validity of this permit is within one year from the date of signature of this export and import permit.

All investor shall display the business permit and export/import permit in their office, factory or institute. Another certificates shall keep it well, it is useful when the inspector of seed come to check at each institutes or factory.

After receiving the approval from MAFF, the advertisement on the registered seed is permissible. Any persons need to submit the request for advertisement to the GDA within 45 working days.

Any transfer of a permit relating to seeds businesses is subject to prior authorization from the GDA.

## Civil Law

### **Sub-Decree No 129 on Repeal and Revocation Illegal Administration Documents Holding by Foreigners**

The main purpose of this sub-decree is about a repeal and revocation illegal administration documents that foreigners are holding. Illegal administration document referred to the documents that foreigners are holding without legal procedure or contravention of legal regulations. The competency of revocation illegal administration document is the Ministry of Interior. Foreigners are still using or holding these illegal document, or person who is collusion, furtiveness, fraud or continually providing the illegal administrative documents will be punished under the Cambodia Law.

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## Prakas No. 1477 on Procedure for Providing Border Pass between Cambodia and Thailand

Provincial governors of some Cambodian provinces next to Thailand's border such as Banteay Mean Chey, Oudor Mean Chey, Pouthisath, Battambang, Pailin, Koh Kong and Preah Vihea province have the rights to issue border passes ("Border Passes") for their residential citizens ("Border Citizens").

A Border Pass is blue color book with 32 pages, written in Khmer and English language consists of some matters such as:

- (a) Name;
- (b) Sex;
- (c) ID card number;
- (d) Date and place of birth;
- (e) Height;
- (f) Occupation;
- (g) Address;
- (h) Photo; and
- (i) Signature or thumb print.

### Term:

For each citizen residing in those provinces, a Border Pass shall be effective for a maximum period of two year (and each holder can request for two year extension).

### Eligibility:

Every citizen that applies for a Border Pass must be 15 years old or older. Citizens who are under 15 years old can also apply for a Border Pass either by applying through his or her parents or guardian or by applying themselves with written consent of their parents or guardian.

Border Citizens may apply for a Border Pass at the provincial hall by him or herself. Only one Border Pass may be issued per application. However, it is possible to endorse a Border Pass so that it covers one adult and a maximum of two children (Under 15).

### Documents:

An application for a Border Pass needs to enclose the following supporting documents:

- (d) an ID card or birth certificate of applicant;
- (e) a copy of family record book or a copy of residential record book; and
- (f) 2 photograph (4x6).

### Loss of Border Pass:

If the holder loss his or her border pass, then he or she can file a complaint to the commune police station within 48 hours. He or she has to apply for a new one, attached with notice of border pass lose from police station. Last, in case of border pass was damaged, holder must apply for new one attached with the damaged one.

## Prakas No. 1469 on Procedure for Providing Border Pass between Cambodia and Laos

Under this Prakas, provincial governors of certain Cambodian provinces which are located adjacent to Cambodia's border with Laos such as Ratanakkiri, Stung Treng, and Preah Vihea are granted rights to issue border passes ("Border Passes") for their residential citizens ("Border Citizens").

A border pass for each relevant citizen with 32 pages, written in Khmer and English detailing the following:

- (a) Name;
- (b) Sex;
- (c) ID card number;
- (d) Date and place of birth;
- (e) Height;
- (f) Occupation;
- (g) Address

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(h) Photo; and

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## Decision No 58 on Promulgate the date of the Election of Senate Members of the Senate for Fourth Mandate

The next election of the Senate shall take place on Sunday 14th January, 2018.

## Decision No 59 on Promulgate the date of the Election of National Assembly Members of the National Assembly for Sixth Mandate

The next election of the National Assembly shall take place on Sunday July 29th, 2018.

## ASEAN Related Law

### Sub-Decree No. 124 on the Creation of National Committee of Cambodia-ASEAN Law Association, dated August 03, 2017

This sub-decree established a new body, the National Committee of Cambodia-ASEAN Law Association ("CCALA").

The overriding purpose of the CCALA is to increase the level of cooperation among ASEAN member countries with the aim of promoting improvements in the function of the respective members' legal systems. In particular, CCALA is established to promote individuals' and investors' rights in the ASEAN region.

In relation to Cambodia, CCALA shall:

- Comply with its internal regulation;
- Participate in the meetings, convened by the Cambodia-ASEAN Law Association;
- Provide an exposition of the Cambodian legal system to other ASEAN member states; Promote cooperation among lawyers in ASEAN member states for the purpose of promoting economic development and inward investment in Cambodia ; and
- Organize meetings of the Cambodia-ASEAN Law Association with the President of the Supreme Court in each ASEAN member states.