



**Japan International Cooperation Agency**

**The Study on the Master Plan for  
Maritime and Port Sectors in Cambodia**

**APPENDIX II**

**LAWS AND REGULATIONS  
RELATED TO  
MARITIME AND PORT SECTORS  
IN  
CAMBODIA**

**The Overseas Coastal Area Development Institute of Japan (OCDI)  
Japan Marine Science Inc. (JMS)**

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**PART 1**

**CAMBODIAN**  
**CONSTITUTION**

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**CONSTITUTIONAL LAW  
 OF THE KINGDOM OF CAMBODIA  
 (ANNOTATED)**

*This Constitution was adopted by the Constitutional Assembly  
 in Phnom Penh on September 21, 1993 at its 2<sup>nd</sup> Plenary Session.  
 Amendments passed 4<sup>th</sup> March 1999*

**.B: THIS VERSION OF THE CAMBODIAN CONSTITUTION IS TAKEN FROM THE TRANSLATION PROVIDED IN THE UNDP LEGAL DATA BASE. THE ANNOTATIONS AND TRANSLATIONS OF THE 1999 AMENDMENTS ARE THE WORK OF THE USF CAMBODIA PROJECT – IT IS NOT AN OFFICIAL TRANSLATION AND IS INTENDED FOR INFORMATION TEACHING PURPOSES ONLY. THE ANNOTATIONS ARE INCLUDED IN THE MAIN TEXT OF THE CONSTITUTION and are set out as follows:**

WHERE THE 1999 AMENDMENTS *REMOVED* WORDS FROM THE 1993 ORIGINAL THIS IS INDICATED BY THE removed WORD BEING CROSSED OUT IN THIS ANNOTATED VERSION;

WHERE THE 1999 AMENDMENTS *ADDED* WORDS TO THE ORIGINAL THESE ARE INDICATED BY BEING UNDERLINED IN THIS ANNOTATED VERSION;

WHERE ARTICLES HAVE BEEN *RENUMBERED* THIS IS INDICATED IN PARENTHESES.

PREAMBLE

\*\*\*\*\*

**WE, THE PEOPLE OF CAMBODIA**

Having known a grand civilization of a prosperous, powerful, and glorious nation whose prestige radiates like a diamond, having endured sufferings and destructions and having experienced a tragic decline in the course of the two decades,

Having awakened, stood up with a resolute determination to strengthen the national unity, to preserve and defend Cambodia's territory and its precious sovereignty and the prestige of Angkor civilization, and to restore Cambodia into an "Island of Peace" based on a multi-party liberal democratic regime guaranteeing human rights and the respect of law, and responsible for the destiny of the nation always evolving toward progress, development, prosperity, and glory,

**WITH THIS RESOLUTE WILL**

We inscribe the following as the Constitution of the Kingdom of Cambodia:

**CHAPTER I**

**SOVEREIGNTY**

- Article 1:** Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and pluralism. The Kingdom of Cambodia shall be independent, sovereign, peaceful, permanently neutral and non-aligned country.
- Article 2:** The territorial integrity of the Kingdom of Cambodia, shall absolutely not to be violated within its borders as defined in the 1/100,000 scale map made between the year 1933-1953 and internationally recognized between the years 1963 - 1969.
- Article 3:** The Kingdom of Cambodia is an indivisible state.
- Article 4:** The motto of the Kingdom of Cambodia is: "Nation, Religion, and King".
- Article 5:** The official language and script is Khmer.
- Article 6:** Phnom Penh is the capital of the Kingdom of Cambodia. The national flag, anthem and coat-of-arms shall be defined in Annexes I-II and III

**CHAPTER II**

**THE KING**

- Article 7:** The King of Cambodia shall reign but shall not govern. The King shall be the Head of State for life. The King shall be inviolable.
- Article 8:** The King of Cambodia shall be a symbol of unity and eternity of the nation. The King shall be guarantor of the national independence, sovereignty, and territorial integrity of the Kingdom of Cambodia, the protector of rights and freedom for all citizens and the guarantor of international treaties.
- Article 9:** The King shall assume the august role of arbitrator to ensure the faithful execution of public powers.
- Article 10:** The Cambodian monarchy shall be an appointed regime.

**Article 11:** *New (as amended March 1999)* In the case that the King cannot perform His normal duties as Head of State owing to His serious illness as certified by doctors chosen by the President of the Senate, the President of the Assembly and the Prime Minister the President of the Assembly Senate shall perform the duties of Head of state as "Regent"

In the case of the President of the Senate cannot perform his duties as the acting Head of State replacing the King as "Regent" when he is seriously ill as provided in the above paragraph the President of Assembly shall take them over.

In the case as stated in the above paragraph, other dignitaries as following hierarchy can perform Acting Head of State as Regent:

- A. First Vice-President of the Senate
- B. First Vice-President of the Assembly
- C. Second Vice-President of the Senate
- D. Second Vice-President of the Assembly

**Article 12:** *New (as amended March 1999)* In case of the death of the King, the President of the Assembly Senate shall take over the responsibility as Acting Head of State in the capacity of Regent of the Kingdom of Cambodia.

In the case that the President of the Senate cannot perform his duties of the acting Head of State as "Regent" in the place of the King on the death of the King the responsibilities of Head of State in the capacity of regent shall be exercised in conformity with the second and third paragraph of new Article 11.

**Article 13:** *New (As amended March 1999)* within a period of not more than seven days, the Royal Council of Throne shall choose the new King of the Kingdom of Cambodia.

The Royal Council of the Throne shall consist of:

- The President of the Senate
- The President of the Assembly
- The Prime Minister
- The Chiefs of the Order Mohan Kay and Thammayut
- The First and Second Vice-President of the Senate
- The First and Second Vice-President of the Assembly

The organization and functioning of the Council of the Throne shall be determined by law.

**Article 14:** The King of Cambodia shall be a member of the Royal family, of at least 30 years old, descending from the blood line of *King Ang Duong*, *King Norodom* or *King Sisowath*. Upon enthronement, the King shall take the oath of allegiance as stipulated in Annex IV.

**Article 15:** The wife of the reigning King shall have the royal title of Queen of Cambodia.

**Article 16:** The Queen of the Kingdom of Cambodia shall not have the right to engage in politics, to assume the role of Head of State or Head of Government, or to assume other administrative or political roles.

The Queen of the Kingdom of Cambodia shall exercise activities that serve the social, humanitarian, religious interests, and shall assist the King with protocol and diplomatic functions.

**Article 17:** The provision as stated in the first clause of Article 7, "the King of Cambodia shall reign but shall not govern", absolutely shall not be amended.

**Article 18:** *New (as amended March 1999)* The King shall communicate with the Assembly by royal messages.  
These royal messages shall not be subject to discussion by the Senate and the National Assembly.

**Article 19:** The King shall appoint the Prime Minister and the Council of Ministers according to the procedures stipulated in Article 100.

**Article 20:** The King shall grant an audience twice a month to the Prime Minister and the Council of Ministers to hear their reports on the State of the Nation.

**Article 21:** Upon Proposals by the Council of Ministers, the King shall sign decrees (Kret) appointing, transferring or ending the mission of high civil and military officials, ambassadors and Envoys Extraordinary and Plenipotentiary.

Upon proposals by the Supreme Council of Magistracy, the King shall sign decrees (Kret) appointing, transferring or removing judges.

**Article 22:** *New (as amended March 1999)* When the nation faces danger, the king shall make a proclamation to the people putting the country in a state of emergency after agreement with the Prime Minister, the president of Assembly and the president of the Senate.

**Article 23:** The King is the Supreme Commander of the Royal Khmer Armed Forces. The Commander-in-Chief of the Royal Khmer Armed Forces shall be appointed to command the Armed Forces.

**Article 24:** *New (as amended March 1999)* The King shall serve as Chairman of the Supreme Council of National defense to be established by law. The King shall declare war after approval of the Assembly and the Senate.

**Article 25:** The King shall receive letters of credentials from ambassador or envoys extraordinary and plenipotentiary of foreign countries accredited to the Kingdom of Cambodia.

**Article 26:** *New (as amended March 1999)* The King shall sign and ratify international treaties and conventions after a vote of approval by the National Assembly and the Senate.

**Article 27:** The King shall have the right to grant partial or complete amnesty.

**Article 28:** *New (as amended March 1999)* The King shall sign the law promulgating the Constitution; laws adopted by the National Assembly and laws completely reviewed by the Senate and shall sign the Royal decree presented by the Council of Ministers.

In the case that the King is serious illness and is hospitalized abroad, the King has the right to delegate the power of signing of the above laws and royal decrees to the Acting head of State through delegating writs.

**Article 29:** The King shall establish and confer national medals proposed by the Council of Ministers. The King shall confer civil and military ranks as determined by law.

**Article 30:** *New (as amended March 1999)* In the absence of the King, the President of the Assembly Senate shall assume the duties of acting Head of State.

In the case that the President of the Senate cannot perform his duties as the acting Head of State replacing the King due to his absence, the responsibilities as the Acting Head of State shall be exercised in conformity with second and third paragraph of new Article 11.

### **CHAPTER III**

#### **THE RIGHTS AND OBLIGATIONS OF KHMER CITIZENS**

**Article 31:** The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women's and children's rights.

Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

**Article 32:** Every Khmer citizen shall have the right to life, personal freedom, and security. There shall be no capital punishment.

**Article 33:** Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition. Khmer citizens residing abroad enjoy the protection of the State. The Khmer nationality shall be determined by a law.

**Article 34:** *New (as amended March 1999)* Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election.

Khmer citizens of either sex at least eighteen years old have the right to vote. Citizens of either sex at least twenty-five years old, have the right to stand as candidates for the election.

Citizens of either sex at least forty years old, have the right to stand as candidates for the election of senators.

Provisions restricting the right to vote and the right to stand as candidates of the election shall be determined by law.

**Article 35:** Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. Any suggestions from the people shall be given full consideration by the grant of the State.

**Article 36:** Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society. Khmer citizens of either sex shall receive equal pay for equal work.

The work by housewives in the home shall have the same value as what they can receive when working outside the home. Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.

Khmer citizens of either sex shall have the right to form and to be member of trade unions. The organization and conduct of trade unions shall be determined by law.

**Article 37:** The right to strike and to non-violent demonstration shall be implemented in the framework of a law.

**Article 38:** The law guarantees there shall be no physical abuse against any individual. The law shall protect life, honor, and dignity of the citizens. The prosecution, arrest, or detention of any person shall not be done except in accordance with the law.

Coercion, physical ill-treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. Persons who commit, participate or conspire in such acts shall be punished according to the law.

Confessions obtained by physical or mental force shall not be admissible as evidence of guilt. Any case of doubt, it shall be resolved in favor of the accused. The accused shall be considered innocent until the court has judged finally on the case. Every citizen shall enjoy the right to defense through judicial recourse.

**Article 39:** Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.

**Article 40:** Citizens' freedom to travel, far and near and legal settlement shall be respected. Khmer citizens shall have the right to travel and settle abroad and return to the country.

The rights to privacy of residence, and to the secrecy of correspondence by mail, telegram, fax, telex and telephone shall be guaranteed. Any search of the house, material and body shall be in accordance with the law.

**Article 41:** Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security. The regime of the media shall be determined by law.

**Article 42:** Khmer Citizens shall have the right to establish associations and political parties. These rights shall be determined by law. Khmer citizens may take part in mass organizations for mutual benefit to protect national achievement and social order.

**Article 43:** Khmer citizens of either sex shall have the right to freedom of belief. Freedom of religious belief and worship shall be guaranteed by the State on the condition that such freedom does not affect other religious beliefs or violate public order and security. Buddhism shall be the religion of the State.

**Article 44:** All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.

Legal private ownership shall be protected by law. The right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

**Article 45:** All forms of discrimination against women shall be abolished. The exploitation of women in employment shall be prohibited. Men and women are equal in all fields especially with respect to marriage and family matters.

Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.

**Article 46:** The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited.

A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits.

The state and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.

**Article 47:** Parents shall have the duty to take care of and educate their children to become good citizens. Children shall have the duty to take good care of their elderly mother and father according to Khmer traditions.

**Article 48:** The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation. The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

**Article 49:** Every Khmer citizen shall respect the Constitution and laws. All Khmer citizens shall have the duty to take part in the national reconstruction and to defend the homeland. The duty to defend the country shall be determined by law.

**Article 50:** Khmer citizens of either sex shall respect the principles of national sovereignty, liberal multi-party democracy. Khmer citizens of either sex shall respect public and legally acquired private properties.

## **CHAPTER IV**

### **ON POLICY**

**Article 51:** *New (as amended March 1999)* The Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism. The Cambodian people are the masters of their own country.

All power belongs to the people. The people exercise these powers through the National Assembly, The Senate, the Royal Government and the Judiciary. The legislative, executive, and judicial powers shall be separate.

**Article 52:** The Royal Government of Cambodia shall protect the independence, sovereignty, territorial integrity of the Kingdom of Cambodia, adopt the policy of national reconciliation to insure national unity, and preserve the good national traditions of the country. The Royal Government of Cambodia shall preserve and protect the law and ensure public order and security. The State shall give priority to endeavors which improve the welfare and standard of living of citizens.



**Article 53:** The Kingdom of Cambodia adopts a policy of permanent neutrality and non-alignment. The Kingdom of Cambodia follows a policy of peaceful co-existence with its neighbors and with all other countries throughout the world.

The Kingdom of Cambodia shall not invade any country, nor interfere in any other country's internal affairs, directly or indirectly, and shall solve any problems peacefully with due respect for mutual interests.

The Kingdom of Cambodia shall not join in any military alliance or military pact which is incompatible with its policy of neutrality.

The Kingdom of Cambodia shall not permit any foreign military base on its territory and shall not have its own military base abroad, except within the framework of a United Nations request.

The Kingdom of Cambodia reserves the right to receive foreign assistance in military equipment, armaments, ammunitions, in training of its armed forces, and other assistance for self-defense and to maintain public order and security within its territory.

**Article 54:** The manufacturing, use and storage of nuclear, chemical or biological weapons shall be absolutely prohibited.

**Article 55:** Any treaty and agreement incompatible with the independence, sovereignty, territorial integrity, neutrality and national unity of the Kingdom of Cambodia shall be annulled.

## **CHAPTER V**

### **ECONOMY**

**Article 56:** The Kingdom of Cambodia shall adopt the market economy system. The preparation and process of this economic system shall be determined by the law.

**Article 57:** Tax collection shall be in accordance with the law. The national budget shall be determined by law. Management of the monetary and financial system shall be defined by law.

**Article 58:** State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defense and other facilities determined as State property.

The control, use and management of State properties shall be determined by law.

**Article 59:** The State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, air, wind, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forestry products, wildlife, fish and aquatic resources.

**Article 60:** Khmer citizens shall have the right to sell their product. The obligation to sell products to the State, or the temporary use of private or State properties shall be prohibited unless authorized by law under special circumstances.

**Article 61:** The State shall promote economic development in all sectors and remote areas, especially in agriculture, handicrafts, industry, with attention to policies of water, electricity, roads and means of transport, modern technology and a system of credit.

**Article 62:** The State shall pay attention and help solve production matters, protect the price of products for farmers, crafters, and find marketplace for them to sell their products.

**Article 63:** The State shall respect market management in order to guarantee a better standard of living for the people.

**Article 64:** The State shall ban and severely punish those who import, manufacture sell illicit drugs, counterfeit and expired goods which affect the health and life of the consumers.

## **CHAPTER VI**

### **EDUCATION, CULTURE, SOCIAL AFFAIRS**

**Article 65:** The State shall protect and upgrade citizens' rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens. The State shall respect physical education and sports for the welfare of all Khmer citizens.

**Article 66:** The state shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and quality to ensure that all citizens have equal opportunity to earn a living.

**Article 67:** The State shall adopt an educational program according to the principle of modern pedagogy including technology and foreign languages. The State shall control public and private schools and classrooms at all levels.

**Article 68:** The State shall provide free primary and secondary education to all citizens in public schools. Citizens shall receive education for at least 9 years. The State shall disseminate and develop the Pali schools and the Buddhist Institute.

**Article 69:** The State shall preserve and promote national culture. The State shall Protect and promote the Khmer language as required. The State shall preserve ancient monuments and artifacts and restore historic sites.

**Article 70:** Any offense affecting cultural artistic heritage shall carry a severe punishment.

**Article 71:** The perimeter of the national heritage sites as well as heritage that has been classified as world heritage shall be considered neutral zones where there shall be no military activity.

**Article 72:** The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities. The State shall establish infirmaries and maternities in rural areas.

**Article 73:** The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support.

**Article 74:** The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation.

**Article 75:** The State shall establish a social security system for workers and employees.

## CHAPTER VII

### THE NATIONAL ASSEMBLY

**Article 76:** The National Assembly consists of at least 120 members. The deputies shall be elected by a free, universal, equal, direct and secret ballot. The deputies may be re-elected.

Khmer citizens able to stand for election shall be the Khmer citizens of either sex, who have the right to vote, at least 25 years of age, and who have Khmer nationality at birth. Preparation for the election, procedure and electoral process shall be determined by an Electoral Law.

**Article 77:** The deputies in the National Assembly shall represent the entire Khmer people, not only Khmers from their constituencies. Any imperative mandate shall be nullified.

**Article 78:** The legislative term of the National Assembly shall be 5 years and terminates on the day when the new National Assembly convenes.

The National Assembly shall not be dissolved before the end of its term except when the Royal government is twice deposed within a period of twelve months. In this case, following a proposal from the Prime Minister and the approval of the Chairman of the National Assembly, the King shall dissolve the National Assembly.

The election of a new National Assembly shall be held no later than 60 days from the date of dissolution. During this period, the Royal government shall only be empowered to conduct routine business.

In time of war or other special circumstances where an election cannot be held, the National Assembly may extend its term for one year at a time, upon the request of the King.

Such an extension shall require at least a two-third vote of the entire National Assembly.

**Article 79:** The National Assembly mandate shall be incompatible with the holding of any active public function and of any membership in other institutions provided for in the Constitution, except when the assembly members (s) is (are) required to serve in the Royal Government.

In this circumstance, the said assembly member(s) shall retain the usual assembly membership but shall not hold any position in the Permanent Standing Committee and in other assembly commissions.

**Article 80:** The deputies shall enjoy parliamentary immunity. No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties.

The accusation, arrest, or detention of an assembly member shall be made only with the permission of the National Assembly or by the Standing Committee of the National Assembly between sessions, except in case of *flagrante delicto*. In that case, the competent authority shall immediately report to the National Assembly or to the Standing Committee for decision.

The decision made by the Standing Committee of the National Assembly shall be submitted to the National Assembly at its next session for approval by a 2/3 majority vote of the assembly members.

In any case, detention or prosecution of a deputy shall be suspended by a ¾ majority vote of the National Assembly members.

**Article 81:** The National Assembly shall have an autonomous budget to conduct its function. The deputies shall have received remuneration.

**Article 82:** The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King. Before taking office, the National Assembly shall decide on the validity of each member's mandate and vote separately to choose a Chairman, Vice-Chairmen and members of each Commission by a 2/3 majority vote. All National Assembly members must take oath before taking office according to the text contained in Annex 5.

**Article 83:** The National Assembly shall hold its ordinary session twice a year. Each session shall last at least three months. If there is a proposal from the King or the Prime Minister or at least 1/3 of the National Assembly members, the National Assembly Standing Committee shall call an extraordinary session of the National Assembly.

In this case, the agenda with the conditions of the extraordinary session shall be disseminated to the population as well as the date of the meeting.

**Article 84:** Between the National Assembly sessions, the National Assembly Standing Committee shall manage the work of the National Assembly.

The Permanent Standing Committee of the National Assembly consists of the Chairman of the National Assembly, the Vice-Chairmen, and the Chairmen of National Assembly Commissions.

**Article 85:** The National Assembly sessions shall be held in the Royal Capital of Cambodia in the Assembly Hall, unless stipulated otherwise in the summons, due to special circumstances.

Except where so stipulated and unless held at the place and date as stipulated, any meeting of the National Assembly shall be considered as illegal and void.

**Article 86:** If the country is in a state of emergency, the National Assembly shall meet every day continuously. The National Assembly has the right to terminate this state of emergency whenever the situation permits.

If the National Assembly is not able to meet because of circumstances such as the occupation by foreign forces the declaration of the state of emergency must be automatically extended. During the state of emergency, the National Assembly shall not be dissolved.

**Article 87:** The Chairman of the National Assembly shall chair the assembly session; receive draft bills and resolutions adopted by the National Assembly, ensure the implementation of the Internal Rules of Procedure and manage the assembly relations with foreign countries.

If the Chairman is unable to perform his/her duties due to illness or to fulfill the function of Head of State as interim or as a Regent, or is on a mission abroad, a Vice-Chairman shall replace him.

In case of resignation or death of the Chairman or the Vice-Chairman (men), the National Assembly shall elect a new Chairman or Vice-Chairman (men).

**Article 88:** The National Assembly sessions shall be held in public. The National Assembly shall meet in closed session at the request of the Chairman or of at least 1/10 of its members, of the King or of the Prime Minister. The National Assembly meeting shall be considered as valid provided there is a quorum of 7/10 of all members.

**Article 89:** Upon the request by at least 1/10 of its members the National Assembly shall invite a high ranking official to clarify important special issues.

**Article 90:** *New (as amended March 1999)* The National Assembly is the only an organ which has legislative power, and performs its duties as provided for in the constitution and laws.

This power shall not be transferable to any other organ or individual.

The National Assembly shall approve the national budget, State planning, loans, financial contracts, and the creation, modification and annulment of tax.

The National Assembly shall approve administration accounts.

The National Assembly shall adopt the law on the general amnesty.

The National Assembly shall adopt or repeal treaties and International Convention

The National Assembly shall adopt the law on proclamation of war.

The adoption of the above clauses shall be done by the absolute majority of all members of the entire National Assembly membership.

The National Assembly shall pass a vote of confidence in the Royal Government by a two-third majority of all members of the entire National Assembly membership.

**Article 91:** *New (as amended March 1999)* The members of the Senate, the members of the National Assembly and the Prime Minister have the right to initiate legislation.

Deputies have the right to propose amendments to the laws but these proposals cannot be accepted if they aim at reducing public income or increasing the burden on the people.

**Article 92:** Laws adopted by the National Assembly which run counter to the principles of preserving national independence, sovereignty, territorial integrity, and affect the political unity or the administration of the nation shall be annulled. The Constitutional Council is the only organ which shall decide upon this annulment.

**Article 93:** *New (as amended March 1999)* Any law approved by the assembly and finally reviewed by the Senate and signed by the King for its promulgation shall go into effect in Phnom Penh ten days after its signing and throughout the country twenty days after its signing.

Laws that are stipulated as urgent shall take effect immediately throughout the country after promulgation. Laws that are signed by the King for its promulgation shall be published in the official journal and announced it to the public throughout the country.

**Article 94:** The National Assembly shall establish various necessary commissions. The organization and functioning of the National Assembly shall be determined by the Internal Rules of Procedure of the National Assembly.

**Article 95:** In case of death, resignation, or dismissal of an assembly deputy at least 6 months before the end of the mandate, a replacement shall be appointed in accordance with the Internal Rules of Procedure of the National Assembly and the Electoral Law.

**Article 96:** The deputies have the right to put a motion against the Royal Government. The motion shall be submitted in writing through the Chairman of the National Assembly.

The replies shall be given by one or several ministers depending on the matters related to the accountability of one or several ministers. If the case concerns the overall policy of the Royal Government, the Prime Minister shall reply in person.

The explanations by the ministers or by the Prime Minister shall be given verbally or in writing. The explanations shall be provided within 7 days after the day when the question is received.

In case of verbal reply, the Chairman of the National Assembly shall decide whether to hold an open debate or not. If there is no debate, the answer of the minister or the Prime Minister shall be considered final. If there is a debate, the questioner, other speakers, the ministers, or the Prime Minister may exchange views within the time-frame not exceeding one session.

The National Assembly shall establish one day each week for questions and answers. There shall be no vote during any session reserved for this purpose.

**Article 97:** The National Assembly commissions may invite any minister to clarify certain issues under his/her field of responsibility.

**Article 98:** The National Assembly shall dismiss a member or members of the Royal Government or the whole Cabinet by the adoption of a motion of censure by 2/3 majority of the entire National Assembly.

The motion of censure shall be proposed to the National Assembly by at least 30 assembly members in order for the entire National Assembly to decide.

## **CHAPTER VIII**

### **THE SENATE**

**Article 99:** *New (as amended March 1999)* The Senate is a body that has legislative power and performs its duties as determined in the constitution and law. The Senate consists of members the number of which do not exceed half of all of the members of the Assembly. Some Senators shall be nominated and some shall be elected universally. A Senator can be re-nominated and reelected.

**Article 100:** *New (as amended March 1999)* The king shall nominate two Senators. The Assembly shall elect two Senators by majority Vote. Others shall be universally elected.

**Article 101:** *New (as amended March 1999)* The organization and operating procedures concerning the nomination and election of the Senators and the determination of the electors, election organization and electoral constituencies shall be determined by law.

**Article 102:** *New (as amended March 1999)* The term for Senators is six years and this term shall expire upon replacement by new Senators.

When the election of the Senator cannot be conducted due to war and special circumstances, the Senate can continue its term year by year upon the proposal of the King.

The declaration of continuity of its term shall be decided by at least a two-third majority of all members of the senate.

In the circumstance described above the Senate shall assemble everyday. The Senate has the right to terminate the above situation with good reason.

If the Senate cannot assemble due to the invasion of foreign troops the proclamation of the state of emergency shall be continuously in effect automatically.

**Article 103:** *New (as amended March 1999)* The mandate of senators shall be incompatible with the holding of any active public function, with the functions of members of the National Assembly, and of any membership in other institutions provided for in the constitution.

**Article 10:** *New (as amended March 1999)* The Senator shall enjoy parliamentary immunity.

No Senator shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his or her duties.

The accusation, arrest, or detention of a senator shall be made only with the permission of the Senate or by the Standing Committee of the Senate between sessions, except in the case of flagrant delicto. In that case the competent authority shall immediately report to the senate or to the Standing Committee for decision.

The decision made by the Standing Committee of the Senate shall be submitted to the Senate at its session for approval by a two-thirds majority vote of all senators. In any case, detention or prosecution of a Senator shall be suspended by a three-quarters majority vote of all senators.

**Article 105:** *New (as amended March 1999)* The Senate shall have an autonomous budget to conduct its functions. Senators shall receive remuneration.

**Article 106:** *New (As amended March 1999)* The Senate shall hold its first session no later than sixty days after the election upon notice by the King.

Before taking office, the Senate shall decide on the validity of each member's mandate and vote separately to choose a president, Vice president and its members of each commission by a two-third majority vote.

All Senators must take the oath before taking office according to the text contained in annex 7.

**Article 107:** *New (as amended March 1999)* The Senate shall hold its ordinary sessions twice a year. Each session shall last at least three months. If there is a proposal from the king or the prime Minister, or at least one-third of the senate, the Senate standing Committee shall call an extraordinary session of the Senate.

**Article 108:** *New (as amended March 1999)* Between the senate sessions, the Senate Standing Committee shall manage the work of the Senate.

The permanent Standing Committee of the Senate consists of the President of the Senate and the Vice-presidents and the Presidents of the senate commissions.

**Article 109:** *New (as amended March 1999)* The Senate sessions shall be held in the Royal capital of Cambodia in the Senate Hall, unless stipulated otherwise in the summons, owing to special circumstances.

Except where so stipulated and unless held at the place and date as stipulated any meeting of the Senate shall be considered as illegal and void.

**Article 110:** *New (as amended March 1999)* The president of the Senate shall chair the Senate sessions, receive draft bill and resolutions adopted by the senate, ensure the implementation of the internal rules of procedure and manage the senate's relations with foreign countries.

If the President is unable to perform his duties owing to illness or to fulfill the functions of Head of State as interim or as Regent, or is on a mission abroad, a Vice President shall replace him.

In case of resignation or death of the president or Vice Presidents, the Assembly shall elect a new President or Vice Presidents.

**Article 111:** *New (as amended March 1999)* The Senate sessions shall be held in public.

The Senate shall meet in closed session at the request of the President or of at least one-tenths of its members, of the King or of the Prime Minister or the President of Assembly.

The Senate meeting shall be considered as valid provided there is a quorum of seven-tenths of all members.

The numbers of votes which are required for the Assembly approval as provided for in the constitution shall be applied to the Senate as well.

**Article 112:** *New (as amended March 1999)* The Senate has the duties to coordinate the work between the Assembly and the Government.

**Article 113:** *New (as amended March 1999)* The senate shall examine and give a recommendation to a draft or proposed law that was firstly adopted by the Assembly and other matters that the Assembly submitted within no more than one month. If it is an emergency case that duration shall be reduced to seven days.

If the Senate approves, or disapproves but not within the time limit stipulated above, the law adopted by the Assembly shall be promulgated.

If the Senate calls for the modification of the draft and the proposed law the Assembly shall take that draft and that proposed law into account a second time immediately. The Assembly shall examine and decide whether to eliminate all or some of the provisions or any terms that the Senate calls for so doing.

The exchange of the draft or the proposed law between the Senate and the Assembly shall be done only within one month. This duration shall be reduced to ten days if it is the case of national budget or finance and the duration shall be reduced to only two days if it is an urgent case.

If the Assembly withholds for longer than the time stipulated or delays while inspecting the law the principle duration for the Assembly and the Senate shall be extended so that the time duration for both are equal.

If the Senate rejects the draft or the proposed law this draft or proposed law cannot be reviewed a second time by the Assembly before one-month duration. This duration shall be reduced to fifteen days in the case of the national budget and finance cases and to four days if it is an urgent case.

In the examination of the draft and the proposed law a second time the Assembly shall adopt same by open vote with an absolute majority.



The draft or the proposed laws adopted by the above method shall then be sent for promulgation.

**Article 114:** *New (as amended March 1999)* The Senate shall establish necessary commissions. The organizing and the functioning of the Senate shall be provided for in the Internal Rules of the Senate. These internal rules shall be approved by a two-third majority vote of all senators.

**Article 115:** *New (as amended March 1999)* In the case of a senator dying, resigning, or breaching the rules of membership of the senate, within at least six months before expiration of the term, the vacancy shall be filled by a person appointed or elected according to the procedures stipulated in the internal rules of the Senate and the law on the election and nomination of senators.

## **CHAPTER IX**

### **THE ASSEMBLY AND THE SENATE**

**Article 116:** *New (as amended March 1999)* In the special case, the Assembly and the Senate can assemble as the congress to resolve the important issues of the nation.

**Article 117:** *New (As amended March 1999)* The national issues mentioned above in new article 116 and the organizing and functioning of the congress shall be determined by Law.

## **CHAPTER X**

### **THE ROYAL GOVERNMENT**

**Article 118:** *New (Previously Article 99)* The Council of Ministers is the Royal Government of Cambodia.

The Council of Ministers shall be led by one Prime Minister assisted by Deputy Prime Ministers, and by State Ministers, Ministers, and State Secretaries as members

**Article 119:** *New (Previously Article 100)* At the recommendation of the Chairman and with the agreement of both the Vice-Chairmen of the National Assembly, the King shall designate a dignitary from among the representatives of the winning party to form the Royal Government. This designated representative along with other members chosen from the political parties or represented in the National Assembly; then presents themselves to the National Assembly to ask for a vote of confidence.

After the National Assembly has given its vote of confidence, the King shall issue a Royal Decree (Kret) appointing the entire Council of Ministers.

Before taking office, the Council of Ministers shall take an oath as stipulated in Annex 6.

**Article 120:** *New (Previously Article 101)* The functions of members of the Royal Government shall be incompatible with professional activities in trade or industry and with the holding of any position in the public service.

**Article 121:** *New (Previously Article 102)* Members of the Royal Government shall be collectively responsible to the National Assembly for the overall policy of the Royal Government.

Each member of the Royal Government shall be individually responsible to the Prime Minister and the National Assembly for his/her own conduct.

**Article 122:** *New (Previously Article 103)* Members of the Royal Government shall not use the orders, written or verbal, of anyone as grounds to exonerate themselves from their responsibility.

**Article 123:** *New (Previously Article 104)* The Council of Ministers shall meet every week in plenary session or in a working session. The Prime Minister shall chair the plenary sessions. The Prime Minister may assign a Deputy Prime Minister to preside over the working sessions. Minutes of the Council of Minister's meetings shall be forwarded to the King for His information.

**Article 124:** *New (Previously Article 105)* The Prime Minister shall have the right to delegate his power to a Deputy Prime Minister or to any member of the Royal Government.

**Article 125:** *New (Previously Article 106)* If the post of Prime Minister is permanently vacant, a new Council of Ministers shall be appointed under the procedure stipulated in this Constitution. If the vacancy is temporary, an acting Prime Minister shall be provisionally appointed.

**Article 126:** *New (Previously Article 107)* Each member of the Royal Government shall be punished for any crimes or misdemeanors that he/she has committed in the course of his/her duty.

In such cases and when he/she has committed serious offenses in the course of his/her duty, the Assembly shall decide to file charges against him/her with the competent court.

The assembly shall decide on such matters through a secret vote by a simple majority thereof.

**Article 127:** *New (Previously Article 108)* The organization and functioning of the Council of Ministers shall be determined by law.

## **CHAPTER XI**

### **THE JUDICIARY**

**Article 128:** *New (Previously Article 109)* The Judicial power shall be an independent power.

The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens.

The Judiciary shall cover all lawsuits including administrative ones.

The authority of the Judiciary shall be granted to the Supreme Court and to the lower courts of all sectors and levels.

**Article 129:** *New (Previously Article 110)* Trials shall be conducted in the name of Khmer citizens in accordance with the legal procedures and laws in force.

Only judges shall have the right to adjudicate. A judge shall fulfill this duty with strict respect for the laws, wholeheartedly, and conscientiously.

**Article 130:** *New (Previously Article 111)* Judicial power shall not be granted to the legislative or executive branches.

**Article 131:** *New (Previously Article 112)* Only the Department of Public Prosecution shall have the right to file criminal suits.

**Article 132:** *New (Previously Article 113)* The King shall be the guarantor of the independence of the Judiciary. The Supreme Council of the Magistracy shall assist the King in this matter.

**Article 133:** *New (Previously Article 114)* Judges shall not be dismissed. The Supreme Council of the Magistracy shall take disciplinary actions against any delinquent judges.

**Article 134:** *New (Previously Article 115)* The Supreme Council of the Magistracy shall be chaired by the King. The King may appoint a representative to chair the Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall be chaired by the King. The King may appoint a representative to chair the Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall make proposals to the King on the appointment of judges and prosecutors to all courts.

The Supreme Council of Magistracy shall meet under the chairmanship of the President of the Supreme Court or the General Prosecutor of the Supreme Court to decide on disciplinary actions against judges or prosecutors.

**Article 135:** *New (Previously Article 116)* The statutes of judges and prosecutors and the functioning of the judiciary shall be defined in separate laws.

## **CHAPTER XII**

### **THE CONSTITUTIONAL COUNCIL**

**Article 136:** *New (previously Article 117 and as amended March 1999)* The Constitutional Council shall have the duty to safeguard respect of the constitution, interpret the Constitution and laws adopted by the National Assembly and reviewed completely by the Senate.

The Constitutional Council shall have the right to receive and decide on disputes concerning the election of deputies and the election of members of Senate.

**Article 137:** *New (Previously Article 118)* The Constitutional Council shall consist of nine members with a nine-year mandate. 1/3 of the members of the Council shall be replaced every three years. 3 members shall be appointed by the King, 3 members by the National Assembly and 3 others by the Supreme Council of the Magistracy.

The Chairman shall be elected by the members of the Constitutional Council. He/she shall have a deciding vote in cases of equal vote.

**Article 138:** *New (Previously Article 119)* Members of the Constitutional Council member shall be selected among the dignitaries with a higher-education degree in law, administration, diplomacy or economics and who have considerable work experience.

**Article 139:** *New (previously Article 120 and as amended March 1999)* The function of member of the Constitutional Council shall be incompatible with the functions of members of Senate, deputies, members of the royal government, sitting Judges, any function in public service, President or Vice-president of a political party or President or Vice-president of a union.

**Article 140:** *New (previously Article 121 and as amended March 1999)* The King, The Prime Minister, The President of the National Assembly, 1/10 of the members of National Assembly, The President

of the Senate, or 1/4 of the members of Senate may send draft laws adopted by National Assembly to the Constitutional Council for review before promulgation.

Internal rules of the National Assembly, Internal rules of the Senate and other organizational laws shall be sent to the Constitutional Council for review before their promulgation. The constitutional council shall decide within thirty days (30) at the latest whether the above laws and internal rules of the National Assembly or the Senate are constitutional.

**Article 141:** *New (previously Article 122 and as amended March 1999)* After promulgation of any law, the King, the President of the Senate, the President of the National Assembly, the Prime Minister, 1/4 of members of Senate, 1/10 of members of National Assembly or the Courts may request the Constitutional Council to review the constitutionality of that law.

Khmer Citizens shall have the right to appeal against the constitutionality of any law through their representative or President of National Assembly or member of the Senate or President of the Senate as mentioned in the above articles.

**Article 142:** *New (Previously Article 123)* Provisions in any article ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented. The decision of the Constitutional Council is final.

**Article 143:** *New (Previously Article 124)* The King shall consult with the Constitutional Council on all proposals to amend the Constitution.

**Article 144:** *New (Previously Article 125)* An organic law shall specify the organization and operation of the Constitutional Council.

### **CHAPTER XIII**

#### **THE ADMINISTRATION**

**Article 145:** *New (Previously Article 126)* The territory of the Kingdom of Cambodia shall be divided into provinces and municipalities.

Provinces shall be divided into districts (srok) and districts into communes (khum).

Municipalities shall be divided into Khan and Khan into Sangkat.

**Article 146:** *New (Previously Article 127)* Provinces, municipalities, districts, khan, khum and sangkat shall be governed in accordance with organic law.

### **CHAPTER XIV**

#### **THE NATIONAL CONGRESS**

**Article 147:** *New (Previously Article 128)* The National Congress shall enable the people to be directly informed on various matters of national interests and to raise issues and requests for the State authority to solve.

Khmer citizens of both sexes shall have the right to participate in the National Congress.

**Article 148:** *New (Previously Article 129)* The National Congress shall meet once a year in early December at the convocation of the Prime Minister. It shall proceed under the chairmanship of the King.

**Article 149:** *New (Previously Article 130)* The National Congress adopts recommendations the Senate the National Assembly and to the Executive branch for reflection. The organization and operation of the National Congress should be determined by law.

## **CHAPTER XV**

### **EFFECTS, REVISIONS AND AMENDMENTS OF THE CONSTITUTION**

**Article 150:** *New (previously Article 131)* This Constitution shall be the Supreme law of the Kingdom of Cambodia. Laws and decisions by the State institutions shall have to be in strict conformity with the Constitution.

**Article 151:** *New (previously Article 132)* The initiative to review or to amend the Constitution shall be the prerogative of the King, the Prime Minister, the Chairman of the National Assembly at the suggestion of 1/4 of all the assembly members. Revision or amendments shall be enacted by a Constitutional law passed by the National Assembly with a 2/3 majority vote.

**Article 152:** *New (previously Article 133)* Revisions or amendments shall be prohibited when the country is in a state of emergency, as outlined in Article 86.

**Article 153:** *New (previously Article 134)* Revision or amendment affecting the system of liberal and pluralistic democracy and the regime of Constitutional Monarchy shall be prohibited.

## **CHAPTER XVI**

### **TRANSITIONAL PROVISIONS**

**Article 154:** *New (previously Article 135):* This Constitution, after its adoption, shall be declared in full force immediately by the ~~Head of State~~ King of Cambodia.

**Article 155:** *New (previously Article 36)* After the entry into force of this Constitution, the Constituent Assembly shall become the National Assembly. The Internal Rules of Procedure of the National Assembly shall come into force after adoption by the National Assembly.

In the case where the National Assembly is not yet functional, the Chairman, the First and Second Vice-Chairmen of the Constituent Assembly shall participate in the discharge of duties in the Council of the Throne if so required by the situation in the country.

**Article 156:** *New (previously Article 137 and as amended March 1999)* After this Constitution takes effect, the King shall be selected in accordance with conditions stipulated in articles 13 (New) and 14.

**Article 157:** *New (previously Article 138 and as amended March 1999):* After this constitution takes effect, and during the first legislature, the King of the Kingdom of Cambodia shall appoint a First Prime-Minister and a Second Prime Minister to form the Royal Government after securing the consent of the President and the two Vice Presidents of the Assembly.

The Co-Presidents existing before the adoption of this Constitution shall participate as members of the Committee and in the Throne Council as stipulated in articles 11 and 13 above.

The first term of the Senate shall be 5 years and shall be ended after the new Senate taking over the office.

For the first term of the Senate:

The total number of members shall be sixty-one.

The King shall appoint two members including the President the first Vice President the second Vice-President of the Senate.

Other members of the Senate shall be nominated by the king upon proposal by the president of Senate and President of National Assembly from among members of political parties which have seats in the National Assembly.

The joint meeting between the National Assembly and the Senate shall be conducted by both presidents of these institutions.

**Article 158:** *New (previously Article 139):* Laws and standard documents in Cambodia that safeguard State properties, rights, freedom and legal private properties and in conformity with the national interests, shall continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.

*This Constitution was adopted by the Constitutional Assembly in Phnom Penh on 21 September 1993 at its 2nd plenary session.*

*Phnom Penh, 21 September, 1993.*

*The President,*

*Signed: SON SAN*

*This Constitutional law was adopted by the National Assembly of the Kingdom of Cambodia on the 4<sup>th</sup> March, 1999 in its 2<sup>nd</sup> Plenary Meeting*

*Phnom Penh, 6 March 1999*

*National Assembly President*

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**Article 1 (only):** Articles 11, 12, 13, 18, 22, 24, 26, 28, 30, 34, 51, 90, 91, 93 and articles from Chapters VIII – XIV of the National Constitution are modified as follows:

**Article 11:** (New) In case the King cannot perform his royal duties as a usual Chief of State because of serious illness confirmed by a group of expert doctors selected by the Senate Chairman, the National Assembly Chairman and the Prime Minister, then the Senate Chairman will carry out the duties of Head of State in His place as Regent.

In case the Senate Chairman has a possibility to carry out duties as Chief of State in place of the King as Regent when the King is seriously ill as mentioned in above paragraph, the National Assembly Chairman will perform these duties.

This title of Chief of State in place of the King as Regent can be changed into another dignitary in case mentioned in above paragraph according to the following hierarchy:

- A. 1<sup>st</sup> Vice-Chairman of Senate
- B. 1<sup>st</sup> Vice-Chairman of National Assembly
- C. 2<sup>nd</sup> Vice-Chairman of Senate
- D. 2<sup>nd</sup> Vice-Chairman of National Assembly

**Article 12:** (New) When the King dies; the Senate Chairman will carry out duties of Acting Chief of State as Regent of the Kingdom of Cambodia.

In case the Senate Chairman has no possibility to perform the duties of Acting Chief of State in place of the King when the King dies, the performance of the duties of Acting Chief of State as Regent shall be made in accordance with paragraphs 2 and 3 of new article 11.

**Article 13:** (New) Within a period of seven days at the latest, the new King of Cambodia shall be chosen by the Crown Council. The Crown Council composition is as follows:

- The Senate Chairman,
- The National Assembly Chairman,
- The Prime Minister,
- The Supreme Head of all Monks of *Mohanikay* and *Thammayuth* sects,
- 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairmen of Senate,
- 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairmen of National Assembly.

The organization and functioning of the Crown Council will be determined in a law.

**Article 18:** (New) The King will get in touch with the Senate and National Assembly by message: The Senate and National Assembly cannot discuss this message.

**Article 22:** (New) When the National faces a danger; the King publicly declares the country is in the state of emergency after receiving the approval of Prime Minister, National Assembly Chairman and Senate Chairman.

**Article 24:** (New) The King will preside over the Supreme Council of National Defense which will be established by a law. The King declares war after approval of National Assembly and Senate.

**Article 26:** (New) The King will sign International Treaties and conventions and ratify them after receiving approval from the National Assembly and Senate.

**Article 28:** (New) The King will sign the Royal Code to promulgate the constitution, the laws approved by the National Assembly and entirely examined by the Senate, and sign Royal Decrees according to the request from Council of Ministers.

When the King is sick and medically treated abroad, the King has the right to transfer His power of signing these *Royal Kram* and *Decrees* to the Acting Chief of State to replace Him through the Royal Power of Attorney.

**Article 30:** (New) When the King is absent the Senate Chairman will be the Acting Chief of State. In case the Senate Chairman has no possibility to perform duties as an Acting Chief of State in place of the King when the King is absent, the performance of duties of Acting Chief of State shall be made according to paragraphs 2 and 3 of new article 11.

**Article 34:** (New) Cambodian citizens of both sexes have the right to elect and be elected.  
Cambodian citizens of both sexes being at least 18 years old have the right to elect.  
Cambodian citizens of both sexes being at least 25 years old can be elected as people's representatives.  
Cambodian citizens of both sexes being at least 40 years old can be elected as Senate members.  
The provision reducing the right to elect and the right to be elected shall be set out in the election law.

**Article 51:** (New) The Kingdom of Cambodia applies the policy of free multipartite democracy. Cambodian citizens are the masters of the destiny of their country.  
Every power belongs to the citizens. The citizens use their power through the National Assembly, the Senate, the Royal Government and the Judiciary Power.  
The powers are distinctly separated between the legislative power, the executive power and the judiciary power.



**Article 90:** (New) The National Assembly is an organization having the legislative power and performing its duties fixed in the constitution and the law in force.

The National Assembly approves the national budget, the state planning, the state loan, the state lending, the financial contracts, and the establishment, modification or cancellation of taxes.

The National Assembly grants approval to administrative account.

The National Assembly approves the law about general forgiveness.

The National Assembly approves or cancels the international treaties or conventions.

The National Assembly approves the law on declaration of war.

The above approvals are made by the absolute majority of voices of the whole National Assembly members.

The National Assembly takes the vote of confidence in the Royal Government according to the majority of voices at two thirds of the whole National Assembly members.

**Article 91:** (New) The Senate members, the National Assembly members and the Prime Minister have the right to initiate themselves into the law making.

The people's representatives have the right to make law amendment, but this proposal is unacceptable if the amendment aims at reducing the public revenue or adding charges on citizens.

**Article 93:** (New) A law approved by the National Assembly and entirely examined by the Senate and signed by the King for promulgation shall come into force in Phnom Penh within a ten-day period after the promulgation day and throughout the country within a twenty-day period after the day of promulgation. But if it is mentioned "Urgent" on this law, it shall come into force immediately throughout the country after the promulgation day.

The law promulgated by the King shall be noted down in the official Gazette and broadcast throughout the country on time.

## CHAPTER VIII (New)

### ABOUT THE SENATE

**Article 99:** (New) The Senate is an organization having the legislative power and performing its duties fixed in the constitution and the law in force. The number of the Senate members is at most equal to the half of number of the whole National Assembly members.

Some of the Senate members are appointed and some elected by non-universal suffrage. Senate members can be reappointed and re-elected.

Those who have the right to run as Senate candidates are Cambodian citizens of both sexes having the right to vote and being at least 40 years old with Cambodian nationality from birth.

**Article 100:** (New) 2 Senate members will be appointed by the King. 2 Senate members will be elected by the National Assembly in accordance with the majority of voices by comparison. As for other Senate members, they will be elected through non-universal suffrage.

**Article 101:** (New) The organization, formalities and functioning of appointment the election of Senate members and the specifications on electors shall be set out in a law by the electorate and the election center.

**Article 102:** (New) The Senate legislature lasts 6 years and expires when the new Senate carries out its function. In wartime or in other special circumstances when it is impossible to hold an election,

the Senate may announce the continuation of its legislature once a year in accordance with the King's proposal.

The announcement on continuation of legislature of Senate shall be decided by the approval of at least two thirds of the number of the whole Senate members.

In the above-mentioned circumstances the Senate will meet every day. The Senate has the right to end the above special circumstances if the situation allows doing so.

If the Senate cannot meet because of necessity, especially when foreign forces come and occupy the territory, the declaration of state of emergency shall automatically continue.

**Article 103:** *(New)* The Senate members' mandate is incompatible with the active performance of public function, the function of people's representative and the function of other institution members set out in the constitution.

**Article 104:** *(New)* The Senate members have the parliamentary immunity.

A Senate member cannot be charged, arrested or detained because of having expressed his opinions during the performance of his function. The charge, arrest or detention of any Senate member can be made only when there is approval from the Senate or Senate Standing Committee between Senate sessions, except in case of manifest penal breaches. In this last case, the competent ministry shall immediately make report to the Senate or the Senate Standing Committee for decision.

The Senate Standing Committee's decision shall be submitted to the next session of Senate to approve according to the majority of two thirds of the number of the whole Senate members.

In all above case, the charge or detention of any Senate member shall be suspended if the Senate expresses opinion to suspend in accordance with the majority of voices of two thirds of number of members of the whole Senate.

**Article 105:** *(New)* The Senate has an autonomous budget for functioning.  
The Senate members shall receive remuneration.

**Article 106:** *(New)* The Senate opens its first session in sixty days at the latest after election according to the King's order. Before beginning its work, the Senate shall announce the validity of mandate of each member and separately elect the Senate Chairman and Vice-Chairman and all members of Senate Commissions by the majority of voices of two thirds of number of the whole Senate members. Every Senate member shall take the oath of allegiance prior to holding title as mentioned in Annex 7 of constitution.

**Article 107:** *(New)* The Senate organizes ordinary meeting twice a year. Each session has duration of at least three months. If there is any request from the King or the Prime Minister or two thirds at least of Senate members, the Senate will organize an extraordinary meeting.

**Article 108:** *(New)* Between the Senate sessions, the Senate Standing Committee is in charge of organizing its work.  
The Senate Standing Committee is composed of the Senate Chairman, Vice-Chairman and Chairman of all Commission of the Senate.

**Article 109:** *(New)* The Senate sessions shall be organized in the capital of the Kingdom of Cambodia in the Senate meeting room, unless there is different decision written in convening letter and required by circumstances.

Besides the above case, place and date fixed in the convening letter, any Senate meeting shall be deemed illegal and entirely meaningless.

**Article 110:** (New) The Senate Chairman presides over a Senate meeting, takes legal cognizance and resolutions approved by the Senate, and ensures the application of internal regulations of the Senate and the Senate international relationship.

In case the Senate Chairman is busy and cannot carry out his function because of illness or because he is performing his function as Acting Chief of State or Regent or he is fulfilling a mission abroad, a Senate Vice-Chairman shall be put in charge of executing the work instead.

In case the Senate Chairman or Vice-Chairman resigns from his title or dies, the Senate shall elect a new Chairman or Vice-Chairman.

**Article 111:** (New) A Senate meeting shall be public. The meeting can be confidential in accordance with request from the Chairman or at least one tenth of members, from the King, Prime Minister or National Assembly Chairman.

A Senate meeting can be valid only when there is quorum of seven tenths of members of the whole Senate. The number of voices required by the National Assembly to approve and fixed in the constitution shall also be used for the Senate.

**Article 112:** (New) The Senate has the duty to coordinate the work between the National Assembly and the Government.

**Article 113:** (New) The Senate examines and gives opinion within a period of one month at the latest about law draft or law proposal initially approved by the National Assembly and various problems submitted by the National Assembly. If the matter is urgent the period will be reduced to five days.

Whether the Senate approves or not in the fixed period, the law approved by the National Assembly will be promulgated.

If the Senate asks to amend the law draft or law proposal, the National Assembly shall immediately ponder for the second time.

The National Assembly shall examine and decide only about the provision or point asked by the Senate to amend in waiving the whole text or keeping a part of it.

The transfer to and from between the Senate and the National Assembly shall last for one month only. This period of time shall be reduced to ten days if the matter is about national budget and finance and to two days only if it is urgent.

If the National Assembly leaves it too late or extends the fixed period for examination, the periods for the National Assembly and the Senate shall be also equally added.

If the Senate waives the law draft or law proposal and deems it null and void, the National Assembly cannot take it and ponder for the second time before a one-month period. This period of time shall be reduced to fifteen days, if the matter about budget and finance, and to four days if it is urgent.

In the examination of law draft or law proposal for the second time, the National Assembly shall approve by open election and absolute majority of voices.

Any law draft or law proposal decided as above shall be promulgated.

**Article 114:** (New) The Senate establishes necessary commissions. The Senate organization and functioning will be determined in the Senate internal regulations which shall be approved by majority of voices of two thirds of number of members of the whole Senate.

**Article 115:** (New) In case of Senate member's death, resignation or giving up of membership occurring at least six months prior to the legislature end, there shall be appointment or election of new member for replacement in accordance with conditions fixed in the Senate internal regulations and the law on appointment and election of Senate members.

#### **CHAPTER IX (New)**

##### **ABOUT THE CONGRESS OF NATIONAL ASSEMBLY AND SENATE**

**Article 116:** (New) In case of necessity, the National Assembly and Senate can jointly meet in congress to solve main national problems.

**Article 117:** (New) The main national problems mentioned in above article 116 (new) and the organization and functioning of congress will be determined in a law.

#### **CHAPTER X**

##### **ABOUT THE ROYAL GOVERNMENT**

**Article 118:** (New) (old **Article 99**) The Council of Ministers is the Royal Government of the Kingdom of Cambodia.

The Council of Ministers shall be led by one Prime Minister assisted by a Deputy Prime Minister and by State Ministers, Ministers and State Secretaries as members.

**Article 119:** (New) (old **Article 100**) On the recommendation of the President and with the agreement of both Vice-Presidents of the Assembly, the King shall designate a dignitary from among the representatives of the winning party to form the Royal Government. This designated dignitary shall lead his colleagues, the Ministers of the Royal Government who shall be members of the Assembly or members of the political parties represented in the Assembly, to ask for a vote of confidence from the Assembly.

After the Assembly has given its vote of confidence, the King shall issue a Royal decree (Kret) appointing the entire Council of Ministers. Before taking office, the Council of Ministers shall take on oath as stipulated in Annex 6.

**Article 120:** (New) (old **Article 101**) The functions of members of the Royal Government shall be incompatible with professional activities in trade or industry and with the holding of any position in the public service.

**Article 121:** (New) (old **Article 102**) Members of the Royal Government shall be collectively responsible to the Assembly for the overall policy of the Royal Government.

Each member of the Royal Government shall be individually responsible to the Prime Minister and the Assembly for his/ her own conduct.

**Article 122:** (New) (old **Article 103**) Members of the Royal Government shall not use the orders, written or verbal, of anyone as grounds to exonerate themselves from their responsibility.

**Article 123:** (New) (old **Article 104**) The Council of Ministers shall meet every week in plenary session or in a working session.

The Prime Minister shall chair the plenary sessions.  
The Prime Minister may assign a Deputy Prime Minister to preside over the working sessions.  
Minutes of the Council of Ministers' meetings shall be forwarded to the King for His information.

**Article 124:** (*New*) (old **Article 105**) The Prime Minister shall have the right to delegate his power to a Deputy Prime Minister or to any member of the Royal Government.

**Article 125:** (*New*) (old **Article 106**) If the post of Prime Minister is permanently vacant, a new Council of Ministers shall be appointed under the procedure stipulated in this Constitution. If the vacancy is temporary, an acting Prime Minister shall be provisionally appointed.

**Article 126:** (*New*) (old **Article 107**) Each member of the Royal Government shall be punished for any crimes or misdemeanors that he/ she has committed in the course of his/ her duty.

In such cases and when he/ she has committed serious offences in the course of his/ her duty, the Assembly shall decide to file charges against him/ her with the competent court.

The Assembly shall decide on such matters through a secret vote by a simple majority thereof.

**Article 127:** (*New*) (old **Article 108**) The organization and functioning of Council of Ministers shall be determined by law.

## **CHAPTER XI (New)**

### **ABOUT THE JUDICIARY POWER**

**Article 128:** (**New**) (old **Article 109**) The Judicial power shall be an independent power.

The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens.

The Judiciary shall cover all law suits including administrative ones.

The authority of the Judiciary shall be granted to the Supreme Court and to the lower courts of all sectors and levels.

**Article 129:** (*New*) (old **Article 110**) Trials shall be conducted in the name of the Khmer citizens in accordance with the legal procedures and laws in force.

Only judges shall have the right to adjudicate. A judge shall fulfill this duty with strict respect for the laws, wholeheartedly, and conscientiously.

**Article 130:** (*New*) (old **Article 111**) Judicial Power shall not be granted to the legislative or executive branches.

**Article 131:** (*New*) (old **Article 112**) Only the Department of Public Prosecution shall have the right to file criminal suits.

**Article 132:** (*New*) (old **Article 113**) The King shall be the guarantor of the independence of the Judiciary. The Supreme Council of the Magistracy shall assist the King in this matter

**Article 133:** (*New*) (old **Article 114**) Judge shall not be dismissed. The Supreme Council of the Magistracy shall take disciplinary action against any delinquent judges.

**Article 134:** (*New*) (old **Article 115**) The Supreme Council of the Magistracy shall be established by an organic law which shall determine its composition and functions.

The Supreme Council of the Magistracy shall be chaired by the King. The King may appoint a representative to chair the Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall make proposals to the King on the appointment of judges and prosecutors to all courts.

The Supreme Council of the Magistracy shall meet under the chairmanship of the President of the Supreme Court or the General Prosecutor of the Supreme Court to decide on disciplinary actions against judges or prosecutors.

**Article 135:** (*New*) (old **Article 116**) The statute of the judges and prosecutors and the functioning of the Judiciary shall be defined in separate laws.

## **CHAPTER XII (New)**

### **ABOUT THE CONSTITUTIONAL COUNCIL**

**Article 136:** (*New*) The Constitutional Council has the competence to ensure the protection and observance of state constitution, interpretation of State constitution and law approved by the National Assembly and entirely examined by the Senate.

The Constitutional Council has the right to examine and decide on cases of controversy relating to election of people's representatives and Senate's members.

**Article 137:** (*New*) (old **Article 118**) The Constitutional Council shall consist of nine members with a nine-year mandate. One-third of the members of the Council shall be replaced every three years. Three members shall be appointed by the King, three members by the Assembly and the remaining three members by the Supreme Council of the Magistracy.

The Chairman shall be elected by the members of the Constitutional Council. He shall have a deciding vote in cases of an equal vote.

**Article 138:** (*New*) (old **Article 119**) Members of the Constitutional Council shall be selected from among the dignitaries who have a higher-education degree in law, administration diplomacy or economics and who have considerable work experience.

**Article 139:** (*New*) The Constitutional Council members' function is incompatible with the function of Senate members, National Assembly members, Royal Government members, magistrates in function, the holding of any title in public function, the chief or deputy chief of political parties, the President or Vice-President of trade union.

**Article 140:** (*New*) The King, Prime Minister, National Assembly Chairman, one tenth of people's representatives, Senate Chairman or one fourth of Senate members can send the law approved by the National Assembly to the Constitutional Council for examination prior to its promulgation.

The internal regulations of National Assembly and Senate and diverse organizing laws shall be sent to the Constitutional Council for examination before their promulgation.

The Constitutional Council shall decide within a period of thirty (30) days at the latest whether the above law, internal regulations of National Assembly and Senate match or not the constitution.

**Article 141:** (*New*) After any law promulgation, the King, National Assembly Chairman, Senate Chairman, Prime Minister, one fourth of Senate members, one tenth of people's representatives or the Court may ask the Constitutional Council to examine the Constitutionality of that law.

The people have the right to lodge complaint about law constitutionality through the people's representative or National Assembly Chairman or Senate members or Chairman mentioned in above paragraph.

**Article 142:** (*New*) (old **Article 123**): Provisions in any article ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented. The decision of the Council is final.

**Article 143:** (*New*) (old **Article 124**) The King shall consult with the Constitutional Council on all proposals to amend the Constitution.

### **CHAPTER XIII**

#### **ABOUT THE ADMINISTRATIVE MANAGEMENT**

**Article 145:** (*New*) (old **Article 126**) The territory of the Kingdom of Cambodia shall be divided into provinces and municipalities. Provinces shall be divided into districts (srok) and districts into communes (khum). Municipalities shall be divided into khan and khan into sangkat.

**Article 146:** (*New*) (old **Article 127**): Provinces, municipalities, srok, khan, khum and sangkat shall be governed in accordance with organic law.

### **CHAPTER XIV (New)**

#### **ON NATIONAL CONGRESS**

**Article 147:** (*New*) (old **Article 128**) The National Congress shall enable the people to be directly informed on various matters of national interest and to raise issues and requests for the State authority to solve.

Khmer citizens of both sexes shall have the right to participate in the National Congress.

**Article 148:** (*New*) (old **Article 129**) The National Congress shall meet once a year in early December at the convocation of the Prime Minister. It shall proceed under the chairmanship of the King.

**Article 149:** (*New*) The National Congress passes requests for the Senate, National Assembly and state authorities to consider. The organization and functioning of national congress will be determined in a law.

### **CHAPTER XV (New)**

#### **ABOUT THE POWER, REVISION AND AMENDMENT OF CONSTITUTION**

**Article 150:** (*New*) (old **Article 131**) This Constitution shall be Supreme Law of the Kingdom of Cambodia. Laws and decisions by the State institutions shall have to be in strict conformity with the Constitution.

**Article 151:** (*New*) (old **Article 132**) The initiative to review or to amend the Constitution shall be the prerogative of the King, the Prime Minister, the President of the Assembly at the suggestion of one-fourth of all the Assembly members.

Revision or amendments shall be enacted by Constitutional law passed by the Assembly with a two-thirds majority vote.

**Article 152:** (*New*) (old **Article 133**) Revision or amendments shall be prohibited when the country is in a state of emergency, as outlined in Article 86.

**Article 153:** (*New*) (old **Article 134**): Any revision or amendment affecting the system of liberal and pluralistic democracy and the regime of constitutional monarchy shall be prohibited.

### CHAPTER XVI (New)

#### ON TRANSITIONAL PROVISIONS

**Article 154:** (*New*) This constitution, after being approved, is immediately declared to come into force by the King of Cambodia.

**Article 155:** (*New*) (old **Article 136**) After the entry into force of this Constitution, the Constituent Assembly shall become the National Assembly. The internal rules of procedure of the Assembly shall come into force after adoption by the Assembly.

In the case where the Assembly is not yet functional, the President and the First and Second Vice-Presidents of the Constituent Assembly shall participate in the discharge of duties in the Throne Council if so required by the situation in the country.

**Article 156:** (*New*) After this constitution comes into force, the King will elect according to conditions set out in new articles 13 and 14.

**Article 157:** (*New*) The 1<sup>st</sup> legislature of Senate lasts for 5 years and terminates when the new Senate comes into office. For the Senate's 1<sup>st</sup> legislature:

- In total there are sixty-one members of Senate
- The King will appoint two Senate members, chairman, 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairman
- The other Senate members will be appointed by the King according to the proposal of Senate Chairman and National Assembly Chairman among the Party members having seats in National Assembly
- The Congress meeting of National Assembly and Senate will be led by the Co-Chairmen

**Article 158:** (*New*) (old **Article 139**) Laws and standard documents in Cambodian that safeguard State properties, rights, freedom and legal private properties and are in conformity with national interests, shall continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.

This constitutional law is approved by the National Assembly of the Kingdom of Cambodia on March 4, 1999, at extraordinary session, 2<sup>nd</sup> legislature.

Phnom Penh, March 6, 1999.

The Chairman of National Assembly

Signed: **NORODOM RANARIDH**



**ANNEX****OATH OF ALLEGIANCE**

We,  
*Chairman, Vice-Chairmen and Members of Senate of the Kingdom of Cambodia,*  
*Would like to take the oath in front of the King, the Supreme Head of all monks and angels looking after the white parasol as follows:*

When executing according to each position and carrying out missions entrusted by the Cambodian people to us all, we are determined to always respect the constitution, to presently and in the future serve the interest of the Cambodian people, national and homeland. We swear not to embezzle any national interest for ourselves, our families or party;

- We make up our minds to sacrifice ourselves to always protect:
  - The full independence of Cambodian homeland,
  - The total national sovereignty,
  - The legal territorial integrity in land and sea borders possessed by Cambodia in the 1963 – 1969 period,
  - The national unity and will not authorize any division or secession;
- We resolve to always maintain, presently as well as in the future, the neutrality and nonalignment for Cambodia and do not absolutely authorize anybody to interfere in the internal affairs of Cambodia. We won't absolutely serve foreign interest and damage the profit of Cambodian people, nation and homeland;
- In solving national and international problems on land, we will refute any duress act. However the Kingdom of Cambodia would like to keep the right of holding weapons to struggle against any aggression from outside to defend its nation and homeland;
- In solving national and international problem on land, we will refute any duress act. However the Kingdom of Cambodia would like to keep the right of holding weapons to struggle against any aggression from outside to defend its nation and homeland;
- We make up our minds to always respect, presently as well as in the future, the doctrine of democracy and liberalism with regime of assembly and multiparty system and a strict obedience to human rights as mentioned in the universal Prakas about human rights;
- We are firmly determined to rebel against any kind of rottenness, social injustice and to struggle for national reconciliation, national unity, social and national peace, the Cambodian people's prosperity, splendor and homeland, our place of worship and love.

3. **Amendments to Article 28** of the Constitution of the Kingdom of Cambodia (July 14, 1994).....1-34

**LAW**

**ON**

**THE AMENDMENT OF ARTICLE 28  
OF THE CONSTITUTION OF KINGDOM OF CAMBODIA**

One article only- **Article 28** of the constitution of the Kingdom of Cambodia has been amended as follows:

**Article 28:** (*New*) The King has signed the promulgated Royal Law to use the constitution law approved by the National Assembly, and has signed the Royal Decree in compliance with the proposal of the Council of Ministers.

When the King is sick and medically treated abroad, he has the right to transfer the power of signing the aforesaid promulgated Royal Law or Royal Decree to the acting Chief of State to sign in his place by Royal Proxy.

This right has been approved by the National Assembly of the Kingdom of Cambodia on July 14, 1994, at the special extraordinary session.

Phnom Penh, July 14, 1994  
The Acting Chairman of the National Assembly  
Signed and sealed:

**LOY SIM CHHEANG**



**CHAPTER II****THE KING**

**Article 7:** The King of Cambodia shall reign but shall not govern.  
The King shall be the Head of State for life.  
The King shall be inviolable.

**Article 8:** The King of Cambodia shall be a symbol of unity and eternity of the nation. The King shall be the guarantor of the national independence, sovereignty, and territorial integrity of the Kingdom of Cambodia, the protector of rights and freedom for all Citizens and the guarantor of international treaties.

**Article 9:** The King shall assume the august role of arbitrator to ensure the faithful execution of public powers.

**Article 10:** The Cambodian monarchy shall be an appointed regime.  
The King shall not have the power to appoint a heir to the throne.

**Article 11:** If the King cannot perform His normal duties as Head of state due to His serious illness as certified by doctors chosen by the President of the Assembly and the Prime Minister, the President of the Assembly shall perform the duties of Head of State as “Regent”.

**Article 12:** In case of the death of the King, the President of the Assembly shall take over the responsibility as Acting Head of State in the capacity of Regent of the Kingdom of Cambodia.

**Article 13:** Within a period of not more than seven days, the new King of the Kingdom of Cambodia shall be chosen by the Royal Council of the Throne.

The Royal Council of the Throne shall consist of:

- The President of the National Assembly
- The Prime Minister
- Samdech the Chiefs of the Orders of *Mohanikay* and *Thammayut*
- The first and Second vice-presidents of the Assembly.

The Organization and functioning of the Council of the Throne shall be determined by law.

**Article 14:** The King of Cambodia shall be a member of the Royal family, of at least 30 years old, descending from the blood line of *King Ang Duong*, *King Norodom* or *King Sisowath*.

Upon enthronement, the King shall take the oath of allegiance as stipulated in Annex IV.

**Article 15:** The wife of the reigning King shall have the royal title of Queen of Cambodia.

**Article 16:** The Queen of the Kingdom of Cambodia shall not have the right to engage in politics, to assume the role of Head of state or Head of Government, or to assume other administrative or political roles. The Queen of the Kingdom of Cambodia shall exercise activities that serve the social, humanitarian, religious interests, and shall assist the King with protocol and diplomatic functions.

**Article 17:** The provision as stated in the first clause of Article 7, “the King of Cambodia shall reign but shall not govern”, absolutely shall not be amended.

**Article 18:** The King shall communicate with the assembly by royal messages. These royal messages shall not be subjected to discussion by the National Assembly.

**Article 19:** The King shall appoint the Prime Minister and the council of Ministers according to the procedure stipulated in article 100.

**Article 20:** The King shall grant an audience twice a month to the Prime Minister and the Council of Ministers to Hear their reports on the state of the Nation.

**Article 21:** Upon proposals by the Council of Ministers, the King shall sign decrees (Kret) appointing, transferring or removing judges.

**Article 22:** When the nation faces danger, the King shall make a proclamation to the people putting the country in a state of emergency after agreement with the Prime Minister and the President of the assembly.

**Article 23:** The King is the Supreme Commander of the Royal Khmer Armed Forces., the Commander-in-Chief of the Royal Khmer Armed Forces.

**Article 24:** The King shall serve as Chairman of the Supreme council of National Defense to be established by law.

The King shall declare war after approval of the National Assembly.

**Article 25:** The King shall receive letters of credentials from ambassadors or envoys extraordinary and plenipotentiary of foreign countries accredited to the Kingdom of Cambodia.

**Article 26:** The King shall sign and ratify international treaties and conventions after a vote of approval by the National Assembly.

**Article 27:** The King shall have the right to grant partial or complete amnesty.

**Article 28:** The King shall sign the law promulgating the Constitution, laws (Kram) adopted by the National Assembly, and sign decrees (Kret) presented by the Council of Ministers.

**Article 29:** The King shall establish and confer national medals proposed by the Council of Ministers.

The King shall confer civil and military ranks as determined by law.

**Article 30:** In the absence of the King, the President of the assembly shall assume the duties of Acting Head of State.

### **CHAPTER III**

#### **THE RIGHTS AND OBLIGATIONS OF KHMER CITIZENS**

**Article 31:** The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights.

Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

**Article 32:** Every Khmer citizen shall have the right to life, personal freedom and security.

**Article 33:** Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition.

Khmer citizens residing abroad enjoy the protection of the State.

The Khmer nationality shall be determined by a law.

**Article 34:** Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election.

Citizens of either sex of at least eighteen years old, have the right to vote.

Citizens of either sex of at least 25 years old, have the right to stand as candidates for the election.

Provisions restricting the right to vote and to stand for the election shall be defined in the electoral Law.

**Article 35:** Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.

Any suggestions from the people shall be given full consideration by the organs of the State.

**Article 36:** Khmer citizens of either sex shall have the right to choose any employment according to their ability and to the needs of the society.

Khmer citizens of either sex shall receive equal pay for equal work.

The work by housewives in the home shall have the same value as what they can receive when working outside the home.

Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.

Khmer citizens of either sex shall have the right to form and to be members of trade unions. The organization and conduct of trade unions shall be determined by law.

**Article 37:** The right to strike and to non-violent demonstration shall be implemented in the framework of a law.

**Article 38:** The law guarantees there shall be no physical abuse against any individual.

The law shall protect the life, honor and dignity of the citizens.

The prosecution, arrest, or detention of any person shall not be done except in accordance with the law

Coercion, physical ill-treatment or any other mistreatment that imposes additional punishment on a detain or prisoner shall be prohibited. Persons who commit, participate or conspire in such acts shall be punished according to the law.

Confessions obtained by physical or mental force shall not be admissible as evidence of guilt.

Any case of doubt shall be resolved in favor of the accused.

The accused shall be considered innocent until the court has judged finally on the case.

Every citizen shall enjoy the right to defense through judicial recourse.

**Article 39:** Khmer citizen shall have the right to denounce, make complaints or file claims against any breach of the law by State and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall reside under the competence of the courts.

**Article 40:** Citizens' freedom to travel, far and near, and legal settlement shall be respected.

Khmer citizens shall have the right to travel and settle abroad and return to the country.

The right to privacy of residence and to the secrecy of correspondence by mail, telegram, fax, telex and telephone shall be guaranteed.

Any search of the house, material and body shall be in accordance with the law.

**Article 41:** Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security.

The regime of the media shall be determined by law

**Article 42:** Khmer citizens shall have the right to establish associations and political parties. These rights shall be determined by law.

Khmer citizens may take part in mass organizations for mutual benefit to protect national achievements and social order.

**Article 43:** Khmer citizens of either sex shall have the right to freedom of belief.

Freedom of religious belief and worship shall be guaranteed by the State on the condition that such freedom does not affect other religious beliefs or violate public order and security.

Buddhism shall be the State religion.

**Article 44:** All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.

Legal private ownership shall be protected by law.

The right to confiscate possessions from any person shall be exercised only in the public interest as provided for under law and shall require fair and just compensation in advance.

**Article 45:** All forms of discrimination against women shall be abolished.

The exploitation of women in employment shall be prohibited.

Men and women are equal in all fields especially in marriages and matters of the family.

Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.

**Article 46:** The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited.

A woman shall not lose her job because of pregnancy. Women shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits.

The State and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.

**Article 47:** Parents shall have the duty to take care of and educate their children to become good citizens.

Children shall have the duty to take good care of their elderly mother and father according to Khmer traditions.

**Article 48:** The State shall protect the rights of the children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.

The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

**Article 49:** Every Khmer citizen shall respect the Constitution and laws.

All Khmer citizens shall have the duty to take part in the national reconstruction and to defend the homeland. The duty to defend the country shall be determined by law.

**Article 50:** Khmer citizens of either sex shall respect the principles of national sovereignty, liberal multi-party democracy.

Khmer citizens of either sex shall respect public and legally acquired private properties.

## **CHAPTER IV**

### **ON POLICY**

**Article 51:** The Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism.

The Cambodia people are the masters of their own country.

All powers belong to the people. The people exercise these powers through the National Assembly, the Royal Government and the Judiciary.

The Legislative, Executive, and the Judicial Powers shall be separate.

**Article 52:** The Royal Government of Cambodia shall protect the independence, sovereignty, territorial integrity of the Kingdom of Cambodia, adopt the policy of national reconciliation to insure national unity, and preserve the good national traditions of the country. The Royal Government of Cambodia shall preserve and protect the law and ensure public order and security. The State shall give priority to endeavors which improve the welfare and standard of living of citizens.



**Article 53:** The Kingdom of Cambodia adopts a policy of permanent neutrality and non-alignment. The Kingdom of Cambodia follows a policy of peaceful Co-existence with its neighbors and with all other countries throughout the world.

The Kingdom of Cambodia shall not invade any country, nor interfere in any other country's internal affairs, directly or indirectly, and shall solve any problems peacefully with due respect for mutual interests.

The Kingdom of Cambodia shall not join in any military alliance or military pact which is incompatible with its policy of neutrality.

The Kingdom of Cambodia shall not permit any foreign military base on its territory and shall not have its own military base abroad, except within the framework of a United Nations request.

The Kingdom of Cambodia reserves the right to receive foreign assistance in military equipment, armaments, ammunitions, in training of its armed forces, and other assistance for self-defense and to maintain public order and security within its territory.

**Article 54:** The manufacturing, use, storage of nuclear, chemical or biological weapons shall be absolutely prohibited.

**Article 55:** Any treaty and agreement incompatible with the independence, sovereignty, territorial integrity, neutrality and national unity of the Kingdom of Cambodia shall be annulled.

## **CHAPTER V**

### **ECONOMY**

**Article 56:** The Kingdom of Cambodia shall adopt market economy system. The preparation and process of this economic system shall be determined by law.

**Article 57:** Tax collection shall be in accordance with the law. The national budget shall be determined by law.  
The management of the monetary and financial system shall be defined by law.

**Article 58:** State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defense and other facilities determined as State property.  
The control, use and management of State properties shall be determined by law.

**Article 59:** The State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, air, wind, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forestall products, wildlife, fish and aquatic resources.

**Article 60:** Khmer citizens shall have the right to sell their own products. The obligation to sell products to the State, or the temporary use of private or State properties shall be prohibited unless authorized by law under special circumstances.

**Article 61:** The State shall promote economic development in all sectors and remote areas, especially in agriculture, handicrafts, industry, with attention to policies of water, electricity, roads and means of transport, modern technology and a system of credit.

**Article 62:** The State shall pay attention and help solve production matters, protect the price of products for farmers and crafters, and find marketplace for them to sell their products.

**Article 63:** The State shall respect market management in order to guarantee a better standard of living for the people.

**Article 64:** The State shall ban and severely punishes those who import, manufacture, sell illicit drugs, counterfeit and expired goods that affect the health and life of the consumer.

## CHAPTER VI

### **EDUCATION, CULTURE AND SOCIAL AFFAIRS**

**Article 65:** The State shall protect and upgrade citizens' rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens.

The State shall respect physical education and sports for the welfare of all Khmer citizens.

**Article 66:** The State shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and equality to ensure that all citizens have equal opportunity to earn a living.

**Article 67:** The State shall adopt an educational program according to the principle of modern pedagogy including technology and foreign languages.

The State shall control public and private schools and classrooms at all levels.

**Article 68:** The State shall adopt provide free primary and secondary education to all citizens in public schools.

Citizens shall receive education for at least 9 years.

The State shall disseminate and develop the Pali schools and the Buddhist Institute.

**Article 69:** The State shall preserve and promote national culture.

The State shall protect and promote the Khmer Language as required.

The State shall preserve ancient monuments, artifacts and restore historic sites.

**Article 70:** Any offense affecting cultural and artifacts heritage shall carry a sever punishment.

**Article 71:** The perimeter of the national heritage sites as well as heritage that has been classified as world heritage shall be considered neutral zones where there shall be no military activity.

**Article 72:** The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternity's.

The State shall establish infirmaries and maternity's in rural areas.

**Article 73:** The State shall give full consideration to children and mothers. The state shall establish nurseries, and help support women and children who have inadequate support.

**Article 74:** The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation.

**Article 75:** The State shall establish a Social security system for workers and employees.

## **CHAPTER VII**

### **THE ASSEMBLY**

**Article 76:** The Assembly consists of at least 120 members.

The deputies shall be elected by a free, universal, equal, direct and secret ballot.

The deputies may be re-elected.

Khmer citizens able to stand for election shall be the Khmer citizens of either sex, who have the right to vote, at least 25 years of age, and who have Khmer nationality at birth.

Preparation for the election, procedure and electoral process shall be determined by an Electoral Law.

**Article 77:** The deputies in the Assembly shall represent the entire Khmer people, not only Khmer from their constituencies.

Any imperative mandate shall be nullified.

**Article 78:** The legislative term of the Assembly shall be 5 years and terminates on the day when the new assembly convenes.

The assembly shall not be dissolved before the end of its term except when the Royal government is twice deposed within a period of twelve months. In this case, following a proposal from the Prime Minister and the approval of the Assembly President, the King shall dissolve the Assembly.

The election of a new assembly shall be held no later than 60 days from the date of dissolution. During this period, the Royal government shall only be empowered to conduct routine business.

In times of war or other special circumstances where an election cannot be held, the Assembly may extend its term for one year at a time, upon the request of the King.

Such an extension shall require at least a two-thirds vote of the entire assembly.

**Article 79:** The assembly mandate shall be incompatible with the holding of any active public function and of any membership in other institutions provided for in the Constitution, except when the assembly member(s) is (are) required to serve in the Royal Government.

In these circumstances, the said Assembly member(s) shall retain the usual assembly membership but shall not hold any position in the Permanent Standing Committee and in other assembly commissions.

**Article 80:** The deputies shall enjoy parliamentary immunity.

No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties.

The accusation arrest or detention of a member of assembly shall be made only with the permission of the assembly between sessions, except in case of flagrant delicate. In that case,

the competent authority shall immediately report to the assembly or to the Standing Committee for decision.

The decision made by the Standing Committee of the assembly shall be submitted to the assembly at its next session for approval by a 2/3 majority vote of the assembly members.

In any case, detention or prosecution of a deputy shall be suspended by a 3/4 majority vote of the Assembly members.

**Article 81:** The assembly shall have an autonomous budget to conduct its function.

The deputies shall receive remuneration.

**Article 82:** The assembly shall hold its first session no later than sixty days after the election upon notice by the King.

Before taking office, the assembly shall decide on the validity of each member's mandate and vote separately to choose a President, vice-presidents and members of each Commission by a 2/3 majority vote.

All assembly members must take the oath before taking office according to the text contained in Annex 5.

**Article 83:** The assembly shall hold its ordinary sessions twice a year.

Each session shall last at least 3 months. If there is a proposal from the King or the Prime Minister, or at least 1/3 of the assembly members, the Assembly Standing Committee shall call an extraordinary session of the assembly.

In this case, the agenda with the conditions of the extraordinary session, shall be disseminated to the population as well as the date of the meeting.

**Article 84:** Between the assembly sessions, the assembly Standing Committee shall manage the work of the assembly.

The Permanent Standing Committee of the assembly consists of the President of the Assembly, the Vice- Presidents, and the Presidents of assembly commissions.

**Article 85:** The assembly sessions shall be held in the royal capital of Cambodia in the Assembly Hall, unless stipulated otherwise in the summons, due to special circumstances.

Except where so stipulated and unless held at the place and date as stipulated, any meeting of the assembly shall be considered as illegal and void.

**Article 86:** If the country is in a state of emergency, the assembly shall meet every day continuously. The Assembly has the right to terminate this state of emergency whenever the situation permits.

If the Assembly is not able to meet because of circumstances such as the occupation by foreign forces the declaration of the state of emergency must be automatically extended.

During the state of emergency, the assembly shall not be dissolved.

**Article 87:** The President of the assembly shall chair the assembly sessions, receive draft bills and resolutions adopted by the assembly, ensure the implementation of the Internal Rules of Procedure and manage the assembly relations with foreign countries.

If the President is unable to perform his/her duties due to illness or to fulfill the functions of Head of State ad interim or as a Regent, or is on a mission abroad, a vice-president shall replace him.

In case of resignation or death of the President or the vice-president(s), the Assembly shall elect a new President or vice-president(s).

**Article 88:** The assembly sessions shall hold in public.

The assembly shall meet in closed session at the request of the President or of at least 1/10 of its members, of the King or of the Prime Minister.

The assembly meeting shall be considered as valid provided there is a quorum of 7/10 of all members.

**Article 89:** Upon the request by at least 1/10 of its members, the assembly shall invite a high ranking official to clarify important special issues.

**Article 90:** The assembly shall be the only organ to hold legislative power. This power shall not be transferable to any other organ or any individual.

The assembly shall approve the national budget, the State Planning, the Loans, the Lending and the creation, changes or annulment of tax.

The assembly shall approve Administrative Accounts.

The assembly shall approve the law on amnesty.

The assembly shall approve or annul treaties or international conventions.

The assembly shall approve law on the declaration of war.

The adoption of the above-mentioned clauses shall be decided by a simple majority of the entire assembly membership.

The assembly shall pass a vote of confidence in the Royal Government by a 2/3 majority of all members.

**Article 91:** The deputies and the Prime Minister shall have the right to initiate legislation.

The deputies shall have the right to propose any amendments to the laws, but, the proposals shall be unacceptable if they aim at reducing public income or increasing the burden on the people.

**Article 92:** Laws adopted by the Assembly which run counter to the principles of preserving national independence, sovereignty, territorial integrity, and affect the political unity or the administration of the nation shall be annulled. The Constitutional Council is the only organ which shall decide upon this annulment.

**Article 93:** Any law approved by the Assembly and signed by the King for its promulgation, shall go into effect in Phnom Penh 10 days after signing and throughout the country 20 days after its signing.

Laws that are stipulated as urgent shall take effect immediately throughout the country after promulgation.

All laws promulgated by the King shall be published in the Journal Official and published throughout the country in accordance with the above schedule.

**Article 94:** The Assembly shall establish various necessary commissions,. The organization and functioning of the assembly shall be determined by the assembly Internal Rules of Procedure.

**Article 95:** In case of death, resignation, or dismissal of an assembly deputy at least 6 months before the end of the mandate, a replacement shall be appointed in accordance with the Internal Rules of Procedure of the National Assembly and the Electoral Law.

**Article 96:** The deputies have the right to put a motion against the Royal Government. The motion shall be submitted in writing through the President of the assembly.

The replies shall be given by on or several ministers depending on the matters related to the accountability of one or several ministers. If the case concerns the overall policy of the Royal Government, the Prime Minister shall reply in person.

The explanations by the ministers or by the Prime Minister shall when given verbally or in writing.

The explanations shall be provided within 7 days after the day when the question is received.

In case of verbal reply, the President of the assembly shall decide whether to hold an open debate or not. If there is a debate, the questioner, other speakers, the ministers, or the Prime Minister may exchange views within the time frame not exceeding one session.

The assembly shall establish one day each week for questions and answers. There shall be no vote during any session reserved for this purpose.

**Article 97:** The assembly commissions may invite any minister to clarify certain issues under his/her field of responsibility.

**Article 98:** The Assembly shall dismiss a member or members of the Royal Government or the whole Cabinet by the adoption of a motion of censure by 2/3 majority of the entire Assembly.

The motion of censure shall be proposed to the Assembly by at least 30 assembly members in order for the entire Assembly to decide.

## **CHAPTER VIII**

### **THE ROYAL GOVERNMENT**

**Article 99:** The Council of Ministers is the Royal Government of Cambodia.

The Council of Ministers shall be led by one Prime Minister assisted by Deputy Prime Ministers, and by State Ministers, Ministers, and State Secretaries as members.

**Article 100:** At the recommendation of the President and with the agreement of both vice-presidents of the Assembly, the King shall designate a dignitary from among the representatives of the winning party to form the Royal Government. This designated dignitary shall lead his colleagues who

shall be members of the Assembly or members of the political parties represented in the Assembly, to ask for a vote of confidence from the Assembly.

After the Assembly has given its vote of confidence, the King shall issue a Royal decree (Kret) appointing the entire Council of Ministers.

Before taking office, the Council of Ministers shall take an oath as stipulated in Annex 6.

**Article 101:** The functions of members of the Royal Government shall be incompatible with professional activities in trade or industry and with the holding of any position in the public service

**Article 102:** Members of the Royal Government shall be collectively responsible to the Assembly for the overall policy of the royal Government.

Each member of the Royal Government shall be individually responsible to the Prime Minister and the Assembly for his/her own conducts.

**Article 103:** Members of the Royal Government shall not use the orders, written or verbal, of anyone as grounds to exonerate themselves from their responsibility.

**Article 104:** The Council of Ministers shall meet every week in plenary session or in a working session.

The Prime Minister shall chair the plenary sessions.

The Prime Minister may assign a Deputy Prime Minister to preside over the working sessions.

Minutes of the Council of Ministers' meetings shall be forwarded to the King for His information.

**Article 105:** The Prime Minister shall have the right to delegate his power to a Deputy Prime Minister or to any member of the Royal Government.

**Article 106:** If the post of Prime Minister is permanently vacant, a new Council of Ministers shall be appointed under the procedure stipulated in this Constitution. If the vacancy is temporary, an acting Prime Minister shall be provisionally appointed.

**Article 107:** Each member of the Royal Government shall be punished for any crimes or misdemeanors that he/she has committed in the course of his/her with the competent court.

In such cases and when he/she has committed serious offenses in the course of his/her duty, the Assembly shall decide to file charges against him/her with the competent court.

The Assembly shall decide on such matters through a secret vote by a simple majority thereof.

**Article 108:** The organization and functioning of the Council of Ministers shall be determined by law.

## **CHAPTER IX**

### **THE JUDICIARY**

**Article 109:** The Judicial power shall be an independent power.

The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens.

The Judiciary shall cover all lawsuits including administrative ones.

The authority of the judiciary shall be granted to the Supreme Court and to the lower courts of all sectors and levels.

**Article 110:** Trials shall be conducted in the name of the Khmer citizens in accordance with the legal procedures and laws in force.

Only judges shall have the right to adjudicate. A judge shall fulfill this duty with strict respect for the laws, wholeheartedly, and conscientiously.

**Article 111:** Judicial power shall not be granted to the legislative or executive branches.

**Article 112:** Only the Department of Public Prosecution shall have the right to file criminal suits.

**Article 113:** The King shall be the guarantor of the independence of the Judiciary. The Supreme Council of the Magistracy shall assist the King in this matter.

**Article 114:** Judge shall not be dismissed. The Supreme Council of the Magistracy shall take disciplinary actions against any delinquent judges.

**Article 115:** The Supreme Council of the Magistracy shall be established by an organic law which shall determine its composition and functions.

The Supreme Council of the Magistracy shall be chaired by the King. The King may appoint a representative to chair the Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall meet under the chairmanship of the President of the Supreme Court or the General Prosecutor of the Supreme Court to decide on disciplinary actions against judges or prosecutors.

**Article 116:** The statutes of judges and prosecutors and the functioning of the judiciary shall be defined in separate laws.

## **CHAPTER X**

### **THE CONSTITUTIONAL COUNCIL**

**Article 117:** The Constitutional Council shall have the duty to safeguard respect for the Constitutional, to interpret the Constitution, and the laws passed by the assembly.

The Constitutional Council shall have the right to examine and decide on contested cases involving the election of assembly members.

**Article 118:** The Constitutional Council shall consist of nine members with a nine-year mandate 1/3 of the members of the Council shall be replaced every three years 3 members shall be appointed by the King, 3 members by the Assembly and 3 others by the Supreme Council of the Magistracy.

The Chairman shall be elected by the members of the Constitutional Council. He/she shall have a deciding vote in cases of equal vote.

**Article 119:** Members of the Constitutional Council shall be selected among the dignitaries with a higher-education degree in law, administration, diplomacy or economics and who have considerable work experience.



**Article 120:** The function of a Constitutional Council member shall be incompatible with that of a member of the Royal Government, member of the assembly, President or vice-president of a political party, President or vice-president of a trade-union or in-post judge.

**Article 121:** The King, the Prime Minister, the President of the Assembly or 1/10 of the assembly members shall forward draft bills to the Constitutional Council for examination before their promulgation.

The Assembly Rules of Procedure and various organizational laws shall be forwarded to the Constitutional Council before their promulgation.

The Constitutional shall decide within no more than thirty days whether the laws and the Internal Rules of Procedure are constitutional.

**Article 122:** After a law is promulgated, the King, the Prime Minister, the President of the Assembly, 1/10 of the assembly members or the courts, may ask the Constitutional Council to examine the Constitutionality of that law.

Citizens shall have the right to appeal against the constitutionality of laws through their representatives or the President of the Assembly as stipulated in above paragraph

**Article 123:** Provisions in any article ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented.

The decision of the Council is final.

**Article 124:** The King shall consult with the Constitutional Council on all proposals to amend the Constitution.

**Article 125:** An organic law shall specify the organization and operation of the Constitutional Council.

## **CHAPTER XI**

### **THE ADMINISTRATION**

**Article 126:** The territory of the Kingdom of Cambodia shall be divided into provinces and municipalities.

Provinces shall be divided into districts (srok) and districts into communes (khum).

Municipalities shall be divided into khan and khan into Sangkat.

**Article 127:** Provinces, municipalities, districts, khan, khum and sangkat shall be governed in accordance with organic law.

## **CHAPTER XII**

### **THE NATIONAL CONGRESS**

**Article 128:** The National Congress shall enable the people to be directly informed on various matters of national interests and to raise issues and requests for the state authority to solve.

Khmer Citizens of both sexes shall have the right to participate in the National Congress.

**Article 129:** The National Congress shall meet once a year in early December at the convocation of the Prime Minister. It shall proceed under the chairmanship of the King.

**Article 130:** The National Congress shall adopt recommendations for consideration by State authorities and the Assembly.

The organization and operation of the National Congress shall be defined by a law.

### **CHAPTER XIII**

#### **EFFECTS, REVISION AND AMENDMENTS OF THE CONSTITUTION**

**Article 131:** This Constitution shall be the Supreme law of the Kingdom Cambodia.

Laws and decisions by the State institutions shall have to be in strict conformity with the Constitution.

**Article 132:** The initiative to review or to amend the Constitution shall be the prerogative of the King, the Prime Minister, and the President of the Assembly at the suggestion of 1/4 of all the assembly members.

Revision or amendments shall be enacted by a Constitutional law passed by the Assembly with a 2/3 majority vote.

**Article 133:** Revision or amendments shall be prohibited when the country is in the state of emergency, as outlined in article 86.

**Article 134:** Any revision or amendment affecting the system of liberal and pluralistic democracy and the regime of Constitutional Monarchy shall be prohibited.

### **CHAPTER XIV**

#### **TRANSITIONAL PROVISIONS**

**Article 135:** This Constitution, after its adoption, shall be declared in force immediately by the Head of State of Cambodia.

**Article 136:** After the entry into force of this Constitution, the Constituent Assembly shall become the National Assembly.

The Internal Rules of Procedure of the assembly shall come into force after adoption by the assembly.

In the case where the assembly is not yet functional, the president, the First and Second vice-presidents of the Constituent Assembly shall participate in the discharge of duties in the Throne Council if so required by the situation in the country.

**Article 137:** After this Constitution takes effect, the King shall be selected in accordance with conditions stipulated in Articles 13 and 14.

**Article 138:** After this Constitution takes effect, and during the first legislature, the King of the Kingdom of Cambodia shall appoint a First Prime Minister and a Second Prime Minister to form the Royal Government after securing the consent of the President and the two vice-presidents of the assembly.

The Co-Presidents existing before the adoption of this Constitution shall participate as members of the Committee and in the Throne Council as stipulated in articles 11 and 13 above.

**Article 139:**Laws and standard documents in Cambodia that safeguard State properties, freedom and legal private properties and in conformity with the national interests shall continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.

***THE END***

This Constitution was adopted by the Constitutional Assembly in Phnom Penh on 21 September 1993 at its 2<sup>nd</sup> Plenary Session.

Phnom Penh, 21 September, 1993.  
The President,

Signed: **SON SANN**

**LIST  
OF  
THE MEMBERS OF THE DRAFTING COMMITTEE OF THE CONSTITUTION  
APPROVED BY THE CONSTITUENT ASSEMBLY AT ITS FIRST PLENARY SESSION  
ON 30 JUNE, 1993.**

\*\*\*\*\*

1. **H.E. Samdech the President of the Constituent Assembly  
(or the Vice –President of the Constituent Assembly during  
the President’s absence)**..... Chairman
2. **H.E. Mr. Chem Snguon** ..... Vice-Chairman
3. **H.E. Dr. Tao Seng Huor** ..... Rapporteur
4. **H.E. Mr. Kann Man** ..... Member
5. **H.E. Mr. Keat Chhon** ..... Member
6. **H.E. Mr. Chhour Leang Hout** ..... Member
7. **H.E. Mr. Thor Peng Leat** ..... Member
8. **H.E. Mr. Sam Rainsy** ..... Member
9. **H.E. Mr. Prince Sisowath Sirirath** ..... Member
10. **H.E. Mr. So Soubert** ..... Member
11. **H.E. Mr. Som Chan Both** ..... Member
12. **H.E. Mr. Un Ning** ..... Member
13. **H.E. Mr. Loy Sim Chheang** ..... Member
14. **H.E. Mr. Cheam Yeap** ..... Alternate Member
15. **H.E. Mr. Pol Ham** ..... Alternate Member
16. **H.E. Mr. Pou Sothirak** ..... Alternate Member
17. **H.E. Mr. Sar Sa Ath** ..... Alternate Member
18. **H.E. Mr. Ing Kieth** ..... Alternate Member
19. **H.E. Mr. Ouk Ra Bun** ..... Alternate Member
20. **H.E. Mr. Ung Phan** ..... Alternate Member
21. **H.E. Mr. Ek Sam Ol** ..... Alternate Member
22. **H.E. Mr. Say Bory** ..... Expert
23. **H.E. Mr. Chan Sok** ..... Expert
24. **H.E. Mr. Chhon Eam** ..... Expert
25. **H.E. Mr. Heng Vong Bunchhat** ..... Expert
26. **H.E. Mr. Khieu Rada** ..... Expert

PS. With reference in Chapter 7 article 18 on Commissions and Chairman of the Constituent Commission

**PART 2**  
**SEA AND PORTS**

- 5. **Royal Kram # NS/RKT/096/03** on Promulgation of Law on the Establishment of the Ministry of Public Works and Transport (MPWT) (January 24, 1996) .....2-1

**THE NATIONAL ASSEMBLY  
ROYAL KRAM  
NS/RKT/0196/03**

January 24, 1996

**I, PREAHBATH SAMDECH PREAH NORODOM SIHANOUK VARMAN REACH  
HARIVONG UPHATO SUCHEAT VISOTHIPONG AKAMOHABORASRAT  
NIKAROSOM THAMMIK MOHAREACHEATHIREACH BOROMANEAT  
BOROMABOPIT PREAH CHAU KRONG KAMPUCHEA THIPDEY**

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree dated September 24, 1993 on the Appointment of the First and Second Prime Ministers;
- Seen the Royal Decree of His majesty the King of Cambodia Samdech Preach Norodom Sihanouk Varman dated November 01, 1993 on the Appointment of the Royal Government;
- Seen the Law on the Organization and Functioning of the Council of Ministers promulgated by the Royal Decree No.02/94 dated July 20, 1994;
- Seen the Royal Decree No.93 dated October 24,1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Seen the Royal Decree No.1094/90 dated October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia; and
- Pursuant to the proposal of both Prime Ministers;

**HEREBY PROMULGATE**

The Law on the Establishment of the Ministry of Public Works and Transport which was passed by the National Assembly during the fifth session of its first legislature the whole meaning of which shall be as follows:

**LAW  
ON  
THE ESTABLISHMENT OF THE MINISTRY OF PUBLIC WORKS AND TRANSPORT**

- Article 1:** The Ministry of Public Works and Transport shall be established under the Royal Government.
- Article 2:** The Ministry of Public Works and Transport shall administer and regulate the public works and the transport sectors of the Kingdom of Cambodia.
- Article 3:** The Ministry of Public Works and Transports shall be headed by a Minister and a Secretary of State and assisted as needed by Under Secretaries of State.
- Article 4:** The organization and functioning of the Ministry of Public Works and Transports shall be governed by Sub-Decree.
- Article 5:** Any provisions that contradict this Law shall considered as null and void.
- Article 6:** This law shall be promulgated as urgent.

Phnom Penh, January 24, 1996  
**NORODOM SIHANOUK**

First Prime Minister  
**NORODOM RANARIDDH**

Second Prime Minister  
**HUN SEN**  
For Photocopy  
Phnom Penh, January 31, 1996  
Deputy of State Governor: **NADY TAN**

6. **Royal Kram # NS/RKT/0196/16** on Promulgation of Law on the Establishment of the Ministry of Commerce (MOC) (January 24, 1996) .....2-2

**THE NATIONAL ASSEMBLY**  
**ROYAL KRAM**  
**NS/RKT/0196/16**

January 24, 1996

**I, PREAHBATH SAMDECH PREAH NORODOM SIHANOUK VARMAN REACH**  
**HARIVONG UPHATO SUCHEAT VISOTHIPONG AKAMOHABORASRAT**  
**NIKAROSOM THAMMIK MOHAREACHEATHIREACH BOROMANEAT**  
**BOROMABOPIT PREAH CHAU KRONG KAMPUCHEA THIPDEY**

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree dated September 24, 1993 on the Appointment of the First and Second Prime Ministers;
- Seen the Royal Decree of His majesty the King of Cambodia Samdech Preach Norodom Sihanouk Varman dated November 01, 1993 on the Appointment of the Royal Government;
- Seen the Law on the Organization and Functioning of the Council of Ministers promulgated by the Royal Decree No.02/94 dated July 20, 1994;
- Seen the Royal Decree No.93 dated October 24, 1994 on the Reorganisation of the Composition of the Royal Government of Cambodia;
- Seen the Royal Decree No.1094/90 dated October 31, 1994 on the Reorganisation of the Composition of the Royal Government of Cambodia; and
- Pursuant to the proposal of both Prime Ministers;

**HEREBY PROMULGATE**

The Law on the Establishment of the Ministry of Commerce which was passed by the National Assembly during the fifth session of its first legislature the whole meaning of which shall be as follows:

**LAW**  
**ON**  
**THE ESTABLISHMENT OF THE MINISTRY OF COMMERCE**

- Article 1:** The Ministry of Commerce shall be established under the Royal Government.
- Article 2:** The Ministry of Commerce shall administer and regulate the domestic and international Commerce sector of the Kingdom of Cambodia.
- Article 3:** The Ministry of Commerce shall be headed by a Minister and a Secretary of State and assisted as needed by Under Secretaries of State.
- Article 4:** The Organization and Functioning of the Ministry of Commerce shall be governed by Sub-Decree.
- Article 5:** Any provisions that contradict this Law shall considered as null and void.
- Article 6:** This law shall be promulgated as urgent.

Phnom Penh, January 24, 1996  
**NORODOM SIHANOUK**

First Prime Minister  
**NORODOM RANARIDDH**

Second Prime Minister  
**HUN SEN**

For Photocopy  
Phnom Penh, January 31, 1996  
Deputy of State Governor: **NADY TAN**

7. **Royal Kram # NS/RKT/0196/18** on Promulgation of Law on the Establishment of the Ministry of Economy and Finance (MEF) (January 24, 1996) .....2-3

**THE NATIONAL ASSEMBLY  
ROYAL KRAM  
NS/RKT/0196/18**

January 24, 1996

**I, PREAHBATH SAMDECH PREAH NORODOM SIHANOUK VARMAN REACH  
HARIVONG UPHATO SUCHEAT VISOTHIPONG AKAMOHABORASRAT  
NIKAROSOM THAMMIK MOHAREACHEATHIREACH BOROMANEAT  
BOROMABOPIT PREAH CHAU KRONG KAMPUCHEA THIPDEY**

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree dated September 24, 1993 on the Appointment of the First and Second Prime Ministers;
- Seen the Royal Decree of His majesty the King of Cambodia Samdech Preach Norodom Sihanouk Varman dated November 01, 1993 on the Appointment of the Royal Government;
- Seen the Law on the Organization and Functioning of the Council of Ministers promulgated by the Royal Decree No.02/94 dated July 20, 1994;
- Seen the Royal Decree No.93 dated October 24,1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Seen the Royal Decree No.1094/90 dated October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia; and
- Pursuant to the proposal of both Prime Ministers;

**HEREBY PROMULGATE**

The Law on the Establishment of the Ministry of Economy and Finance which was passed by the National Assembly during the fifth session of its first legislature the whole meaning of which shall be as follows:

**LAW  
ON  
THE ESTABLISHMENT OF THE MINISTRY OF ECONOMY AND FINANCE**

- Article 1:** The Ministry of Economy and Finance shall be established under the Royal Government.  
**Article 2:** The Ministry of Economy and Finance shall administer and regulate the Economic and Financial sectors of the Kingdom of Cambodia.  
**Article 3:** The Ministry of Economy and Finance shall be headed by a Minister and a Secretary of State and assisted as needed by Under Secretaries of State.  
**Article 4:** The organization and functioning of the Ministry of Economy and Finance shall be governed by Sub-Decree.  
**Article 5:** Any provisions that contradict this Law shall considered as null and void.  
**Article 6:** This law shall be promulgated as urgent.

Phnom Penh, January 24, 1996  
**NORODOM SIHANOUK**  
No. 18

First Prime Minister  
**NORODOM RANARIDDH**

Second Prime Minister  
**HUN SEN**  
For Photocopy  
Phnom Penh, January 31, 1996  
Deputy of State Governor: **NADY TAN**



8. **Royal Kram # NS/RKM/1005/026** on Promulgation of the Law on Approval for the Kingdom of Cambodia to Join as a Member of Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (October 13, 2005) .....2-4

**ROYAL KRAM**  
**No. NS/RKM/1005/026**

October 13, 2005

We,  
**Preah Bat Norodom Sihamoni,**  
**King of the Kingdom of Cambodia,**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0704/124, dated July 15, 2004, on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/07, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of National Defense;
- Having seen the proposal of Samdech Prime Minister of the Royal Government of Cambodia and the Co-Minister of the National Defense;

**HEREBY PROMULGATE**

The Law on Adoption for the Kingdom of Cambodia to join as a member of Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation which has been enacted by the National Assembly on August 29, 2005 at its 3rd plenary session of the 3rd legislature and completely passed by the Senate on the form and legal opinions on September 07, 2005, at its 10th plenary session of the 1st legislature with the following content:

**LAW**  
**ON**  
**APPROVAL FOR THE KINGDOM OF CAMBODIA TO JOIN**  
**AS A MEMBER OF CONVENTION FOR THE SUPPRESSION OF**  
**UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION**

- Article 1:** The adoption for the Kingdom of Cambodia to join in as a member of Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which was held at Rome Capital on March 10, 1988 as attached to this Royal Kram.
- Article 2:** The Royal Government of the Kingdom of Cambodia shall proceed to comply with this convention.
- Article 3:** This Law is declared to be urgent.

Made in the Royal Palace, Phnom Penh, October 13, 2005  
 Signature: **NORODOM SIHAMONI**

Having submitted to the King for signature  
 Prime Minister  
 Signature: **HUN SEN**

Having informed Samdech Prime Minister  
Co-Minister of National Defense  
Signature: **TEA BANH, NHEK BUNCHHAY**

No. 398/C.L  
For making copies and distribution  
Phnom Penh, October 19, 2005  
Secretary General of the Royal Government  
Sealed and signed: **NADY TAN**

9. **Royal Kram # NS/RKM/1105/037** on Promulgation of the Law on Approval for the Kingdom of Cambodia to as a Party of Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime (November 14, 2005) .....2-6

**ROYAL KRAM**  
**No. NS/RKM/1105/037**

We,  
**Preah Bat Norodom Sihamoni,**  
**King of the Kingdom of Cambodia,**

November 14, 2006

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0704/124, dated July 15, 2004, on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/08, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen the proposal of Samdech Prime Minister of the Royal Government of Cambodia and the Co-Minister of Interior;

**HEREBY PROMULGATE**

The Law on Approval for the Kingdom of Cambodia to as a Party of Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime which has been enacted by the National Assembly on August 31, 2005 at its 3rd plenary session of the 3rd legislature and completely passed by the Senate on the form and legal opinions on September 19, 2005, at its 10th plenary session of the 1st legislature with the following contents:

**LAW**  
**ON**

**APPROVAL FOR THE KINGDOM OF CAMBODIA TO AS A PARTY OF PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME**

**Article 1:** The adoption for Law on Approval for the Kingdom of Cambodia to as a Party of Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime which was adopted by the UN General Assembly at its 55th session in accordance with the Resolution No.55/25, dated November 15, 2000 in New York, and the Kingdom of Cambodia has signed to join as a party on November 11, 2001 as attached to this Royal Kram.

**Article 2:** The Royal Government of the Kingdom of Cambodia shall proceed to comply with this protocol.

Made in the Royal Palace, Phnom Penh, November 14, 2005  
 Signature: **NORODOM SIHAMONI**

Having submitted to the King for signature.  
 Prime Minister  
 Signature: **HUN SEN**

Having informed Samdech Prime Minister  
Co-Minister of Interior  
Signature: **SAR KHENG** and **NORODOM SEREYVUTH**

No. 437/C.L  
For making copies and distribution  
Phnom Penh, November 22, 2005  
Sealed and signed: **NADY TAN**

10. **Royal Kram # NS/RKM/0406/009** on Promulgation of the Law on Approval Concerning the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (April 07, 2006) .....2-8

**ROYAL KRAM**  
**No. NS/RKM/0406/009**

April 7, 2006

We,  
**Preah Bat Norodom Sihamoni,**  
**King of the Kingdom of Cambodia,**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0704/124, dated July 15, 2004, on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/08, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen the proposal of Samdech Prime Minister of the Royal Government of Cambodia and the Deputy Prime Minister, Minister of Interior;

**HEREBY PROMULGATE**

The Law on Approval concerning the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia which has been adopted by the National Assembly on March 06, 2006 at its 4th plenary session of the third legislature, and the Senate did not have sufficient time for reviewing this law in a timely manner of the new Article 113 of the Constitution with the following contents:

**LAW**  
**ON**

**APPROVAL CONCERNING THE REGIONAL COOPERATION AGREEMENT**  
**ON COMBATING PIRACY AND ARMED ROBBERY AGAINST SHIPS IN ASIA**

- Article 1:** The approval concerning the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia was signed by the King of Cambodia in Singapore on April 28, 2005 as attached to this Royal Kram.
- Article 2:** The Royal Government of the Kingdom of Cambodia shall proceed to comply with this Agreement.

Made in the Royal Palace, Phnom Penh, April 07, 2006  
 Signature: **NORODOM SIHAMONI**

Having submitted to the King for signature.  
 Prime Minister  
 Signature: **HUN SEN**

Having informed Samdech Prime Minister  
 Deputy Prime Minister, Minister of Interior  
 Signature: **SAR KHENG**

No. 160/C.L  
For making copies and distribution  
Phnom Penh, April 07, 2006  
Secretary General of the Royal Government  
Sealed and signed: **NADY TAN**

11.	<b>Royal Kram # NS/RC/050/015 on the Statistics Law (May 09, 2005)</b> .....	2-10
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	CHAPTER V	ORGANIZATION .....
	CHAPTER VI	PUBLICATION AND DISSEMINATION .....
	CHAPTER VII	RIGHTS AND OBLIGATIONS .....
	CHAPTER VIII	PENALTIES.....
	CHAPTER IX	FINAL PROVISION.....

**THE NATIONAL ASSEMBLY**  
**ROYAL KRAM**  
**NS/RC/0505/015**

May 09, 2005

**I, PREAHBATH SAMDECH PREAH NORODOM SIHANOUK VARMAN REACH**  
**HARIVONG UPHATO SUCHEAT VISOTHIPONG AKAMOHABORASRAT**  
**NIKAROSOM THAMMIK MOHAREACHEATHIREACH BOROMANEAT**  
**BOROMABOPIT PREAH CHAU KRONG KAMPUCHEA THIPDEY**

- Seen the Constitutional Law of the Kingdom of Cambodia
- Seen the Royal Decree No. NS/RD/0704/124 of July 15, 2004 on the Appointment of the Royal Government of the Kingdom of Cambodia
- Seen the Royal Code No. 02/NS/94 of July 20, 1994 promulgated the Law on the Organization and Functioning of the Cabinet Ministers
- Seen the Royal Code No. NS/RC/0196/11 of January 24, 1996 promulgated the Law on the Establishment of Ministry of Planning
- Seen the proposal of the Prime Minister of the Royal Government of Cambodia and Senior Minister, Minister of Planning

**HEREBY PROMULGATE**

**STATISTICS LAW**, approved by the Assembly on March 14 2005 in the Second Plenary Session, third legislature, and approved by the Senate on the Procedure and Direction of this law on March 30 2005 in the Ninth Plenary Session, first legislature, is as follows:

**CHAPTER I**

**GENERAL PROVISION**

**Article 1:** This Law governs all matters relating to collection, processing, compilation, analysis, publication and dissemination of statistical data and pertains to the whole Kingdom of Cambodia.

**Article 2:** The technical terms used in this Law shall have the following meaning:

- a. "Statistics" are data obtained by collecting, processing, compiling, analyzing, publishing and disseminating results, gathered from residents through statistical collections or from administrative data sources;
- b. "National Statistics System" is integrated statistics data at national and local level and infrastructure, including all official statistical data and national statistical programs; statistical organizations and statistical units within ministries and institutions of the Royal Government; as well as their statistical staff and other infrastructure;
- c. "Basic statistics" are official economic, environment and socio-demographic statistics that are cross sectoral in nature, national and sub-national, that are required by the Royal

- Government for policy and program formulation and evaluation, as well as for use by the wider Cambodian and international communities;
- d. “Sectoral statistics” are statistics collected by ministries or institutions of the Royal Government for their internal needs and reporting purposes;
  - e. “Census” is a statistical collection of data on individuals, households, establishments or other organizational units where all units in the population are enumerated;
  - f. A “survey” is a scientific statistical collection of data on individuals, households, establishments or other organizational units where only a sample of units in the population are enumerated;
  - g. A “statistical officer” is an employee of the Royal Government who has the authority to engage in official statistical activities;
  - h. A “respondent” is an individual, household, company, establishment, government or non-government institution of a census or a survey;
  - i. Data are information in the form of numbers;
  - j. “Designated official statistics” are statistics produced by Government organizations that are determined by the Royal Government to meet the statistical information requirements of policy-makers in formulating and evaluating economic and social policies and programs in addressing the socio-economic development and welfare of the nation, as well as the requirements of decision-makers and researchers in wider Cambodian and international communities.

## CHAPTER II

### PRINCIPLES AND DIRECTIONS

**Article 3:** Statistical development is based on the principles of accuracy independence, objectivity, reliability, relevance and timeliness.

**Article 4:** Statistical activities shall be guided by the following objectives:

- a. Supporting the statistical data requirements of Royal Government policy-makers in formulating and evaluating economic and social policies and programs, in addressing the socio-economic development and welfare of the nation, as well as the requirements of decision makers and researchers in the Wider Cambodian and international communities;
- b. Facilitating the development of an effective and efficient National Statistical System;
- c. Enhancing public awareness of the importance of the role and function of statistics in national development programs;
- d. Encouraging the development of methodology and technology in statistical activities

## CHAPTER III

### STATISTICAL DATA COLLECTION

**Article 5:** Statistical data are collected by:

- a. Conducting censuses
- b. Conducting surveys
- c. Accessing government and non-government administrative data sources

**Article 6:** Censuses as referred to in Article 5 (a) shall be conducted at least once every ten years. There are three categories of census:

- a. Population census
- b. Agricultural census
- c. Establishment census



These censuses shall be conducted by the National Institute of Statistics of the Ministry of Planning in cooperation with relevant institutions.

- Article 7:** The Royal Government shall issue a Sub-decree specifying the dates for conducting each of the three censuses within the ten-year period and may change the dates where it deems in necessary to do so.
- Article 8:** International surveys shall be conducted between censuses to facilitate annual updates of the benchmark census data in order to compile accurate and reliable economic, economic, and social statistics that meet the needs of government policy makers and other users.
- Article 9:** Sample surveys, as referred to in Article 5 (b), may be conducted periodically in order to produce accurate and reliable basic national statistics, as well as on an ad hoc basis in order to address any urgent statistical data needs of the Royal Government. For the purposes of conducting economic surveys, the National Institute of Statistics of the Ministry of Planning will establish a register of businesses or population frame, to be updated and maintained on an annual basis.
- Article 10:** Statistics produced from administrative data sources, as referred to in Article 5 (c), shall be compiled using data recorded on administrative documents, forms and other records sourced from both Royal Government and non-government organizations. For the purposes of compiling statistics from administrative data sources, the National Institute of Statistics of the Ministry of Planning will establish a directory of administrative and statistical data sources, to be updated and maintained on an annual basis.
- Article 11:** In the context of this Law, the National Institute of Statistics of the Ministry of Planning is responsible for:
- a. Collecting, processing, compiling, analyzing, publishing and disseminating basic data by conducting censuses and surveys, and utilizing administrative data sources;
  - b. Compiling national accounts and price indexes, as well as economic, environment and socio-demographic indicators.
- Article 12:** Ministries and institutions of the Royal Government shall collect sectoral data either independently or in cooperation with the National Institute of Statistics of the Ministry of Planning by:
- a. Conducting surveys
  - b. Collecting of statistical data on administrative records

## CHAPTER IV

### COORDINATION AND COOPERATION

- Article 13:** The National Institute of Statistics, under the Ministry of Planning, shall be responsible for making official statistical policies in establishing an integrated National Statistical System, encompassing all designated official statistics and statistical organizational units within ministries and institutions. The Royal Government shall issue a Sub-decree on the operation of the National Statistical System and designated official statistics.
- Article 14:** In these tasks, the National Institute of Statistics of the Ministry of Planning shall establish:
- a. Coordination in activities of statistical development, including training, with the ministries and institutions of the Royal Government, and the private sector, at the national and sub-national level;
  - b. Cooperative arrangements in statistical activities with international organizations, other national statistical offices, and other private institutions in accordance with the prevailing legislation;

- c. National Statistical standards pertaining to classifications, concepts, definitions and statistical units, so as to avoid confusion on the part of data users and any duplication of official statistical data on the part of data producers.

**Article 15:** A “Statistics Advisory Council” shall be established to provide advice to the Ministry of Planning in facilitating the development of the National Statistical System. The composition, role and tasks of the Statistics Advisory Council shall be determined by Sub-decree.

**Article 16:** A “Statistics Coordination Committee” shall be established to assist the National Institute of Statistics of the Ministry of Planning in the technical coordination of the official statistics of the Royal Government. The composition, role, and tasks of the Statistics Coordination Committee shall be determined by Sub-decree.

## CHAPTER V

### ORGANIZATION

**Article 17:** The National Institute of Statistics is the official national statistical institution and is the Directorate General within the portfolio of the Ministry of Planning, which has a number of Departments responsible for specific statistical activities.

The National Institute of Statistics also has organizational units in the provinces, municipalities, districts, khans and in the communes and sangkats.

**Article 18:** Ministries and institutions of the Royal Government that are required to produce designated official statistics under this Law shall establish statistical units within their organizations for statistical purposes and submit the statistical data they produce to the National Institute of Statistics of the Ministry of Planning.

## CHAPTER VI

### PUBLICATION AND DISSEMINATION

**Article 19:** In order to address the statistical requirements of users:

- a. The National Institute of Statistics of the Ministry of Planning as well as statistical units in the ministries and other institutions of the Royal Government shall publish and disseminate the statistical data they produce to all users;
- b. The National Institute of Statistics of the Ministry of Planning shall publish a Statistical Yearbook, covering the main aspects of Socio-economic conditions in the country.

**Article 20:** All statistical data released by the National Institute of Statistics of the Ministry of Planning are designated official statistics of the Royal Government.

## CHAPTER VII

### RIGHTS AND OBLIGATIONS

**Article 21:** Article 11 and 12 of this Law enable the National Institute of Statistics of the Ministry of Planning, and statistical units in ministries and other institutions of the Royal Government to conduct statistical activities in order to obtain statistical information from respondents in order to produce designated official statistics.

**Article 22:** Staff and employees working in the National Institute of Statistics of the Ministry of Planning and statistical units in ministries and other institutions of the Royal Government, as well as the designated statistical officers of these organizations shall ensure confidentiality of all individual information obtained from respondents, except under special circumstances with the consent of

the Minister of Planning. The information collected under this Law is to be used only for statistical purposes.

**Article 23:** A statistical officer of the Ministry of Planning or any other ministry or institution of the Royal Government shall have the right to enter, with the consent of the owner or resident, for the purposes of statistical data collection:

- a. A dwelling or place of residence, including a home or any part of any other premises that is separately occupied;
- b. Any other premises

**Article 24:** A designated statistical officer of the Ministry of Planning or any other ministry or institution of the Royal Government must present his or her letter of assignment and official identity card to respondents, and shall behave in a professional and polite manner in making suitable interviews, in accordance with local custom and public order.

**Article 25:** Respondents must provide accurate, complete and timely information to a designated statistical officer of the Ministry of Planning or any other ministry or institution of the Royal Government.

## CHAPTER VIII

### PENALTIES

**Article 26:** Government employees and designated statistical officers of the National Institute of Statistics and statistical units in ministries or institutions of Royal Government who violate Article 22 of this Law will be subject to imprisonment for a period of 1 month (one month) to 6 month (six months) or a fine of 50,000 Riels (fifty thousand Riels) to 200,000 Riels (two hundred thousand Riels), or both.

**Article 27:** Government employees and designated statistical officers of the National Institute of Statistics and statistical units in ministries or institutions of Royal Government who violate Article 23 of this Law will be subject to imprisonment for a period of 1 month (one month) to 6 month (six months) or a fine of 10,000 Riels (ten thousand Riels) to 50,000 Riels (fifty thousand Riels), or both.

**Article 28:** For any respondent, who knowingly violates Article 25 of this Law, the following penalties shall apply:

- a. Any individual, or the head of a household, will be subject to a fine of 10,000 Riels (ten thousand Riels) to 50,000 Riels (fifty thousand Riels);
- b. Any manager, director or responsible employee in a company, establishment or any other organization, will be subject to imprisonment for a period of 1 month (one month) to 6 month (six months) or will be subject to a fine of 1,000,000 Riels (one million Riels) to 4,000,000 Riels (four million Riels), or both.

**Article 29:** Any individual who deliberately and without legal justification prevents or prohibits statistical activities conducted by the National Institute of Statistics, Ministries, or other government institutions under the provisions of this Law, will be subject to imprisonment for a period of 7 days (seven days) to 1 month (one month) or a fine of 600,000 Riels (six hundred thousand Riels) to 1,500,000 Riels (one million five hundred thousand Riels), or both.

## CHAPTER IX

### FINAL PROVISION

**Article 30:** All existing provisions which are contrary to this Law shall be null and void.

Royal Palace, Phnom Penh, 09 May, 2005

Royal Signature:  
**NORODOM SIHAMONY**

Having Informed to His Royal Highness for Signature

**Prime Minister**

**HUN SEN**

Having informed to Prime Minister

Senior Minister, Minister of Planning

**CHHAY THOR**

12.	<b>Sub-Decree # 14 (RGC) on the Organization and Functioning of the Ministry of Public Works and Transport (MPTW) (March 3, 1998)</b> .....	2-16
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**THE ROYAL GOVERNMENT OF CAMBODIA**

**No: 14 ANK/PK**

**ANUKRET (SUB-DECREE)**

**ON**

**THE ORGANIZATION AND FUNCTIONING OF  
THE MINISTRY OF PUBLICS WORKS AND TRANSPORT  
(MPWT)**

March 3, 1998

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret of September 24, 1993 on the Appointment of the First Prime Minister and the Second Prime Minister of the Royal Government of Cambodia;
- Referring to Reach Kret of November 1, 1993 on the Formation of the Royal Government of Cambodia;
- Referring to the Reach Kram No. 02/NS/RKM/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to the Reach Kret No. NS/RKT/1094/83 of October 24, 1994 and Reach Kret No. NS/RKT/1094/90 of October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kram NS/RKM/0196/03 of January 24, 1996 promulgating the Law on the Establishment of the Ministry of Public Works and Transport;
- Referring to Reach Kret No. CS/RKT/0897/147 of August 7, 1997 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Anukret No. 20/ANK/PK of April 30, 1996 on the Organization and Functioning of Ministries and State Secretariats;
- Pursuant to the proposal of the Minister of Public Works and Transport;
- Pursuant to the approval of the Council of Ministers of May 7, 1997;

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:** The organization and functioning of the Ministry of Public Works and Transport and its departments shall be determined by this ANUKRET (Sub-decree).

**CHAPTER II**

**MISSION AND STRUCTURE**

**Article 2:** The Ministry of Public Works and Transport be mandated by the Royal Government of Cambodia to direct and manage the Public Works and Transport sectors of the Kingdom of Cambodia.

**Article 3:** The Ministry of Public Works and Transport shall be responsible for:

- Managing and developing national polices on general public civil construction sectors through the preparations and laws in collaboration with other institutions to develop the country;
- Improving, maintaining, and managing public infrastructures such as roads, bridges, ports, railways, water ways, and state-buildings;
- Developing regulations related to the management of roads, ports, railways, and waterways infrastructures;
- Developing regulations and managing all road transportations, railways, and waterways;
- Participating and jointly developing laws, rules, and regulations relating to constructions;
- Renovating buildings as assigned by the Royal Government; and
- Cooperating with the State Secretariat of Civil Aviation on Aeronautical Constructions

**Article 4:** The Ministry of Public Works and Transport shall be endowed with the following organizational structure:

- **General Inspectorate:**

- General Department of Administrative Affairs
- Administration Department
- Personnel and Human Resources Department
- Accounting and Financial Department; and
- Planning Department

- **General Department of Public Works and Transport:**

- Road Department
- Heavy Equipment Center
- Technical Research Center
- Public Building Department
- Waterway Department; and
- Airport Infrastructure Department

- **General Department of Transport:**

- Road and Transport Department
- Inland Waterway Transport Department; and
- Merchant Marine Department

- **Cabinet of Ministers;**
- **Local Authorities;**
- **Regional Department of Public Works and Transport;**
- **Provincial Department of Public Works and Transport;**
- **State Owned Enterprises;**
- **Public Construction Entities under other ministries and institutions.**

The organizational structure of the Ministry of Public Works and Transport shall be attached as in Annex of this ANUKRET (Sub-decree).

### **CHAPTER III**

#### **GENERAL INSPECTORATE**

**Article 5:** The General Inspectorate of the Ministry shall be responsible for:

- Conducting regular inspections of institutions subjected to the jurisdiction of the Ministry;
- Reporting to the Minister on the functioning of these institution and providing suggestion for their improvement;
- Performing duties as directed by the Minister

The General Inspectorate shall be administered by an Inspector General assisted by one or more Deputy Inspector Generals as necessary.

### **CHAPTER IV**

#### **GENERAL DIRECTORATE FOR ADMINISTRATIVE AFFAIRS**

**Article 6:** The General Directorate for Administrative Affairs shall be in charge of coordinating, facilitating, and managing administrative and personal works, and controlling the logistics as finances as well as conducting research and planning.

The General Directorate shall be directed by one Director General who may be assisted by Deputy Director General as necessary. It shall consist of the following departments:

**Article 7:** The Administration Department shall be responsible for:

- Coordinating all activities between the centralized department of the ministry and institutions under its control;
- Managing and disseminating administrative documents;
- Ensuring the safety and effectiveness of the administration;
- Preparing reports on the ministry's work and other activities.

**Article 8:** The Personnel and Human Resources Department shall be responsible for:

- Administering civil servants, and agents of the Ministry in collaboration with the Secretary of State for Civil Services;
- Preparing administrative documentations for staff appointment;
- Setting the staff appointment procedure and managing the human resources of the Ministry;
- Evaluating the needs for personnel training;
- Conceptionalizing and implementing training policies in collaboration with the State Secretariat for Civil Service;
- Preparing statistics and production of decision marking tools for personnel management;
- Administering all socially related matters of the Ministry

- Article 9:** The Accounting and Financial Department shall be responsible for:
- Keeping invoices and preparing assets inventory for the Ministry;
  - Keeping computerized financial and accounting system;
  - Preparing and implementing budget of the Ministry;
  - Collecting incomes pursuant to the financial law;
  - Reconciling budget items;
  - Reconciling and consolidating expenditures of the Ministry;
  - Overseeing technical aspects of public procurement operations

- Article 10:** The Planning Department shall be responsible for:
- Compiling all requests and preparing the Ministry's budget for equipment repairs;
  - Monitoring operation of special accounts;
  - Supervising technical aspects of public procurement operations;
  - Collecting incomes pursuant to the financial law;
  - Reconciling budget items;
  - Reconciling and consolidating expenditures of the Ministry;
  - Overseeing technical aspects of public procurement operations;
  - Preparing and monitoring database systems of the Ministry and determining its development program within every sector;
  - Developing cooperation programs inside and outside the country in the fields of public works and transportation;
  - Coordinating foreign aid and monitoring its use

## CHAPTER V

### GENERAL DIRECTORATE FOR PUBLIC WORKS AND CONSTRUCTION

- Article 11:** Then General Directorate for Public Works and Construction shall be in charge of directing, managing, monitoring, and supervising the construction and repair of works, maintaining of roads and bridge infrastructure, monitoring public buildings and controlling the constructions and rehabilitations of the state heritages as directed by the Royal Government.

The General Directorate shall be directed by a Director General who may be assisted by Deputy General Directors as necessary. It shall consist of 6 departments as followings:

- Article 12:** The Department of Roads shall be responsible for:
- Improving, repairing, and developing regulations pertaining to infrastructures such as roads, trucks, historical sites, ferry ducks, ferries, and urban roads;
- A. Regarding the development of the roads and bridge maintenance and supervision programs, it shall be in charge of;
- Collecting baseline data for better understanding of road networks;
  - Keeping technical documents on roads use, and other information in respect of road networks;
  - Preparing budgets and deploying means to monitor and follow up maintenance works;
  - Managing public assets such as roads, waterways, and railways;
- B. Regarding the management of road and bridge worksites, it shall be in charge of:
- Studying and developing programs on road and bridge maintenance;
  - Preparing budgets and deploying means to monitor and follow up road and bridge worksites;
  - Evaluating completed worksites;
  - Managing the ferry docks

- Article 13:** The Heavy Equipment Center shall be responsible for:



- Researching, developing, and implementing plans for new works;
- Administering and controlling equipment and machinery under the control of the Ministry;
- Assessing and providing training to civil servants who are in charge of this machinery

**Article 14:** The Technical Research Center shall be responsible for:

- Preparing technical regulations and works to be implemented;
- Researching and preparing public construction plans;
- Evaluating construction, material quality, and modern technology to implement the Ministry's tasks

**Article 15:** The Public Building Department shall be responsible for:

- Collaborating with other institutions in order to direct, instruct, control, and monitor public building constructions and urban planning works;
- Supervising the construction and rehabilitation of the State Heritages as instructed by the Royal Government;
- Collaborating with various institutions to develop construction offices;
- Investigating disputes regarding the buildings and conducting surveys to ensure public safety;
- Preparing programs and budgets for major maintenance works;
- Monitoring technical and financial aspects of maintenance operations;
- Implementing construction regulations;
- Implementing technical and construction safety;
- Collecting and utilizing economic data for public constructions and urban planning works

**Article 16:** The Waterway Department shall be responsible for:

- Studying and conducting works in respect of traffics along the national waterways;
- Preparing maps and plans for rivers and canals;
- Installing signs and buoys along the rivers;
- Taking measures to clear obstacles (wrecks) in waterway traffic;
- Informing the river transport driver of any recently discovered obstacles;
- Arranging proper docking of transport means, rafts, floating houses, and like;
- Reviewing construction proposals in, under or above rivers;
- Studying embankment erosion works;
- Taking measures to dredge river to serve transportation;
- Building local ports in collaboration with the local authorities
- Managing waterway shoulders;
- Reviewing proposals to dredge rivers and deepen river beds;
- Imposing fees on waterway transportation;
- Recoding water height along rivers within the country for water traffics

**Article 17:** The Airport Infrastructure Department in collaboration with the State Secretariat for Civil Aviation in the construction of airports shall be responsible for:

- Studying and monitoring airport construction projects throughout the country including the State and Private Construction under B.O.T scheme;
- Studying, selecting, and controlling the location of airport construction projects;
- Developing technical regulation on airport construction works.

## CHAPTER VI

### GENERAL DIRECTORATE FOR TRANSPORT

**Article 18:** The General Directorate for Transport shall be in charge of controlling and monitoring the ground, water, and air transport and shall prepare all rules and regulations to facilitate and assure the traffic safety.

The General Directorate shall be directed by a Director General who may be assisted by Deputy Director Generals as necessary. It shall consist of 3 departments as followings:

**Article 19:** The Road and Transport Department shall be responsible for:

- Managing and developing rules and regulations, maintaining safety, and facilitating ground transport such as roads and railway transport
- a. Computerized management of the following activities:
  - Preparing computerized information for driving licenses, registration, certificates, and transport licenses;
  - Maintaining routine certification slips;
  - Preparing statistics of the department activities
- b. Regulating public order and traffic:
  - Making road traffic regulations;
  - Monitoring the training and issuing of exam's subjects and driving trainers;
  - Issuing traffic certifications
- c. Organization and management on ground transports:
  - Studying and enforcing rules and regulations to facilitate and harmonize passenger transport;
  - Studying and enforcing rules and regulations to facilitate road transportations;
  - Issuing international and regional transport licenses for passenger and cargo;
  - Instructing cities and towns administration on transport within cities and towns;
  - Facilitating technical aspects and fares setting for railways and road transportation

**Article 20:** The Inland Waterway Transport Department shall be responsible for:

- Managing any transport along rivers, creeks, small rivers and lakes;
- Making and monitoring the enforcement of rules and regulations and the conduct of river transportation;
- Supervising and monitoring transport development policies;
- Issuing driving licenses, boat and driver identifications, and business licenses;
- Administering local ports;
- Inspecting the statutes of domestic ships

**Article 21:** The Merchant Shipping Department shall be responsible for:

- A. Managing the general administrative works of commercial ships and public institutions of the state;
  - Managing regular maritime transportation and monitoring the enforcement of rules and regulations over the fleet hors conference;
  - Assessing the integration of the State Fleet hors conference on specialized fleet;
  - Studying and evaluating the qualitative and quantitative needs for commercials ships of the state;
  - Researching on scientific and technical ship's conception;
  - Providing technical assistance with regards to investment in the shipping industry;
- B. International and regional maritime cooperation:
  - Making and proposing technical bases for international and regional maritime cooperation;
  - Managing international and regional maritime cooperation;
  - Managing bilateral agreements on maritime transport cooperation;
  - Negotiating international maritime transport arrangement;
- C. Management of related professions in the maritime fields
  - Inspecting the statutes of domestic ships

**CHAPTER VII****CABINET OF THE MINISTERS**

**Article 22:** The Cabinet of the Ministers shall be responsible for all missions defined by the provisions of ANUKRET (Sub-decree) No. 20/ANK/PK of April 30, 1996 on the Organization and Functioning of the Ministers and State Secretariats.

**CHAPTER VIII****LOCAL INSTITUTIONS**

**Article 23:** There are Municipal/ Provincial Public Works and Transport Offices within each municipality and province and units at the district and commune levels which shall be charged with the implementation and facilitation of the Ministry's activities. The organization and functioning of the local institutions shall be defined by a separate ANUKRET (Sub-decree).

**CHAPTER IX****LOCAL ENTERPRISES**

**Article 24:** The Ministry of Public Works and Transport shall have the following state enterprises under its jurisdiction:

I. Enterprises subject to ANUKRET (Sub-decree) No. 41/ANK/PK of August 06, 1997.

a. State-owned enterprises under its jurisdiction:

1. Royal Railways of Cambodia;
2. Sihanoukville Port;
3. Phnom Penh Port;
4. Kampuchea Shipping Agency (KAMSAB)
5. Vehicle Transport Company;
6. Passenger Transport Company;
7. Equipment Department;
8. Phnom Penh Construction Enterprise;
9. Construction Machinery and Repair Enterprise;
10. Research and Study Construction Plan Enterprise;
11. Kompong Cham Construction Enterprise;
12. Transport Enterprise;
13. Sand and Pebble Construction Enterprise
14. Historical Construction Enterprise;
15. Color Tile Enterprise;
16. Driving School;

b. Entities under lease agreement and ongoing concerns:

17. Sawmill Factory;
18. Brick Kiln Factory;
19. Roof Covering Factory
20. 7 Makara Repair Workshop

II. State-owned enterprises:

- a. Public enterprise with economic characteristics
  - Construction and public works laboratory
- b. Mixed state private enterprise
  - Cambodian Shipping Company (Camtranship)

**CHAPTER X**

**FINANCIAL CONTROL UNIT**

**Article 25:** The Financial Control Unit shall be established by the Minister of Economy and Finance pursuant to the conditions stipulated in ANUKRET (Sub-decree) No. 081/ANK/PK of November 16, 1995 on the Financial Control of Budget Expenditures within the ministry.

**CHAPTER XI**

**FINAL PROVISIONS**

**Article 26:** The organization and functioning of the Ministry at the central administration levels lower than the department levels shall be declared by a PRAKAS (Declaration) of the Ministry of Public Works and Transport.

**Article 27:** Any provisions contrary to this ANUKRET (Sub-decree) shall be null and void.

**Article 28:** The Minister in charge of the Council of Ministers, the Minister of Public Works and Transport, Ministers and State Secretaries of the relevant ministries and institutions shall be responsible for implementing this ANUKRET (Sub-decree).

**Article 29:** This ANUKRET (Sub-decree) shall enter into force from the date of its signature.

Phnom Penh, March 3, 1998

**First Prime Minister**

**Second Prime Minister**

Signature and seal

**UNG HOUT**

**HUN SEN**

cc:

- The First Prime Minister and
- The Second Prime Minister
- The Deputy Prime Minister and
- The Minister of Public Works  
and Transport

**ING KIET**

13. **Minister's Decision** (MPWT) on the Function of Merchant Marine Department (MMD) (March 3, 1998).....2-24

**THE MINISTER OF PUBLIC WORKS AND TRANSPORT  
 DECIDES ON**

**FUNCTIONS OF  
 MERCHANT MARINE DEPARTMENT  
 (MMD)**

According to the Royal Government's Decree No. 14 dated on 03 March 1998, the Merchant Marine Department shall carry the responsibilities of:

**A. The General Administration of the State Merchant Marine and State Public Institute that shall:**

- Organize maritime transport management and inspection and armaments hors conference;
- Conduct research in order to sum up all activities of the State Maritime Transport;
- Study and evaluate the quality of the state-needed quantity;
- Study and give feedback on the State Maritime Transport;
- Provide the science research and technical concept of marine;
- Introduce the technical documents so as to facilitate the maritime investment;
- Make the maritime statutes.

**B. Local and International Maritime cooperation with its duties to:**

- Draft and request the technical principles of the local and international maritime cooperation;
- Administer the local and international maritime cooperation;
- Manage the bilateral agreement on the maritime transport cooperation;
- Set international negotiation for the maritime transportation.

**C. Managing the indirect trainings on maritime transport**

**MERCHANT MARINE DEPARTMENT**

This department consists of 5 (five) offices including the Departments of General Affairs, Planning and Legal Affairs, Ship Registration, Seamen Affairs and Certifications, Inspection, and Coastal State and Search and Rescue. The role and responsibilities of each office are depicted as followings:

**1. Office of General Affairs shall:**

- Supervise the general administrative works and department's staffs;
- Provide trainings to the staffs of the department and other seafarers;
- Cooperate with the port authorities in managing the ship navigation within the port area;
- Supervise the coastal ports in respect of loading and unloading goods, passengers, and ship navigation within the port areas;
- Review all kinds of forms of permissions for operating the certain shipping companies and their agents; and other seagoing ships such as fishing vessels, merchant ships, cruise ships, and search and rescue ships;
- Supervise the shipyards of any kind, regarding the techniques for ship construction and repairs;
- Review and advise on the possible request for entry permission as well as ways of loading and unloading goods of all types carried by the merchant ships;
- Manipulate the materials, equipments, facilities, petroleum/ fuel, construction work of the department, and unmovable assets (wreck), and make inventories according to a specified regime,
- Collect revenues derived from shipping and transfer such income to the national coffin.

**2. Office of Ship Registration, Seamen Affairs and Certifications shall:**

- Study and develop registration fees of all kinds of ships, and review the documents for such registration;
- Review and tackle all conflicts related to ship registration;
- Supervise all affairs of seafarers such as discipline, safety and welfare. Review and make an arrangement related to the issuance and seamen's book, certificates, and other necessary documents;
- Survey ships of any kind and other facilities equipped with the ship. Review documents related to the issuance of ship cards, ship certificates and equipment certificates.

**3. Office of Planning and Legal Affairs shall:**

- Develop, promote and monitor the implementations of plans and options for maritime transport development with respect to the government's defined policy;
- Cooperate, in terms of economic and technical aspects of maritime transport, with local and international organizations;
- Develop material and technical base for maritime transport, in order to ensure the safety of sea, and avoid environment pollution;
- Develop draft of law and various norms, which relate to the management of maritime transport. Implement and supervise the law enforcement and all effective norms;
- Undertake research and disseminate treaties, conventions, covenants, and other regulations of international organizations such as IMO, ILO, UNCTAD, and UNCLOS, to which the government is ratified;
- Tackle all conflicts related to maritime transport.

**4. Office of Ship Inspection shall:**

- Inspect technical characteristics of ships and other facilities on-board ship of all nationalities calling the maritime Port of the Kingdom of Cambodia;
- Inspect necessary documents of ships and their seafarers;
- Take reasonable measures necessary for ships non-compliant to the national and international legislation.

**5. Office of Coastal State Control, and Search and Rescue shall:**

- Control over ship navigation in Cambodian coastal water, and conduct search and rescue of all maritime accidents/ incidents, in accordance with relevant institutions;
- Research and develop methodology for searching and rescuing operation;
- Conduct maritime investigation on all maritime accidents/ incidents

14.	<b>Sub-Decree # 54 (RGC) on the Organization and Functioning of the Ministry of Commerce (MOC)</b> .....	2-26
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**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 54 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ORGANIZATION AND FUNCTIONING OF**  
**THE MINISTRY OF COMMERCE**  
**(MOC)**

September 22, 1997

- Seen the Constitutional Law of Cambodia
- Seen the Royal Decree of September, 24, 1993 on the Appointment of the First and Second Prime Ministers;
- Seen the Royal Degree of November, 1, 1993 on the Appointment of the Royal Government of Cambodia;
- Seen the Royal Code No. 02 NS 94 of July, 20, 1994 on the Organization and Functioning of the Council of Ministers;
- Seen the Royal Decree No. NS/RD/1094/83 of October, 24, 1994 and the Sub-decree No. NS/RD/1094/90 of October, 31, 1994 on Adjusting the Compositions of the Royal Government of the Kingdom of Cambodia;
- Seen the Royal Code No. NS/RC/0196/16 of January, 24, 1996 on the Establishment of the Ministry of Commerce;
- Seen the Sub-decree No. 20 SD-PK of April, 30, 1996 on the Organization and Functioning of the Ministries and the State Secretariat;
- Seen the Sub-decree No. CS/RD/0897/147 of August, 7, 1997 on Adjusting the Compositions of the Royal Government of the Kingdom of Cambodia;
- Upon the proposal of the Minister of Commerce;
- With the agreement from the Cabinet of Ministers in the formal session meeting on 11 September 1997;

**HEREBY DECIDES:****CHAPTER I****GENERAL PROVISION**

**Article 1:** This Sub-decree shall organize the certain entities of the Ministry of Commerce and determine the missions of the Ministry and functions of the Inspectorate, the General Directorate and other Department Directors.

**CHAPTER II****MISSIONS AND STRUCTURES**

**Article 2:** The Ministry of Commerce (MC) is authorized by the Royal Government of Cambodia for administrative missions and managing both domestic and oversea businesses of the Kingdom of Cambodia

**Article 3:** The Ministry of Commerce (MC) shall carry the functions and duties as follows:

- Verifying the policies for both domestic and oversea trades;
- Verifying the strategic stocks and inventories;
- Inspecting the commodity prices and sustaining the prices of crops and foodstuffs, and observing the market progress;
- Activating and disseminating the consumptions to the customers, and promoting the sales of foodstuffs, raw materials, fuels, utensils, and other necessary materials for domestic needs, and helping seek the market for the farmers, and guaranteeing the material supplies for the agriculture and agro-industry;
- Taking action to protect the consumers' advantages;
- Organizing, leading, and monitoring the foreign trade and issuing the licenses for exporting and importing the registered, prohibited goods;
- Balancing the imported and exported goods;
- Advertising and interacting with the international markets to orientate the foreign trade development based on the market economy;
- Studying and researching the national and international situations as well as predicting the market trends and then disseminating all these to the producers and businessmen so that it can help them easily run businesses in and outside the country;
- Organizing and providing the import and export policies;
- Releasing the guiding policies for implementations and taking measures to promote the law enforcement on business competition, and controlling the monopoly business especially from the foreign country over the local trade illegally;
- Controlling the trademark;
- Inspecting the quality, quantity, weight, and eventual types of imported and exported goods. Repressing the quality fraud of goods in the marketplace except for medicine products, medical equipments, and cosmetic products;
- Managing the National Institute of Generalized System of Preference (GSP) and acting as administrator of the Chamber of Commerce, the Public Trade Enterprise, and Public and Private Trade Company of Mixed Economy;
- Joining the Cambodian commercial economy cooperation with Association of Southeast Asian Nations (ASEAN) and other international organizations such as APEC, ESCAP, WIPO, EU, UNCTAD, UNCED, WTO etc;
- Controlling the business registries and managing the business capabilities as stipulated in the Law on Commercial Rules and Commercial Registries.

**Article 4:** The structures of the Ministry of Commerce are shaped as followings:

- I. Middle Class:



- a. Cabinet
- b. General Inspectorate Department
- c. General Department of Administration and Finance

This general department consists of 3 line departments:

1. Administrative Department
2. Staff Department
3. Accounting and Financial Department

- d. General Technical Department

This department consists of 8 lined departments:

1. Domestic Trade Department
2. Foreign Trade Department
3. Cambodian Import Export Inspection and Fraud Repression Department
4. Commercialized System of Preference
5. Intellectual Property Department
6. ASEAN and International Organization Department
7. Export Promotion Department

## II. Local Entities:

Provincial, Town, and Municipal Commercial Departments

## III. The public companies under the Law on the General Statutes of the Public Enterprises and under the technical administration of the Ministry of Commerce are recognized as followings:

- a. Cambodian Foodstuffs Company
- b. Export and Import, Distributing Company (KAMPEXIM)
- c. Crop and Fruit Company
- d. Delivery and Business Transport Company
- e. Material and Equipment Company
- f. Constructing Company

The organization structure of the Ministry of Commerce is the annex of this Sub-decree.

## CHAPTER III

### THE CABINET OF MINISTERS

**Article 5:** The Cabinet of Ministers is in charge of any missions verified in the provision of the Sub-decree No. 20 SD/PK of April, 30, 1996 according to the above preamble on the organization and functioning of the Ministries and the Secretariat of State.

## CHAPTER IV

### GENERAL INSPECTORATE DEPARTMENT

**Article 6:** The General Inspectorate Department of Ministry of Commerce takes burdens as followings:

- Regularly inspecting all line units under the Ministry of Commerce;
- Making reports about the performances of the inspected units to the Ministers;
- Carrying out the duties by time as determined by the Ministers

The General Inspectorate Department is led by a General Inspector accompanied by Deputy General Inspector as assistant.

## CHAPTER V

### GENERAL DEPARTMENT OF ADMINISTRATION AND FINANCE

**Article 7:** The General Department of Administration and Finance functions as followings:

- Handling the tasks including: administration, summing up the reports/ documents, controlling the staffs, setting financial plan, managing the materials and equipments, providing the trainings for ministerial framework, researching, and balancing works;
- Coordinating all administrative actions in the ministry with other provincial/ municipal local units as well as other ministries;

The General Department of Administration and Finance is led by a Director General accompanied by Deputy General Director as assistant.

**Article 8:** The Department of Administration has the responsibilities as followings:

- Coordinating all missions of the middleclass ministry and between the middleclass ministry and its line local units;
- Managing and circulating various administrative documents of the Ministry;
- Ensuring the effectiveness and safety of administration;
- Totalizing and reporting the missions and activities of the Ministry

**Article 9:** The Personnel Department has the responsibilities as followings:

- Managing the administration sector, the government officers, and the government agents of the Ministry by interacting with the Secretariat of State of Public Functions;
- Preparing the administrative letters for the career management;
- Programming the specialty posts and the human resources for the ministry;
- Assessing the demands for staff training;
- Organizing the initiative training policy and resuming by interacting with the Secretariat of State of Public Functions and setting that policy on implementation;
- Managing the social affairs of the Ministry

**Article 10:** The Department of Accounting and Finance has the responsibilities as followings:

- Raising the budget plan for the Ministry and tracking, revising the operations;
- Properly collecting revenues in accordance with the financial rules;
- Accumulating and compromising the budget chapters;
- Tracking and reminding the particular account management;
- Accumulating and compromising all the Ministry's expenditures;
- Managing the accounting records about the public operating acquisitions;
- Gathering the demand for expense plan, managing the process of repairing materials and equipments of the Ministry;
- Managing the current and fixed assets and the stocks of materials and preparing the inventory;
- Setting the expense program on distributing petroleum and spare parts;
- Regularly keeping receipts and bookkeeping;
- Informatics, financial activities, and account records;
- Conducting the technical inspection of the public operating acquisitions

## CHAPTER VI

### THE TECHNICAL GENERAL DEPARTMENT

**Article 11:** The Technical General Department has the responsibilities as followings:

- Executing all the Ministry's activities based on the operating policies that manage and develop both domestic and foreign trades;
- Ensuring the technical coordination for the Ministry's missions as well as its line units;
- Preparing and handling the Ministry's technical work upon the general guideline of the Minister;
- Scrutinizing and presenting the important task as a notice and requesting for the decision (Sachkdey Samrach) from the Minister;
- Providing the technical reports for important issues which are the functions of the Minister;
- Checking and filing the documents from the International Organizations (IOs);
- Preparing the documents for the International Economics Conference

The Technical General Department is led by a General Director accompanied by Deputy General Director as assistant.

**Article 12:** The Domestic Trade Department has the responsibilities as followings:

- Setting and verifying the price of the strategic goods;
- Stiffly controlling and conducting statistics on the quantity of goods which are sold in wholesales and retails in the domestic market;
- Controlling and inspecting the stocks of the strategic goods and necessary commodities such as rice, petroleum, and so on;
- Cooperating with the agriculture sector in order to obtain information and get hold of the sources of the agricultural and planetary products as well as their quantities and qualities so that it will be easy to find a specific market for products;
- Controlling the demand of the agricultural sector in order to help promote the imports of producing equipments and devices for the sake of this sector;
- Cooperating with the industrial and handicraft sectors in order to research about domestic products and to provide the information for proper production responded to the standard that can be accepted for sales in the domestic and foreign markets;
- Obtaining the information about the business operations in the provinces and cities; then making conclusion and submitting to the Ministry;
- Raising the demand plan of the domestic market for some certain important and necessary goods;
- Raising the quantity plan of import and export goods;
- Setting the Quota plan by cooperating with the related ministries;
- Quoting the prices of the important goods and getting down to ask the traders to stick the price tags on their commodities so that it can be easy to be checked by the consumers;
- Sustaining the price of the agricultural products and the foodstuffs that are necessary for the living conditions of the people and the national economy;
- Inspecting the business advertisement and competition

**Article 13:** The Foreign Trade Department has the responsibilities as followings:

- Creating the foreign trade policies;
- Issuing import and export licenses;
- Conducting the marketing research and the price of international goods;
- Studying the export capacity;
- Studying the domestic demands;
- Conducting statistics on imports and exports;
- Making bilateral agreements;
- Providing and obtaining the external information through the Chamber of Commerce;
- Contributing to control the foreign aids;
- Organizing the national and international exhibitions;
- Keeping in touch with the foreigners and the international originations (OIs);
- Preparing the documents for the meeting between the leaders and international bodies;
- Creating the economic indicator

**Article 14:** The Cambodian Import Export Inspection and Fraud Repression Department (CAMCONTROL) has the responsibilities as followings:

- Inspecting and repressing the quality fraud of goods processing in the market;
- Analyzing qualities of eating goods and consumer goods;
- Inspecting and confirming the standard quality, safety, and brand name of foods and consumer goods except the medicine products, medical equipments, and cosmetics;
- Inspecting the imported and exported goods

**Article 15:** The Legislation Department has the responsibilities as followings:

- Creating the Commercial laws;
- Controlling the trade registries and managing the trade capacities as stipulated in the Law on the Trade Rules and Registry;
- Researching, extracting, and compiling the articles of the Commercial Law and the Trade Treaty, and managing those legislative articles;
- Instructing and tracking the implementations of the Commercial Law and the Trade Treaty;
- Acting as the commercial law consultant for the ministerial leaders, the line entities, the exploiting and trading companies;
- Joining to help train the legislation officers of the Ministry of Commerce

**Article 16:** The Department of Commercialized System of Preference has the responsibilities as followings:

- Disseminating the information about the Generalized System of Preference (GSP) to the traders and producers of the exported products, and making them learn how to apply this system for the sake of promoting exports from the Kingdom of Cambodia;
- Checking and issuing the certificate of the product origin to the producers and investors in the Kingdom of Cambodia.

**Article 17:** The Intellectual Property Right Department has the responsibilities as followings:

- Compiling the laws and provisions related to the trademark;
- Preparing the documents for the meeting between the country leaders and the World Intellectual Property Right Organization (WIPO);
- Applying the trademark rule;
- Preparing the provisions and profiles about trademark registration and occupation

**Article 18:** The ASEAN Department and International Organization have the responsibilities as followings:

- Analyzing and managing ASEAN work directly related to the competences of the Ministry of Commerce, the Ministry of Foreign Affairs, and International Cooperation as well as ASEAN Free Trade Area (AFTA) of the Ministry of Economy and Finance;
- Contributing to categorize the goods to be included in CEPT Scheme for AFTA;
- Contributing to set the Cambodian policy and strategy for the implementation of ASEAN's Economy Agreement;
- Acting as the center of ASEAN service coordination;
- Conducting the trade negotiation based on General Agreement of Tariff and Trade (GATT) and World Trade Organization (WTO);
- Stimulating the trade cooperation with some international organizations such as: APEC, ESCAP, WIPO, EU, UNCTAD, UNCED, etc.;
- Considering and submitting the plan to the Ministry so that it can restrain the trades violating the provisions of WTO;
- Negotiating for the Tariff and Non-Tariff measures
- Acting as a coordinator for the related ministries to negotiate with WTO as well as to settle the trade conflicts;
- Collecting the trade information
- Disseminating the provisions and agreements that Cambodia shall apply

**Article 19:** The Export Promotion Department has the responsibilities as followings:

- Organizing project and leading the executive plan to promote, upgrade, extend and enhance the export capacity of the materials and services, and cordially discussing with the producers related to the exportations.;
- Proposing to the concerned ministries on the responsibility actions to promote and make it easy for exporting domestic products;
- Orientating and encouraging the participations of the national producers in the trade fairs and the national and international exhibitions.
- Joining to create the formalities of financial concession and to guarantee the exportations;
- Assisting the exporters in searching for the foreign markets and collaborating to facilitate the export promotions;
- Providing the information and preparing the documents related to the trade enhancements and then to the analysis and disseminating that information.

## CHAPTER VII

### THE LOCAL ENTITY

**Article 20:** In the provinces, towns, and the capital city, there is a provincial/municipal department of commerce, which is burdened on implementing the local trade management and the performance coordination of the Ministry.

## CHAPTER VIII

### THE PUBLIC ENTITY

**Article 21:** The Entities in Line (III) of Article 4 are the public enterprises and legal entities responsible for their own professional works in accordance with the General Statutes of the Public Enterprise. The organization and functioning of those public enterprises shall be approved by the Sub-decree.

## CHAPTER IX

### THE FINANCIAL INSPECTION ENTITY

**Article 22:** The Financial Inspection Entity shall be established by the Minister of Economy and Finance as stated in the regulation conditions of Sub-decree No. 81, dated 16 November 1994 on the Establishment of the Financial Inspection Institution for the Expenses in the Ministries.

## CHAPTER X

### FINAL PROVISIONS

**Article 23:** The organization and functioning of the Ministry in the central administration starting from under the department shall be verified by the Proclamation (PRAKAS) of the Minister of Commerce.

**Article 24:** Any provision contrary to this Sub-decree shall be considered null and void.

**Article 25:** The Co-Minister in charge of the Cabinet of Ministers, Minister of Commerce, the concerned Minister, and concerned Secretary of State shall implement this Sub-decree by their respective duties.

**Article 26:** This Sub-decree comes into effect from the date of this signature.

Phnom Penh, 22 September 1997

**First Prime Minister****Second Prime Minister**Signature:  
**ENG HOUT**Signature:  
**HUN SEN**

Having informed to:

- The First Prime Minister
- The Second Samdech Prime Minister

**Minister of Commerce**Signature and Seal: **CHAM PROSITH**

cc:

- The Cabinet of the King
- The General Secretariat of the Assembly
- The Cabinet of the First Prime Minister
- The Cabinet of the Second Samdech Prime Minister
- All Ministries and Central Departments
- All Provincial/ Municipal Halls
- Document – Journal

Having been properly copied based on the preamble and sent to:

- The Leaders “To Be Informed”
- All departments and entities under the Ministry and all Provincial/ Municipal Departments of Commerce “To Be Functioning”
- Document
- Journal

**Department Director**

15.	<b>Sub-Decree # 04 (RGC) on the Organization and Functioning of the Ministry of Economy and Finance (MEF) (January 20, 2000)</b> .....	2-34
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	CHAPTER VII	CUSTOMS DEPARTMENT .....
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	CHAPTER XIV	DEPARTMENT OF ECONOMIC INTEGRATION AND ASEAN .....
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**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 04 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ORGANIZATION AND FUNCTIONING OF**  
**THE MINISTRY OF ECONOMY AND FINANCE**  
**(MEF)**

January 20, 2000

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree NS/RKT/1198/72 on Appointment of the Royal Government of Cambodia dated November 30, 1998;
- Having seen Royal Kram 02/NS/94 dated July 20, 1994 promulgating the Law on Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram 01 NS dated December 28, 1993 promulgating the Law on Financial System;
- Having seen Royal Kram NS/RKM/0196/18 dated January 24, 1996 promulgating the Law on Creation of the Ministry of Economy and Finance;
- Having seen Sub-Decree 20 dated April 30, 1996 on Organization and Functioning of Ministry and State Secretariat;
- Having an approval of the Council of Ministers at the plenary meeting held on January 14, 1999

**HEREBY DECIDES:****CHAPTER I****GENERAL PROVISIONS**

**Article 1:** This Sub-Decree determines the organization of the Ministry of Economy and Finance, the Ministry's mission, and functions of General Secretariat, Auditing Department and other Departments.

**CHAPTER II****MISSION AND STRUCTURE**

**Article 2:** The Ministry of Economy and Finance is commissioned by the Royal Government of Cambodia to lead and manage the fields of economy and finance of the Kingdom of Cambodia in order to sustain the economic development and raise the standard of living of the people based on the principles of market economy and social justice. This mission is made through the appropriate organization and implementation of policies, framework of laws, and regulations relating to the management of macroeconomics and public finance, state properties, investment, and financial industry as well as other relevant laws and regulations.

**Article 3:** Ministry of Economy and Finance has the roles and duties as follow:

- Contribute, organize, implement, and follow up the implementation of economic and financial policies of the Royal Government;
- Manage and coordinate the reform of economic and financial structures;
- Strengthen good governance on what relevant to the management of economy and public finance;
- Distribute and redistribute of the state revenues by collecting revenues and programming and budgeting of public expenditure;
- Create a financial system uniform throughout the country and guarantee the implementation of this system correctly according to the Law on Financial System and Financial Law for Management for each year as well as other relevant laws and regulations;
- Prepare draft laws and other regulations for management of macroeconomics and finance annually or permanently;
- Prepare and manage the state budget;
- Prepare and implement the state revenues policy;
- Collect tax and non-tax revenues and siphon to the state coffer, prepare the balance sheet, and analyze the accounts of state financial operations;
- Review and approve the expenses of ministries and state institutions;
- Manage state properties;
- Analyze and forecast the short-medium-long term economic situations and issue measures to revise and reorient the management of economy;
- Participate in the development, management, and inspection of financial industry including insurance, bond market, lucky draws, lottery, casinos, pension funds, and other financial services;
- Cooperate with relevant ministries and institutions to lead and participate in implementation of strategic policy of the Royal Government on international cooperation in economics and finance and integration of Cambodian economy into the world economy, especially economic integration into ASEAN;



- Participate in soliciting assistance and prepare the plan of borrowing and repaying the foreign debts and follow up and oversee the implementation of those plans;
- Manage and oversees the public procurements of ministries, institutions, provinces, and municipalities as well as the state and autonomous institutions;
- Participate in preparing policy and management of investments;
- Fulfill inspection functions on public finances;
- Provide the training and retraining regularly on economics, finance, and management of state properties to the officials of the ministry and relevant ministries and institutions

**Article 4:** The Ministry of Economy and Finance has the structure as following:

- 1- At central level
    - a- General Secretariat
    - b- Cabinet of Minister
    - c- Auditing Department
    - d- Tax Department
    - e- Customs Department
    - f- National Treasury
    - g- Budgeting and Financing Department
    - h- Public Procurement Department
    - i- State Property Department
    - j- Economic Analysis and Forecast Department
    - k- Investment and Cooperation Department
    - l- Economic Integration and ASEAN Department
    - m- Financial Industry Department
    - n- Personnel Department
    - o- Administration and Finance Department
    - p- Legislation Department
    - q- Institute of Economics and Finance.
  - 2- At local level
    - Provincial/Municipal Divisions of Economy and Finance
    - Provincial/Municipal Treasuries "equivalent to the office at central level"
    - Provincial/Municipal Tax Branches "equivalent to the office at central level" and District Tax Office "equivalent to the provincial/municipal office level"
    - Provincial/Municipal Customs Branches "equivalent to the office at central level" and Customs Offices at the Border Passes "equivalent to the provincial/municipal office level"
  - 3- Financial Inspection Units
- Organizational Chart of the Ministry is attached as Annex to this Sub-Decree.

### CHAPTER III

#### GENERAL SECRETARIAT

**Article 5:** The General Secretariat is a supporting staff of the Ministry on:

- Guaranteeing the continuity of the Ministry's works
- Managing, coordinating, and following up the works of departments and the units of the Ministry
- Serving as a supporting staff of the Ministry of Economy and Finance in proposing the economic and finance policy to the Royal Government and following up the implementation of economic reform as a principal planner of the policy of the Ministry
- Coordinating the international cooperation and economic integration
- Coordinating the works of economics advisors of the Ministry of Economy and Finance in the framework of implementation of Sub-Decree 25 on Creation of a Committee for Economic and Financial Policy dated June 10, 1997

- Fulfilling the roles as senior finance officer for ASEAN;

The General Secretariat is headed by a Secretary General and assisted by a number of Deputy Secretary Generals.

#### CHAPTER IV

#### CABINET OF MINISTERS

**Article 6:** The Cabinet of the Minister is in charge of missions determined by the provisions of Sub-Decree 20 dated April 30, 1996 referred to in the preamble above on Organization and Functioning of the Ministries and State Secretariats.

#### CHAPTER V

#### INSPECTION DEPARTMENT

**Article 7:** The Inspection Department of the Ministry of Economy and Finance is a supporting staff of the Ministry on:

- a- Internal inspection of the Ministry
  - Conducting regular inspection on all units under the Ministry of Economy and Finance
  - Preparing reports for the Minister on functioning of the units inspected and raise the measures to improve the functioning of those units
  - Cooperating regularly with the audit authority on all subjects relating to public finance
- b- Inspection of ministries, provincial and municipal institutions
  - Conducting general inspection on all ministries, provincial and municipal institutions on the discipline of revenues and expenses of national budget and responsibility of the manager of public money
  - Inspecting on all financial operation of the public institutions with the characteristics of administrative and public economic institutions, state company, joint venture, organizations, and private companies that receive benefits from public finance in any form
  - Inspecting the claims and complaints of the people relating to the economic management in order to lodge complaint to the courts;

The Inspection Department is headed by an inspector general and assisted by a number of deputy inspector generals.

#### CHAPTER VI

#### TAX DEPARTMENT

**Article 8:** The Tax Department is a supporting staff of the Ministry on:

- Proposing the tax policy and collecting all types of taxes for the state coffers
- Preparing the policy, draft laws and regulations on taxation and determining necessary documents and legal documents that the taxable persons or withholding agents shall keep and submit to the tax administration
- Determining the tax basis on the taxable persons or withholding agents based on investigation and compilation of information
- Calculating and collecting tax, value added tax, registration tax, interests, and other revenues
- Creating a program and implementing tax inspection on the documents and reviewing accounting books of the enterprises
- Being in charge of national and international cooperation on taxation

- Implementing the measures and penalties according to the laws for the taxable persons and withholding agents
- Participating in preparation of annual national budget to be incorporated into the Draft Financial Law for each year

The Tax Department has a uniform system of structure and management throughout the country and has the rights to direct and inspect all tax units from the central level to the provincial/municipal levels as determined by the Ministry.

The Tax Department is headed by a Director and assisted by a number of Deputy Directors.

## **CHAPTER VII**

### **CUSTOMS DEPARTMENT**

**Article 9:** The Customs Department is a supporting staff of the Ministry on:

- Proposing the policy relating to foreign trades, draft laws and regulations on collections of all kinds of import-export taxes, especially reviewing the creation and implementation of customs table and tax collection regime relating to customs on all types of goods according to each phase.
- Managing imported and exported goods
- Raising measures to prevent and impound all types of goods smuggled
- Implementing the collection of tax on all types of exported and imported goods
- Inspecting, following up, and managing the import and export of goods, travelers' belongings, currencies, metals, precious stones, cultural patrimonies, packages and parcels as well as all types of means of transportation
- Proposing the technical training projects for customs agents and staff
- Implementing the policy on economic integration and cooperation with the foreign countries on customs section
- Participating in preparation of annual national budget to be incorporated into the Draft Financial Law for each year

The Customs Department has a uniform system of structure and management throughout the country and has the rights to direct and inspect all customs units from the central level to the provincial/municipal levels as determined by the Ministry.

The Tax Department is headed by a Director with the rank of Department Director and assisted by a number of Deputy Directors with the rank of Deputy Department Director.

## **CHAPTER VIII**

### **NATIONAL TREASURY**

**Article 10:** The Treasury is a supporting staff of the Ministry on:

- Managing the funds, national budget, autonomous budget, and account of unplanned budget
- Balancing and managing the state revenues and expenditures
- Participating in redirecting of implementation of monetary policy
- Redirecting and following up the implementation of financial policy and public debt
- Managing the cash vault of the state and special account of treasury
- Maintaining and following up the implementation of general accounting and centralized account
- Preparing the accounting rules and principles
- Guaranteeing general balance of accounts

- Providing services to all ministries and provincial/municipal institutions on payment of expenses, salaries, and collecting revenues according the Financial Laws for each year
- Managing the treasury bills by cooperating with relevant units of the National Bank of Cambodia
- Managing the private fund deposited
- Making relation with the National Bank of Cambodia in implementation of monetary policy
- Managing cash accounts at the National Bank of Cambodia
- Participating in preparation of table of financial operation
- Participating in preparation of annual national budget to be incorporated into the Draft Financial Law for each year;

The National Treasury has a uniform system of structure and management throughout the country in directing and inspecting every provincial/municipal treasuries as determined by the Ministry.

The National Treasury is headed by a Director with the rank of Department Director and assisted by a number of Deputy Directors with the rank of Deputy Department Director.

## CHAPTER IX

### FINANCING AND BUDGETING DEPARTMENT

**Article 11:** The Financing and Budgeting Department is a supporting staff of the Ministry on preparation and implementation of national budget with the duties as following:

- a- Drafting the laws and regulations on public finance
  - Preparing the program of public expense
  - Studying and creating revenues and expense standards as a basis in drafting the financial law for management for each year and other regulations
  - Inspecting the revenues and expenses for provinces and municipalities
  - Assisting the ministries, and provincial and municipal institutions in preparation, implementation, and liquidation of annual budget
  
- b- Implementing the Law on Financial System, Financial Law for Management of each year, and Law on Financial Regime and Management of Properties of Provinces and Municipalities
  - Preparing the projected revenues and expenses for ministries, institutions, and provinces/municipalities for implementation;
  - Distributing the budget to the ministries, central institutions, and provinces/municipalities according to columns, articles, and chapters of the list of national budget;
  - Recording in the national budget accounting books to reflex daily, weekly, monthly, quarterly, biannual and annual budget situations;
  - Fostering the preparation of urgent reports, accounting reports, and participating in the creation of monthly financial operation tables;
  - Providing instructions on financing and budgeting techniques to the specialized units at ministries, institutions, and provinces/municipalities;
  - Following up the implementation of revenues and expenses of the national budget of ministries, institutions, and provinces/municipalities.
  
- c- Drafting the law for liquidation of annual national budget
  - Drafting the law for liquidation of national budget of central institutions and provinces/municipalities

- Finalizing and assessing every budget implementation for analysis and evaluation on economic and financial situation in the following year
- d- Financial Inspection
- Implementing correctly Sub-Decree 81 on Creation of Financial Inspection on Expenses of National Budget at Ministries, Provinces, Municipalities, Autonomous Municipalities, Phnom Penh, and Public Administrative Entities and Sub-Decree 82 on General Rules of Public Accounting dated September 16, 1995
  - Managing the adjustment activities and following up the implementation of finance managers
  - Creating expense contract every month for comparison with administrative accounts of administrators and revenue/expense accounts prepared by units of the National Treasury
  - Creating pre-inspection program for finance manager on the conditions of effective implementation of expenses and revenues and proposing necessary measures for adjustment and creating follow-up inspection program in cooperation with Inspection Department through Budget Department for the subject stipulated in this phrase
  - Reviewing and approving the expense contract
  - Promoting and following up revenues other than tax siphoned into the national budget
  - Approving the orders
  - Providing technical advice to manager on financial management
  - Participating in preparation of budget and financial laws
  - Participating as member in public procurement committee

The Budgeting and Financing Department is headed by a Director and assisted by a number of Deputy Directors.

## CHAPTER X

### DEPARTMENT OF PUBLIC PROCUREMENT

**Article 12:** The Department of Public procurement shall function as the mechanism of the ministry for activities provided by Articles 14, 15, and 16 of Sub-Decree No. 60 ANK/PK, on the management of public procurement, including:

- To control the public procurement activities performed by ministries, institutions, provinces, municipalities, autonomous entities, and public enterprises in charge of allocating the category, classification and registration of construction contractors, to and endorse bidding documents prior to announcements for bidding;
- To propose recommendations to the leadership of the ministry for review and approval of the contracts; and
- To monitor the application of rules and provisions related to public procurement conducted by ministerial, institutional, provincial, and municipal authorities, autonomous entities and public enterprises; and to lay down measures to minimize disputed procurements requiring to develop files and provide information relating to such disputes and take action for appropriate solutions against any institutions that violate the rules and provisions on public procurement.

The Department of Public Procurement shall be headed by one Director assisted by a number of deputies.

**CHAPTER XI****DEPARTMENT OF PUBLIC PROPERTY**

**Article 13:** The Department of Public Property shall function as the mechanism of the Ministry for the following activities:

- To manage public properties based on the laws and regulations in force;
- To examine, prepare an inventory book and manage the inventory of public properties;
- To research and administer un-owned properties and properties from intestate inheritances without heirs;
- To be responsible for the management of public properties;
- To manage public shares and capital;
- To manage public institutions of administrative status and public enterprises;
- To collect information related to the privatization and liquidation of public enterprises;
- To prepare draft laws and regulations related to the management of public properties;
- To prepare the ledger of land, forest, mines and other public properties conceded to private entities;
- To formulate procedures, appraise the rents or costs for leasing, sale, or transfer of public properties;
- To participate in the organization of the annual budget for incorporation into the draft finance law for each year.

The Department of Public Property shall be headed by one Director assisted by a number of deputies.

**CHAPTER XII****DEPARTMENT OF ANALYSIS AND ECONOMIC PROJECTION**

**Article 14:** The Department of Analysis and Economic Projection shall function as the mechanism of the ministry for the following activities:

- To facilitate and follow up on the application of economic and financial policies for short, medium, and long-term;
- To collect and synthesize the important data for analysis and economic and financial projection at national and international levels, and, based on this projection, to follow up and evaluate the evolution of domestic economic and financial activities, and to design macro-economic policies for the Ministry of Economic and Finance;
- To design macro-economic policies for the allocation of the national budget;
- To organize and analyze the balance sheets of public financial operations;
- To follow up and analyze the performances and functioning of public finance and public expense programs and, based on this, make suggestions and propose measures to the ministerial leadership to improve the effectiveness and balance of public financial management;
- To coordinate and follow up on the implementation of a "restructuring program" – in particular, to cooperate in the economic and financial restructuring with international financial institutions, including the International Monetary Fund, World bank and others;
- To disseminate data on economic activities prepared by the Ministry of Economy and Finance;
- To participate in the organization of the annual budget for incorporation into the draft finance law.

The Department of Analysis and Economic Projection shall be headed by one Director assisted by a number of deputies.

### CHAPTER XIII

#### DEPARTMENT OF INVESTMENT AND COOPERATION

**Article 15:** The Department of Investment and Cooperation shall function as the mechanism of the ministry in the following activities;

- To manage public investments in the scope of the public investment system and to set priorities for annual investments in order to budget public investment projects in cooperation with the relevant ministries;
- To provide financing for public investment projects based on annually-approved public expense and investment programs;
- To cooperate with relevant entities in implementing public procurement procedures for approved public investment programs;
- To participate in preparing policies for the management of private investments;
- To participate in activities associated with the management of investments and follow up on and monitor the performance of private investments;
- To review the provisions for incentives under the Law on Investment;
- To participate in the monitoring of the use of equipment and raw materials which serve the private investments;
- To follow up on and participate in the management of projects financed by foreign entities through:
  - The control of payments and procurements for project compliance with donor requirements;
  - To follow up on and control the use of counterpart funds and the management of foreign aid accounts;
  - To conduct regular supervision over financial operation accounts;
    - To Ensure international economic and financial cooperation with international financial organizations and countries;
    - To prepare and circulate all public agreements regarding assistance, loans, and guaranties;
    - To develop a plan for revenue from foreign aid and loans;
    - To manage public debts through a projection for loans and payments of debts, interest, and other payments.
    - To participate in the organization of the annual budget for incorporation into the draft finance law.

The Department of Investment and Cooperation shall be headed by one Director assisted by number of deputies.

### CHAPTER XIV

#### DEPARTMENT OF ECONOMIC INTEGRATION AND ASEAN

**Article 16:** The Department of Economic Integration and ASEAN shall function as the mechanism of the ministry in the following tasks:

- To follow-up on and implement Cambodia's economic integration policies to bring Cambodia's economy into the world and regional economies, in particularly in the ASEAN economies;
- To act as the technical entity in the preparation, observation and provision of consultations for treaties, conventions, agreements, memoranda, economic and international trade instruments, and other documents related to economic integration activities and economic globalization;
- To coordinate the implementation of other technical works which serve economic integration objectives in the region and the world; and

- To participate in fulfilling relationships and international cooperation with foreign counterpart countries in the scope of economic integration, including ASEAN and dialogue partners of ASEAN, the World Trade Organization, the Asia Pacific Organization, the European Union, the North American Free Trade Zone, other agencies of the United Nations, and with other parties under multilateral or bilateral instruments.

The Department of Economic Integration and ASEAN shall be headed by one Director assisted by a number of deputies.

## CHAPTER XV

### FINANCE INDUSTRY DEPARTMENT

**Article 17:** The Finance Industry Department is a supporting staff of the Ministry on:

- Participating in raising monetary policy and management of financial institutions and financial markets
- Preparing draft laws and regulations on management of financial institutions and financial markets
- Managing bonds, pension funds, casinos, lucky draws, lottery, and other financial services
- Participating in management of bond markets and other financial services mentioned above
- Managing insurance services
- Managing and following up the flow of capital in and out of Cambodia.

The Finance Industry Department is headed by a Director assisted by a number of Deputy Directors.

## CHAPTER XVI

### ADMINISTRATION DEPARTMENT

**Article 18:** The Administration and Finance Department is a supporting staff of the Ministry on:

a- Administration

- Coordinating the activities of all levels and sections of the Ministry, at the central levels, and between the central levels and local units under the Ministry
- Managing and circulating administrative documents of the Ministry
- Guaranteeing administrative efficiency and safety on time
- Finalizing and preparing the working reports and other activities of the Ministry
- Arranging the protocol and cooperation in organizing national and international holidays and other events of the Ministry

b- Finance

- Raising the projected budget of the Ministry and reviewing the operations
- Sorting and adjusting the budget servicing every expense of the Ministry
- Managing procurement units of the Ministry and public procurement procedure for the Ministry
- Compiling the needs and programming expense of the Ministry as well as distributing oil and spare parts for the need of Ministry
- Managing movable and immovable properties and stock of materials, making inventory, and managing the use and repair of equipment of the Ministry
- Following up the management of special account
- Maintaining memorandum slips and bookkeeping routinely



- Publishing national lottery, technical documents, news, and other policy documents of the Ministry and other relevant institutions
- Proposing projected annual and monthly expenses and revenues and making final annual reports on liquidation of revenues and expenses of the Ministry.

The Administration and Finance Department is headed by a Director assisted by a number of Deputy Directors.

## **CHAPTER XVII**

### **PERSONNEL DEPARTMENT**

**Article 19:** The Personnel Department is a supporting staff of the Ministry on:

- Managing the staff of the Ministry by working relation with the Ministry of Public Functions and other relevant ministries and institutions
- Arranging and implementing administrative documents for management of career
- Arranging the specialized roles and positions of the institution and human resources
- Participating in evaluation of requirement in training of the staff of the Ministry
- Preparing and maintaining statistical data on staff and operational information chart
- Being responsible in transferring, promoting, and demoting government officials of the Ministry
- Preparing salary, commission, family allowance, social insurance policy, and vacation
- Reviewing the request for annual leave, sick leave, and family reunion leave
- Reviewing the missions of government staff of the Ministry
- Preparing the policy for awarding, honoring, sanctioning, reprimanding, or warning the government officials of the Ministry based on Law on Co-Statute of Civil Servants of the Kingdom of Cambodia
- Managing and maintaining personnel files

The Personnel Department is headed by a Director assisted by a number of Deputy Directors.

## **CHAPTER XVIII**

### **LEGISLATION DEPARTMENT**

**Article 20:** The Legislation Department is a supporting staff of the Ministry on:

- Cooperating with relevant departments to study, compile, and prepare the draft laws and regulations on finance and other laws relevant to the works of the Ministry and the treaties relating to economics and finance
- Directing and following up the implementation of financial laws and laws relevant to the works of the Ministry and the treaties relating to economics and finance
- Receiving the claims and complaints of the people relating to the competence of the Ministry
- Studying and compiling the legal documents and submitting to the Ministry for dissemination and instruction for implementation
- Preparing the reports for the Minister on implementation of Laws, Royal Krams, Royal Decrees, Sub-Decrees, Circulars, Prakas, and Treaties on Economy and Finance
- Following up and making the unit of the Ministry of Economy and Finance to have laws and regulations publish in Journal of State Affairs
- Filing the Laws and Regulations, Royal Krams, Royal Decrees, Sub-Decrees, Circulars, Prakas, and other Instructions at the Documentation Center of the Ministry and instruct all departments and units under to Ministry on management and maintenance of the documents

The Legislation Department is headed by a director assisted by a number of deputy directors.

**CHAPTER XIX****INSTITUTE OF ECONOMY AND FINANCE**

- Article 21:** The Institute of Economy and Finance is a supporting staff of the Ministry on:
- Studying and evaluating the need for capacity improvement of the human resources and professional quality on economics and finance for the staff under the ministry and other officials of relevant ministries and institutions
  - Providing regular training and retraining to the government officials of the Ministry and other relevant ministries and institutions as basic and specialized economics and finance by focusing on actual practice
  - Studying the economic and financial sectors in order to find the causes and important factors for determining the policy on management of economy and finance in Cambodia
  - Selecting and evaluating the capability of government officials under the Ministry for training inside and outside the country
  - Conducting the short-medium-long term training by cooperating with national and international organizations and institutions
  - Preparing a broad program on training the leadership and management staff of economy and finance on disciplines relevant to economics and finance, information, foreign languages serving the management of economy and finance.

The Institute of Economy and Finance is headed by a director with the rank of department director and assisted by a number of deputy directors with the rank of department deputy director.

**CHAPTER XX****LOCAL UNITS**

- Article 22:** At the provinces, municipalities, and Phnom Penh there are Divisions of Economy and Finance, Treasuries, Provincial/Municipal Tax Branches, Municipal/Provincial Customs Branches responsible for coordination and implementation of management of economic and financial affairs as determined by the Ministry.

**CHAPTER XXI****FINANCIAL INSPECTION UNITS**

- Article 23:** The Financial Inspection Unit is created by the Minister of Economy and Finance under the conditions of Order determined in Sub-Decree 81 dated November 11, 1995 on Creation of Financial Inspection Institutions on the Expenditure of the Ministries.

**CHAPTER XXII****TRANSITIONAL PROVISIONS**

- Article 24:** Customs Director appointed by the Royal Decree No. NS/RKT/1298/99 dated December 29, 1998 shall fulfil his duties under the direct management of the State Minister, Minister of Economy and Finance and coordinate the works with General Secretariat of the Ministry.

**CHAPTER XXIII****FINAL PROVISIONS**

- Article 25:** Organization and Functioning of Ministry of Economy and Finance at the level below Department shall be determined by Prakas of Minister of Economy and Finance.

**Article 26:** Any duties relevant to the competence of other institutions, the heads of such institutions and Minister of Economy and Finance shall cooperate to share the responsibilities and implementation of such duties through a Joint Prakas of Minister of Economy and Finance and heads of such institutions.

**Article 27:** Any provisions contrary to this Sub-Decree is null and void.

**Article 28:** Minister of the Office of Council of Ministers, Minister of Economy and Finance, Ministers and State Secretaries of all relevant ministries and institutions shall effectively implement this Sub-Decree from the date of signature.

Phnom Penh, January 20, 2000

**Prime Minister**

Signed and Sealed: **HUN SEN**

Submitted to:

Samdech Prime Minister for Signature

State Minister

Minister of Economy and Finance

Signed: **KEAT CHHON**

CC:

- Cabinet of the King
- Ministry of Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- General Secretariat of the Constitutional Council
- Cabinet of Samdech Prime Minister
- All Ministries and Central Institutions
- All Municipal and Provincial Offices
- As in Article 28
- Chronicle

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**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 58 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ORGANIZATION AND FUNCTIONING OF**  
**THE MINISTRY OF AQUATIC RESOURCES AND METEOROLOGY**  
**(MWRM)**

June 30, 1999

- Considering the Constitution of the Kingdom of Cambodia;
- Considering the Royal Decree No. NS/RKT/1198/72 dated November 30, 1998, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Considering the Royal Kram No. 02.N S/94 dated July 20, 1994, promulgating the law on the Organization and Functioning of Council of Ministers;
- Considering the Sub-Decree No. 20 ANK/PK dated April 30, 1996, on the Organization and Functioning of Ministries and State Secretariats;
- Considering the Royal Kram No. NS/RKM/0699/08 dated June 23, 1999, promulgating the Law on the Establishment of Ministry of Aquatic Resources and Meteorology;
- Pursuant to the Approval from the Council of Ministers at Plenary Session held on May 6, 1999;

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISION**

**Article 1:** The present sub-decree defines the mission and organizes the units of Ministry of Aquatic Resources and Meteorology and the functions of Department General and Departments.

**CHAPTER II**

**MISSION AND STRUCTURE**

**Article 2:** The Ministry of Aquatic Resources and Meteorology is entrusted by the Royal Government with mission to run and manage the field of aquatic resources and meteorology of the Kingdom of Cambodia.

**Article 3:** The Ministry of Aquatic Resources and Meteorology has the following functions and duties:

- Defining the principles and strategy of development of aquatic resources to serve business, development, maintenance and protection with continuity and national and international characters in accordance with the political program of Royal Government;
- Study and research on subterranean water potentiality, on the earth surface and in the air in the national and international framework to create a clear technical scientific basis;
- Raising objectives of plan of short, medium and long terms in the doing of business, development and maintenance of aquatic resources and meteorology to serve the national economy and the existence of urban and rural citizens;
- Managing and directly or indirectly checking every doing of business on aquatic resources rationally, and reducing eventual catastrophes at the maximum;
- Working out the law, norm letters and diverse provisions related to the management of aquatic resources, and following up the implementation;
- Collecting documents and doing business on meteorological and hydrological data to serve other fields with national and international characters for the interest of the whole society;
- Supporting and instructing the necessary technique to private sectors, professional organizations, communities and in general relevant citizens to improve and do business appropriately on aquatic resources;
- Extending and introducing modern technology to take measures for training, betterment and dissemination;
- Strengthening and extending national and international cooperation in the aquatic resource and meteorology field;
- Taking part and performing the work related to the Mekong river basin in accordance with the Ministry's duties.

**Article 4:** The Ministry of Aquatic Resources and Meteorology has the following structure:

A. At central level:

- Inspectorate General
- Department General of Administration
- Department General of Technique
- The Minister's Cabinet

B. Units of bases:

- Offices of Aquatic Resources and Meteorology of provinces, towns and the capital.

The organization chart of Ministry of Aquatic Resources and Meteorology is the Annex of the present sub-decree.

### CHAPTER III

#### INSPECTORATE GENERAL

**Article 5:** The Inspectorate General is put in charge of:

- Permanent inspection of all subordinate units of the Ministry of Aquatic Resources and Meteorology;
- Reporting to the Minister on the functioning of inspected units and measures to improve the functioning of those units;
- Performing jobs confided by the Minister;

The Inspectorate General is run by an inspector general assisted by deputy inspector generals, according to necessity.

**CHAPTER IV****DEPARTMENT GENERAL OF ADMINISTRATION**

**Article 6:** The department general of administration is in charge of making relationship, coordination and management of work of administration, personnel, materials and equipments, accounting, financing, planning and statistics, following up and assessing the work of national and international cooperation and training of human resources.

The department general of administration is run by a director general and can be assisted by deputy director generals, according to necessity. This department general has 3 subordinate departments:

- Department of administration and human resources;
- Department of planning and international cooperation;
- Department of finance

**Article 7:** The department of administration and human resources is in charge of:

- Coordinating the activities of every section of the Ministry, at central level and between the central level and subordinate units of bases;
- Managing and circulating administrative documents of the Ministry;
- Recapitulating and making reports on the work and activity of the Ministry;
- Preparing books on administrative procedure and library management;
- Managing the administrative section, officials and agents of Ministry in getting in touch with the State Secretariat of Public Service;
- Writing administrative letters for living management;
- Making statistics on personnel management and table of news on operations;
- Making programs on specialists and human resources of Ministry;
- Organizing the work, labor salary, commission and social insurance regime;
- Working out projects, long and short term official training inside the country and abroad;
- Collaborating with public schools to take part in school program and activity of those units for training appropriately to social development;
- Raising request to establish or dissolve certain units and performing the duty of modifying the structure according to the manifest situation and the entrusting of duty of the institution director.

**Article 8:** The department of planning and international cooperation is in charge of:

- Organizing, gathering and managing the data system located in the Ministry, and bringing up the general development project of short, medium and long terms of every section;
- Working out the program of public investment, expenses and development of objective of nutrition;
- Making the program of internal and external cooperation in the field of aquatic resource and meteorology development;
- Coordinating foreign aid and checking the execution;
- Preparing documents, agreements or protocols of cooperation of Ministry of Aquatic Resources and Meteorology with the United Nations agent, international organizations, national and international non-governmental organizations

**Article 9:** The department of finance is in charge of:

- Gathering the requirements, raising the Ministry budgetary project, making the program of expenses, following up and reminding of operations;
- Coordinating the budgetary chapter and every expense of Ministry;
- Managing movable and immovable property, saving equipments and making inventory;
- Making program of expenses and distributing fuel, spare parts for state cars delivered to Ministry;
- Receiving and distributing equipments to units coming under the Ministry;

- Permanently holding the list of memorandum slips and booking on property;
- Managing scientific news, financial activities and account charges;
- Technical control of public acquisition operations;
- Managing the account charges of public acquisition;
- Collecting revenue appropriately to financial law and pay it to the state budget

## CHAPTER V

### DEPARTMENT GENERAL OF TECHNIQUE

**Article 10:** The Department General of Technique is in charge of managing the business doing, checking, instructing, spreading, making relationship and coordinating every work relating to water, land, air and subterranean strata. The Department General of Technique is run by a director general assisted by a deputy director general, if need be. This Department General has 6 subordinate departments:

- Department of management and preservation of aquatic resources,
- Department of hydrology of river labor,
- Department of meteorology,
- Department of agricultural hydraulics,
- Department of clean water and hygiene,
- Department of engineering

**Article 11:** The department of management and preservation of aquatic resources is in charge of:

- Working out the strategic projects of multi-purpose development: hydroelectricity, flood control, etc., except the project of electric production as main purpose;
- Managing rainy areas and preparing the program of water distribution to effectively and stably ensure the business doing and preservation of aquatic resources;
- Writing law principles and provisions and standard letters for continually preserving aquatic resources, and submitting them to the Royal Government for examination and decision, and giving instructions, disseminating and checking the performance;
- Carrying out technical inspection of constructions for aquatic resources;
- Doing research on scientific technique for taking measures to improve, spread and gather technical documents for development

**Article 12:** The department of hydrology and river labor is in charge of:

- Preparing the setting up of a hydrology station at an important water source for the development of aquatic resource field;
- Working out the short, medium and long term projects on the work of protection, erosion, land solidification, river bank;
- Researching and following up every hydrological regime on land surface and subterranean strata in setting up station of hydrology, collecting and analyzing the data for various fields;
- Measuring the water height, current and sediment;
- Examining the water quality in main hydrological stations;
- Studying the hydrological phenomena, samples, calculation and potentiality on land surface and underground strata;
- Managing and exchanging hydrological news and making weather forecast and foretelling catastrophes, eventual water lack to take measures on time;
- Establishing the geographical information system related to the evolution of aquatic resource field

**Article 13:** The department of meteorology is in charge of:

- Establishing short, medium and long terms projects to put the meteorology field on its feet again throughout the country;
- Setting up and managing meteorological stations in the framework of the whole country;

- Examining and following up the weather on land surface, in the open space for all relevant fields;
- Collecting and exchanging meteorological data inside and outside the country to analyze and establish basic documents;
- Forecasting in short or long terms for meeting the needs of various institutions, and foretelling the eventual natural catastrophes to have measures on time;
- Exchanging and researching on modern technology framework;
- Making annual report on the meteorological situation in the Kingdom of Cambodia and other necessary reports for the Royal Government in the fulfillment of obligations and responsibility related to international agreements and conventions;
- Managing and coordinating the cooperation on the work regarding the Cambodian meteorological field with the agent of United National and meteorological of countries representing the World Meteorological Organization to Cambodia

**Article 14:** The department of agricultural hydraulics is in charge of:

- Working out short, medium and long terms projects for the putting right and development of small, medium and large systems of hydrology;
- Organizing and managing the functioning and maintenance of all available spraying and water release systems;
- permanently managing, checking and assessing the activities of doing business on subterranean water for agricultural sprinkling;
- Working out projects of development of salt water protection areas along seaside;
- Organizing and managing the functioning and maintenance of stations, large machines and those of medium size for pumping water;
- Educating and instructing communities of farmers using water and always following their performance;
- Organizing, checking and giving instructions on intervention for protection against natural catastrophes such as flood and drought

**Article 15:** The department of clean water and hygiene is in charge of:

- Studying the source of water on land surface and the underground one;
- Studying, researching, assessing and organizing short, medium and long terms projects on the development of water sources for clean water production, following up and checking the performance;
- Working out short, medium and long terms projects on the development of sewerage of the capital, cities and towns, managing, following up and checking the performance;
- Permanently studying, researching, following up and assessing the used water qualities and sources on and below earth surface.

**Article 16:** The department of engineering is in charge of:

- Studying projects on constructions related to aquatic resources;
- Managing the instruments and machinery for studying the projects and constructions;
- Examining land qualities for constructions;
- Studying and researching on construction models, norms and modern technology for the national economy and the continuation of use

## CHAPTER VI

### THE CABINET OF MINISTERS

**Article 17:** The Minister's Cabinet is in charge of missions fixed by provisions of sub-decree No. 20 A N Kr dated April 30, 1996, referred to in the above preamble on the organization and functioning of ministries and state secretariats.



**CHAPTER VII****UNITS OF BASES**

**Article 18:** In each province and town there is an office of aquatic resources and meteorology in charge of engaging in and coordinating the Ministry's activity.

**CHAPTER VIII****FINAL PROVISION**

**Article 19:** The organization and functioning of Ministry at central level of administration, from the rank below department downward, are fixed by Prakas of the Minister of Aquatic Resources and Meteorology.

**Article 20:** For duties regarding other institutions, their directors and the Minister of Aquatic Resources and Meteorology shall collaborate to distribute the responsibility, and carrying out of those duties through a joint Prakas of the Minister of Aquatic Resources and Meteorology and the directors of those institutions.

**Article 21:** Any provision contrary to the present sub-decree is deemed null and void.

**Article 22:** The state Minister in charge of Office of Council of Ministers, the Minister of Aquatic Resources and Meteorology, all relevant ministers and state secretaries are put in charge of enforcing this sub-decree according to their respective duties.

**Article 23:** This sub-decree comes into force from the date of its signing onward.

Phnom Penh, June 30, 1999  
The Prime Minister  
Signed and Sealed: **HUN SEN**

Have informed  
Samdech Prime Minister  
The Minister of Aquatic Resources and Meteorology  
Signed : **LIM KEAN HOR**

Places of receipt:

- The King's Cabinet
- Secretariat General of Senate
- Secretariat General of National Assembly
- Secretariat General of Council of Charter
- Prime Minister's Cabinet
- All Ministries and Central Institutions
- All Provinces and Municipalities

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**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 81 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ESTABLISHMENT OF**  
**KAMPUCHEA SHIPPING AGENCY AND BROKERS**  
**(KAMSAB)**

August 30, 1999

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Royal Decree No. NS/RD/1198/72 of November 30, 1998 on the Formulation of the Royal Government of Cambodia;
- Seen Royal Code 2/NS/94 of July 20, 1995 promulgated the Law on the Organization and Functioning of Cabinet Ministers;
- Seen Royal Code No. NS/RC/0196/30 of January 24, 1996 promulgated the Law on the Establishment of the Ministry of Public Works and Transport;
- Seen Royal Code NS/RC/0196/18 of January 24, 1996 promulgated the Law on the Establishment of the Ministry of Finance and Economy;
- Seen Royal Code No. Cs/RC/0696/03 of June 17, 1996 promulgated the Law on the General Statute of Public Enterprises;
- Seen Sub-Decree No. 41/SD.PK of August 06, 1997 on the implementation of Royal Code on the General Statute of Public Enterprises;
- With the approval of the Council of Ministers during the Plenary Meeting of August 20, 1999;

**HEREBY DECIDES**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:** To establish a public enterprise characterized as a state company named **KAMPUCHEA SHIPPING AGENCY & BROKERS (KAMSAB)**, which is under the technical administration of the Ministry of Public Works and Transport (MPWT) and financial supervision of the Ministry of Economy and Finance (MEF).

- KAMSAB has its headquarters located at Building No. 2 and 109, on the corner street of Seng Thoun/Sisowath Quay, Sangkat Wat Phnom, Khan Daun Penh, Phnom Penh and a branch in Sihanoukville.
- KAMSAB is a legal entity with technical, administrative and financial autonomy.
- KAMSAB shall be under the provisions of this Sub-Decree and in pursuant to the legislation of the Law on the General Statute of Public Enterprises promulgated by Royal Code No. CS/RC/0696/03 of June 17, 1996.

**Article 2:** KAMSAB is obliged to conduct business services on the following works:

1. Representing the shipowner or charterer, contributing to provide services to water and sea vessels at the ports of the Kingdom of Cambodia and broadening inland waterway and sea transport in relation with the foreign countries;
2. Attending the local procedures for vessel's entry and exit from the ports of the Kingdom of Cambodia;
3. Applying for pilotage and ship's berth;
4. Arranging for loading, unloading, reception, delivery, tallying, weighing and measuring of cargo storage in warehouse, shipyard or port; reconditioning of goods from damaged or torn-out bags, packages, cases; and arranging the settlement of claims for damaged, lost or mixed cargoes;
5. Acting as an agent for chartering, purchase, sale of vessel, attending to delivery, reception and taking over of vessels' signing on behalf of their owners or charterer for all kinds of contracts related to transport, loading, unloading, forwarding, receiving, and booking space;
6. Arranging repairs and technical inspections of vessels and applying for inspection of ship's holds, spraying insecticide, decimating rats, and cleaning and sweeping of ship's holds;
7. Booking services and arranging embarkation and disembarkation formalities for passengers and their luggage;
8. Attending to procedures for landing of crew members for business contact with the competent authorities or ministries for sightseeing and medical treatment purposes, arranging repatriation, transferring ship's crew members and mailing by air, land and water;
9. Arranging supplies of food, freshwater, fuel, mate, plywood, bamboo, dunnages, wood ventilators and materials and equipments to the vessel in case of needs;
10. Collecting and transferring freights, indemnities and attending to settlement of dispatch/demurrage money;
11. Arranging salvage to the vessels in distress and attending to settlement of the salvage remuneration;
12. Arranging all business contacts between the vessels and ports, the shippers and consignees during the vessel's stay at port to resolve matters and proposals of vessel owner and to provide information regarding vessel's activities at port for entrusting party;
13. Administering temporary dockworker, performing water, land and air-transportation work and working as an operating agency, cargo transportation agency, and vessel protection agency;
14. Conducting the import-and-export works and managing the hotel which is aimed solely at renting rooms to the vessel owners, vessel charterers and crews;
15. Continuing the persistent duties of vessel owner or charterer effectively in cooperation with KAMSAB, including:
  - Contract making through telegram or letter
  - Vessel characteristics
  - Vessel arrival information
  - Deposit at bank
  - River and sea vessel transportation documents

**Article 3:** KAMSAB is entitled to:

- Be responsible for and manage safety protection work and security orders of its work;
- Be adhere to principles and work formalities as does the business person;
- Supervise and assign activities efficiently and progressively; and

- Act as the public institution called KAMSAB to acquire from the government the rights and obligations to fulfill mission in pursuant to its subject matter.

**Article 4:** Except for provisions contrary to this, KAMSAB shall pay tax and excise in conformity with the laws and regulations in effect.

**Article 5:** The initial capital of KAMSAB shall be determined by preliminary balance sheet with approval from MEF and MPWT.  
 After this sub-decree takes effect, KAMSAB shall be deemed as the legal owner, instead of the government, of all properties recorded in the inventory list.

**Article 6:** KAMSAB personnel shall be governed by the separate statute enacted by the Board of Directors.

## CHAPTER II

### LEADERSHIP AND MANAGEMENT

**Article 7:** KAMSAB shall be directed by Board of Directors (BOD), which is fully entitled to work within the framework of the provisions of this sub-decree and its internal regulation.

The composition of the Board of Directors is as follows:

▪ A representative of MPWT	Chairman
▪ A representative of Council of Ministers	Member
▪ A representative of MEF	Member
▪ A representative of Ministry of Interior	Member
▪ A representative of Ministry of Commerce	Member
▪ A representative of KAMSAB employee	Member
▪ KAMSAB General Director	Member

**Article 8:** The members of BOD shall be selected from the active officials who have been in the service for at least 5 (five) years or figures who are not over 65 years old; have adequate working experience and high skill in the field of economics or law; are Cambodians and have never been convicted of felony.

- Members of BOD shall be appointed by sub-decree for three-year term. This mandate may expire at any time and could carry on in compliance with sub-decree requested by ministry or authority of its individual representation;
- Personnel representative shall be selected from KAMSAB personnel by vote.

**Article 9:** BOD has complete privilege to make decision on behalf of KAMSAB on organization of letters and documents pertinent to subject of the enterprise in accordance with the law in effect.

BOD has the following roles:

1. Approving of enterprise project set forth in article 18 of this sub-decree;
2. Regularly assessing estimated results and taking corrective measures consistent with situations;
3. Approving of balance of fiscal account and reports on KAMSAB activities;
4. Approving, as request from general director, of organizational structure and internal regulation of the enterprise, as well as statute and salary ladder, reward, and allowance for personnel in conformity to the laws and regulations in effect;
5. Approving of contract and convention which KAMSAB is a signatory consistent with terms and formalities set out in the regulation in effect;
6. Approving of creating, opening or closing all offices and agencies of KAMSAB in pursuant to its consideration;
7. Determining fee, business, and services of KAMSAB

**Article 10:** BOD may convene at any time based on the interest of the enterprise as invited by the chairman or requested by at least four members of the total number of BOD members.  
However, BOD shall convene at least once for every three months.  
In case of absence of chairman, a member known to be the eldest shall be chosen to preside over the meeting.  
BOD shall discuss matters within its framework. Agenda of the meeting and other related documents shall be delivered to all members of BOD and public inspectorate at least 10 days prior to the meeting.

BOD meeting may proceed provided that at least half number of the members is present. If it does not response to the quorum, the meeting shall be delayed for 15 days in order to discuss issues within the proposed agenda. The next meeting shall not require the quorum.

All decisions made by BOD are valid as long as there is enforcement by majority vote of the members of the meeting. If the number of the votes is equal, a vote by BOD chairman or chairman of the meeting shall be at top priority.

**Article 11:** BOD decision shall be recorded in a note which shall be delivered to protectorate authorities, each member of BOD, public inspectorate, and other institutions set out in article 24 of this sub-decree within at most 15 days after the meeting.

The original note shall contain signatures of chairman of the meeting and any BOD member who is present at the meeting.

**Article 12:** The General Director shall manage regular work and shall be appointed for three-year term by sub-decree requested by technical support ministry.

**Article 13:** BOD shall delegate general director to, by BOD, take charge of necessary authority for day-to-day operation in order to be capable enough to manage the enterprise in accordance with the law and direction of BOD.

Within this framework General Director shall:

1. Prepare all documents in order to submit to BOD, handle and execute all decisions of BOD following each step and report to BOD on KAMSAB activities;
2. Direct KAMSAB administrative, technical, business, service and financial sections;
3. Represent KAMSAB by the people in implementing administrative civil letter or judicial letter within the framework of the law and the decision of BOD;
4. Have the privilege to appoint, dismiss or terminate work and to govern all agents or officials who are KAMSAB personnel following personnel statute or law in effect and decision of BOD; and
5. Be entitled to transfer partial or entire power, including signing discretion to official under his supervision in accordance with condition set by BOD.

General Director shall represent KAMSAB by the court and tribunal at all levels in case of defending the case for KAMSAB and making other complaints.

**Article 14:** Remuneration of BOD and indemnity of General Director shall be fixed by protectorate ministry and MEF with the request from BOD.

**Article 15:** Making and executing contract, KAMSAB shall comply with formalities and procedures set by the law in effect.

### CHAPTER III

#### FINANCIAL MANAGEMENT

**Article 16:** KAMSAB controls its account in compliance with Cambodian Accounting Principles and Accounting Rules designated by MEF.

The accounting calendar shall begin on January 1 and end on December 31 of the same year. Balance and account management shall be determined by BOD before June 30 of the following year (closing calendar year) based on a report of a specialized accountant acting as account inspectorate.

Balance and account management, as well as report of account inspectorate, shall be requested for approval from MEF no longer than 15 days from the date BOD checked all documents. Those documents shall be as well submitted to protectorate ministry for comment according to conditions set forth in article 16 of the Law on the General Statute of Public Enterprises.

**Article 17:**

- Account inspectorate shall be appointed by the declaration of MEF for three terms;
- Account inspectorate remuneration shall be determined by BOD with the consent of MEF and under the business expenses of KAMSAB;
- Account inspectorate shall organize report specifying annual account of the honest and correct calendar year and reflecting the reality of financial situation of KAMSAB;
- Mission of account inspectorate is subject to provisions of sub-decree No. 42/SD/mk of August 06, 1997 on Public Enterprise Account Inspectorate;
- Account inspectorate may participate in BOD meeting with the invitation from BOD chairman.

**Article 18:** Every year before October 1 BOD shall approve of annual project plan of the enterprise requested by General Director and submit the project to Minister of Protectorate Ministry and Minister of Economy and Finance for implementation.

Annual project plan shall outline the following elements:

1. Investment program, including financial reserve, for the accomplishment of the program;
2. Budget for enterprise operation;
3. Fee of navigation services;
4. Criteria for measuring KAMSAB economic and financial achievement

**Article 19:** KAMSAB capitals include:

- Principal capital provided by the government (initial balance of establishment);
- Miscellaneous revenue from enterprise activities;
- Cash from sale or lease of movable and immovable asset of KAMSAB;
- Loan and donation

**Article 20:** KAMSAB expenses include:

- Regular operation expenses
- Investment outlays
- Debt reimbursement
- Miscellaneous expenses

**Article 21:** KAMSAB may hold account at any commercial bank and utilize this account according to its need.

**Article 22:** Every year after a decision made by Minister of Economy and Finance on profit earned after all settlements in accordance with KAMSAB accounting rule, KAMSAB has the privilege to utilize this profit within the framework of the law.

**Article 23:** The government guarantees only loan with prior approval from Minister of Economy and Finance.

#### CHAPTER IV

##### RELATION WITH THE GOVERNMENT

**Article 24:** At most 15 days after the enactment of BOD, KAMSAB shall send: Ministers in charge of Council of Ministers, Minister of Protectorate Ministry and Minister of Economy and Finance the following documents:

- Minute of BOD meeting;
- Project plan of the enterprise set out in article 18 of this sub-decree;
- Report on activities, balance and account management of KAMSAB;
- Report of account inspectorate

**Article 25:** MSAB shall be accompanied by one public inspectorate who is appointed by sub-decree as requested by MEF. The public inspectorate has the entitlement to participate in all BOD meetings and comments all points of the agenda, but has no execution right. The inspectorate shall complete his/her mission pursuant to provisions of articles 20 to 25 of the Law on the General Statute of Public Enterprises promulgated by Royal Code No. Cs/RC/0696 /03 of June 17, 1996.

#### CHAPTER V

##### FINAL PROVISIONS

**Article 26:** Il provisions contrary to this Sub-decree shall be null and void.

**Article 27:** inisters in charge of Council of Ministers, Minister of Public Works and Transport, Minister of Economy and Finance, Minister of Interior, Minister of Commerce, Ministers and Secretary of State of concerned ministries and KAMSAB General Director shall enforce this sub-decree from the undersigned date.

Phnom Penh, August 30, 1999  
**Prime Minister**

Signature and Seal

CC:

- The Cabinet of the Majesty
- The General Secretariat of the Senate
- The General Secretariat of the National Assembly
- The Ministry of Royal Palace
- The Cabinet of Prime Minister
- As in Article 27
- Documents & Chronicles

**HUN SEN**

18. **Sub-Decree # 50 (RGC) on Establishment of Sihanoukville Autonomous Port (PAS)**  
 (July 17, 1998) .....2-59

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**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 50 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ESTABLISHMENT OF**  
**SIHANOUKVILLE AUTONOMOUS PORT**  
**(PAS)**

July 17, 1998

- Seen the Constitutional Law of the Kingdom of Cambodia,
- Seen the Royal Decree dated 24th September 1993 on the appointment of the First and Second Prime Ministers of the Royal Government of Cambodia,
- Seen the Royal Decree dated 1st November 1993 on the appointment of the Royal Government of Cambodia,
- Seen the Royal Code No. 02 NS 94 dated 20th July 1994 on the organization and functioning of the Council of Ministers,
- Seen the Royal Decree No. NS/RKT 1094-83 dated 24th October 1994 on the changes of the components of the Royal Government of Cambodia,
- Seen the Royal Decree No. CS/RKT 0897-147 dated 7th September 1997 on the changes of the components of the government,
- Seen the Royal Code NS/RKM dated 24th January 1996 on the establishment of Ministry of Public Works and Transport,
- Seen the Royal Code NS/RKM 0196-18 dated 24th January 1996 on the establishment of Ministry of Economy and Finance,
- Seen the Royal Code No. 0696/03 dated 17th June 1996 on the General Statute of the Public Enterprises,
- Seen the Sub-decree No. 41 ANK/PK dated 6th August 1997 on the implementation of the Royal Code on the General Statute of the Public Enterprises,
- Upon the proposal of the Minister of Public Works and Transport and of Economy and Finance,

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:** The State characterized company named “Sihanoukville Autonomous Port” abbreviated as (PAS) under the technical supervision of the Ministry of Public Works and Transport and with financial supports from the Ministry of Economy and Finance shall be established.

- PAS’s headquarter is located in Sihanoukville City;
- PAS is a legal entity which is technically, administratively, and financially autonomous;
- PAS shall be dominated by the Provisions of this Sub-decree and respect to the Provisions stipulated in the Royal Code No. 0696/03 dated 17<sup>th</sup> June 1996 on the General Statute of Public Enterprises as well as the Provisions of Commercial Law.



- Article 2:** PAS has a major duty in conducting the business operation and basic services such as:
- Pilotage, bringing vessels in and out and provide them with supplies;
  - Conduct cargo handling, offloading, loading and transport;
  - Maintenance, stock safeguarding, warehouse and yard;
  - Develop and rehabilitate the PAS's existing infrastructures, which are required to be expanded
- Article 3:** PAS shall be obligated to:
- Be held responsible for the management of safety, security and order protection in its management area;
  - Adhere to the principle and working procedures in the same function as the customers;
  - Manage and organize working activities to be effective and progressive;
  - In the status of Public Institution, PAS has obtained authority and duties from the government to carry out in accordance with its objectives.
- Article 4:** Except other provisions contrary to this, PAS is simply necessitated to pay tax as imposed by law and enforcement regulation to the greatest effects.
- Article 5:** The beginning capital of PAS shall be clarified by the first balance sheet approved by the Ministry of Economy and Finance and the Ministry of Public Works and Transport. As long as this Sub-degree comes into effect, PAS shall be deemed as a legally recognized possessor, substituting the State, of all properties recorded in the fiscal inventory.
- Article 6:** PAS's employees shall be under the individual Statute, which are decided by the Board of Directors (BDs) according to the Royal Code about the General Statute of the Public Enterprise.

Since the claim for individual Statute comes into force, PAS's employees are no longer under the State's administration.

## CHAPTER II

### LEADERSHIP AND MANAGEMENT

- Article 7:** PAS shall be administered by the Board of Directors (BDs) that is entitled with extensive rights to fulfill their duties as Stated in the Sub-Decree's Provisions and its own internal regulations.
- The Board of Directors (BDs) is comprised of:
    - Representative from the Ministry of Public Works and Transport (MPWT)  
1 Person as a Chairman
    - Representative from the Council of Ministers (CMs)  
1 Person as a Member
    - Representative from the Ministry of Economy and Finance (MEF)  
1 Person as a Member
    - Representative from the Sihanoukville Authority (SA)  
1 Person as a Member
    - Representative from the Ministry of Commerce (MC)  
1 Person as a Member
    - Representative of PAS's employee  
1 Person as an Automatic Member
    - Director General of PAS  
1 Person as a Member

**Article 8:** The members of BDs shall be recruited among the active officials who have been serving work at least 05 (five) years or those who are not more than 65 years old and carry sufficient experiences as well as high qualities in Economy, Science or Law and are recognized as Khmer nationals and never indicted with any criminal offences by the court.

- The members of BDs shall be appointed by the Sub-decree for a 3-year mandate. This mandate can be either terminated any time or resumed by the Sub-decree as requested by the ministry or the authority for which the member represents.
- The representative of employees shall be selected through the election process done among all the employees of PAS.

**Article 9:** The BDs is fully entitled on behalf of PAS to decide on preparing the notices and documents related to the subject matters of the enterprise, which is consistent with the effective law. Namely, the entitlements are:

- Giving approval of the enterprise's project as Stated in Article 18 of this Sub-decree;
- Assessing the planned outcomes regularly as well as taking properly corrective actions;
- Giving approval of the Balance Sheet and annual account, and report about PAS's performances;
- Upon the proposal of Director General (DG), deciding on reviewing the structure, the enterprise's internal regulations as well as some Statute and wage scale, bonuses and subsidiaries for the employees in accordance with the effective law and ordinances;
- Giving approval of the contracts and conventions that PAS, the party consistent with the conditions and Stated formality in effective ordinance about the contracts and conventions registered by the public enterprise;
- Deciding to establish, open or close any certain office and agent affiliated with PAS everywhere under its considering assessment;
- Determining the port due entailed to be paid for business transaction and service provided at the port.

**Article 10:** The BDs shall be able to hold a meeting anytime for the sake of the enterprise upon the invitation of the Chairman or the proposal of at least 4 employees among all the employees.

However, the BDs shall convene at least once in 3 (three) months. In case that the Chairman is occupied, the oldest member shall be selected to lead the meeting.

The BDs shall discuss only the matters in its responsibilities. The agenda and other relevant documents for the meeting shall be handed to all the members of BDs and the State-inspector official at least 10 days prior to the meeting.

- The meeting of BDs shall not be held unless at least half of the members present. If the number of the members who will join the meeting does not meet the quorum, the meeting is recommended to postpone to the next 15 days for the same agenda and issues, as the next meeting shall not require the quorum.
- All decisions made by the BDs shall not be valid unless with the approval of the participants of the meeting by the majority votes. In case that the votes among the participants are equal, the Chairman's vote shall be considered eminent.

**Article 11:** The BDs' decision shall be recorded in a minute, which will be conveyed to the protectorate authority, to each of BDs and the State-inspector official as well as other concerned departments, as Stated in Article 24 of this Sub-degree for a period of at least 15 days counting from the meeting day. The original minute shall be signed by the chairman of the meeting and any member of BDs who is present during the meeting course.

**Article 12:** The Director General (DG) shall be obligated to be as a regular manager and be nominated to run his/her office for the 3-year mandate according to the Sub-degree upon the proposal of the Protectorate Ministry.

**Article 13:** The BDs shall be necessitated to empower the DG to handle the daily operations so that he/she is able enough to manage the enterprise by law and by instructions from the BDs.

In this framework, the DG is entailed to:

- File various documents to the BDs, arrange and implement the BDs' decisions. From stage to stage, the DG is recommended to inform with a report to the BDs about PAS's operations;
- Take over PAS's operations in administration, techniques, business and finance;
- Represent PAS before the citizens to fill out the administrative and judicial letters based on the legal framework and decision of the BDs;
- Be entitled to recruit, appoint and dismiss or terminate the job, and to order, control the agents or officials who are its employees of PAS in accordance with (the Statute of employments) or the effective law and the decision of the BDs;
- Be entitled to delegate some or all power including the sign to the official under his/her administration consistently with the condition determined by the BDs;
- Represent PAS before the judge and the Supreme Court in case of the accusation or claim against other lawsuits for PAS.

**Article 14:** The BDs' dividends and the DG's remunerations shall be verified by the Protectorate Ministry and the Ministry of Economy and Finance upon the proposal of the BDs.

**Article 15:** Signing and implementing the contract by PAS shall comply with the formality and procedure regulated by the effective law.

### CHAPTER III

#### FINANCIAL MANAGEMENT

**Article 16:** PAS shall properly control its accounting to make sure that it complies with the Cambodian Accounting Regulations as well as the Generally Accepted Accounting Principles.

The accounting period starts on January 1 and finishes on 31 December of the same year. The Balance Sheet and Managerial Accounting shall be determined by the Board of Directors just before 30 June of the year after the year in which the accounting period is closed, referring to the Statements passed by the qualified accountant whose function is the Account auditor.

The Balance Sheet and Managerial Accounting as well as the Statements passed by the Account Auditor shall be proposed for the approval from the Ministry of Economy and Finance in the period of not later 15 days starting from the day that the Board of Directors has checked all the Statements. All these Statements shall be forwarded to the protectorate ministry for some possible comments as stipulated in Article 16 of the Law about the Statute of Public Enterprises.

**Article 17:** The Account Auditor shall be nominated by the declaration of the Minister of Economy and Finance for the three-fiscal year mandate. The mandate could resume if requested by the Board of Directors.

- The remuneration paid to the Account Auditor shall be decided by the Board of Directors on the burden of PAS's business transaction.

- The Account Auditor shall prepare the Statements to honestly and accurately prove the annual accounts in the accounting period and to clarify the reality of PAS's financial situations.
- The Account Auditor's mission shall be done in accordance with the Provision of Sub-decree No. 42 ANK/PK dated 06 August 1997 about the Account Auditor for Public Enterprises.
- The Account Auditor shall be able to hold a meeting with the Board of Directors as invited by the Chairman of Board of Directors.

**Article 18:** Every year prior to 30 September, the Board of Directors shall be needed to consent to the annual project of the enterprise, as requested by the Director General before the project is preceded for the approvals from the ministers of the protectorate ministry and the Ministry of Economy and Finance.

**The Annual Project is required to mention:**

- o The investment programs as well as the financial reserves for achieving these programs;
- o The budget to process the enterprise;
- o Charges for the handling and delivering, transporting and charges for the services of sea-going, port due and stock safeguarding;
- o Criteria to measure the economical and financial yields of PAS

**Article 19:** The resources of PAS as the priorities:

- The State's granted capital (the beginning Balance Sheet during the process of establishment);
- All kinds of miscellaneous revenues gained from the enterprise's operations;
- The revenues gained from sales or renting the movable and immovable properties;
- Loans and granted money from various resources.

**Article 20:** The expenses of PAS include:

- The normal operating expenses
- Expenses on investment
- Debt clearance
- Other expenses

**Article 21:** PAS can have the current accounts in various commercial banks and use these accounts for its needs.

**Article 22:** In each year, after the decision by the Minister of Economy and Finance, the expenses accepted by PAS as it has already speculated, based on GAAP (Generally Accepted Accounting Principles) shall be proceeded to PAS's Reserve Fund Account.

**Article 23:** The loan for average or long period for investment shall be first approved by the Minister of Economy and Finance.

## CHAPTER IV

### RELATIONSHIP WITH THE STATE

**Article 24:** During at least 15 days after the approval of the Board of Directors of PAS, the certain documents shall be conveyed to the Minister of Cabinet Ministers, the Minister of the protectorate ministry and the Minister of Economy and Finance. The documents are as followings:

- The meeting minutes of the Board of Directors;
- The Project of the enterprise (as stipulated in **Article 18**);
- The Statements about Balance Sheet and all the Managerial Accounts of PAS;
- The Statements passed by the Account Auditor.

**Article 25:** The State-inspector official nominated by the Sub-decree, as requested by the Minister of Economy and Finance, shall be recommended to accompany PAS. The State-inspector official shall be entitled to join all the meetings held by the Board of Directors and to give comments on every point in the agenda but not allowed the right to enact. The State-inspector official shall accomplish his/her mission in accordance with the provision of Article 20 to 25 of the **Royal Code** No. CS/RKM 0696/03 dated 01<sup>st</sup>, June 1996 on the General Statute of Public Enterprise.

**Article 26:** PAS is authorized to suspend the cargo offloading and loading operation of all clients or any individuals who do not pay the port dues and charges in accordance with the contracts or agreement.

## CHAPTER V FINAL PROVISIONS

**Article 27:** Other provisions contrary to this Sub-decree shall be considered null and void. The Ministers of Cabinet Ministers, of Public Work and Transport, of Economy and Finance, of Commerce, Sihanoukville Delegate of the Royal Government, and the Director General of Sihanoukville Port shall undertake to carry out this sub-decree with efficiency.

**Article 28:** This Sub-decree shall come into effect from this signing date.

Phnom Penh, 17 July 1998

**First Prime Minister**

**Second Prime Minister**

Signature:

Signature:

Having Informed  
H.E. First Prime Minister  
Samdech Second Prime Minister

**UNG HOURT**

**HUN SEN**

On behalf of the Minister of  
Public Work and Transport  
Secretary of State

Senior Minister and Minister of  
Economy and Finance

**TRAM IVTEK**

**KEATH CHHUN**

19. **Sub-Decree # 23** (RGC) on Development of Sihanoukville Autonomous Seaport  
 (April 26, 2000) .....2-65

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 23 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**DEVELOPMENT OF**  
**SIHANOUKVILLE AUTONOMOUS SEAPORT AREA**

April 26, 2000

- Considering the Constitution of the Kingdom of Cambodia;
- Considering the Royal Decree No. NS/RKT 1198/72 of November 30, 1998, on the Appointment of Royal Government of the Kingdom of Cambodia;
- Considering the Royal Code No. 02/NS/94 of July 20, 1994, promulgating the Law on Organization and Functioning of the Council of Ministers;
- Considering the applying instruction No. 03 S.N.N. of June 3, 1989 of the Council of Ministers on the Application of Policy on Land Use and Management;
- Referring to Sub-Decree No. 50 ANK/PK of July 17, 1998, on the Establishment of Autonomous Seaport of, Sihanoukville;
- Referring to the proposal of the Commission for Solving the Land Issue of Autonomous Seaport Development Area, Sihanoukville;

**IT IS HEREBY DECIDED:**

- Article 1:** To authorize the development of Autonomous Seaport Area of Sihanoukville located in Tomnop Rolok zone, Sangkat # 1 and 3, Khan Mittapheap, Sihanoukville, as demarcated as follows:
- To the North, adjacent to Sakoura School;
  - To the South, adjacent to railroad;
  - To the East, adjacent to the railroad;
  - To the West, adjacent to seaside
- Article 2:** To deem null and void of the property titles No. A<sub>3</sub> 0508, A<sub>3</sub> 0048, A<sub>3</sub> 0455, A<sub>3</sub> 0067, A<sub>3</sub> 0509, A<sub>3</sub> 0615, A<sub>3</sub> 0512, A<sub>3</sub> 0260, A<sub>III</sub> 0330, A<sub>III</sub> 0210, A<sub>III</sub> 0211, A<sub>III</sub> 0240, A<sub>III</sub> 0002, A<sub>III</sub> 0003, A<sub>I</sub> 0037, A<sub>I</sub> 0176, A<sub>I</sub> 0003, A<sub>I</sub> 789, A<sub>3</sub> 0682, A<sub>3</sub> 0674, A<sub>3</sub> 0031 and A<sub>3</sub> 0108 and any documents related to the grant of right to hold the land located in the zone mentioned in **Article 1** as affecting the State property.
- Article 3:** To delegate the right of management and use of this zone land to the autonomous seaport of Sihanoukville for development.
- Article 4:** Any provision having substance contrary to this Sub-Decree shall be deemed null and void.
- Article 5:** The Minister in charge of the Office of the Council of Ministers, the Minister of the Interior, the Minister of Economy and Finance, the Minister of National Development, Urbanization and construction, the Minister of Public Works and Transport, the Governor of Sihanoukville, the Autonomous Seaport of Sihanoukville, all relevant ministers and institutions as well as people having land located in the premises mentioned in **Article 1** shall apply the present Sub-Decree effectively from the date of its signing onward.

Phnom Penh, April 26, 2000

Prime Minister  
Signed and Sealed:

**HUN SEN**

**Enclosed to :**

- The King's Cabinet
- The Secretariat-General of Senate-National Assembly
- The Cabinet of Samdech Prime Minister
- As in **Article 5**
- Records – Archives

- 19.1 **Reference # 53 (MI) of Sihanoukville Autonomous Seaport (April 24, 2000) – Tomnop Rolok Port Development Zone (Letter to His Excellency).....2-67**

**Preah Sihanouk City Hall**  
**Commission for Solving Land Issue**  
**In Development Area**  
**Autonomous Seaport of Sihanoukville**  
**No.:** ..... 53 SchN.....

Sihanoukville, April 24, 2000

**The Governor of Sihanoukville and Chairman of Commission for Solving the Land Issue  
in Development Area of Autonomous Seaport of Sihanoukville;**

**To**

**His Excellency Minister of National Development, Urbanization and Construction and  
Chairman of Commission for Solving Land Issue in Provinces and Towns throughout the country;**

- Subject:** Request to waive the existent certificates of ownership of real estate in the seaport development area
- Ref:**
- Letter No. 235/99 SChN.TRPA of November 10, 1999 of from Ministry of Parliamentary Relation and Inspection;
  - Letter No. 206 KPhS of March 10, 2000 from Sihanoukville Seaport Department;
  - Report from the Office of National Development, Urbanization, Construction and Cadastral Survey of Sihanoukville, Letter No. 169.2000 of April 19, 2000;
  - Result of the Meeting of Commission for Solving Land Issue in Development Area of Autonomous Seaport of Sihanoukville held on June 19, 2000;

As per the above subject and references, please, Your Excellency, examine and take measures to waive property titles No. A30508, A30048, A30455, A30067, A30509, A30615, A30512, A30206, AIII0330, AIII0210, AIII0211, AIII0240, AIII0002, AIII0003, A10037, A10176, A1003, A1789, A10682, A30674, A30031, A30108 and documents of ownership to hold real eStates existing in the premises of development area of autonomous seaport of Preah Sihanoukville, Sangkat #1 and 3, Khan Mittapheap, as demarcated as follows:

- To the North, adjacent to Sakura School and Tomnop Rolok,
- To the South and East, adjacent to railroad,
- To the West, adjacent to Tomnop Rolok and the present seaport

As reported above, please, your Excellency Minister and Commission Chairman examine and decide accordingly.

Yours truly,

The Governor of Sihanoukville and Commission Chairman  
for Solving Land Issue of Development Area of  
Autonomous Seaport of Sihanoukville

Signed and sealed: **OUT DETOLA**

**Encl.:**

- Report No. 169. 2000 D.N.S.S of Office of Territorial
- Development, Urbanization, Construction and Cadastral
- Survey, Sihanoukville (1 copy)
- Map of Development Area, Seaport, Sihanoukville



- 19.2 **Sub-Decree # 54 (RGC) on Amendment to Sub-Decree # 23 ANK/PK on Development of PAS Seaport Area (August 15, 2000)**.....2-68

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 54 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**

**AMENDMENT TO SUB-DECREE NO. 23 ANK/PK ON**  
**DEVELOPMENT OF SIHANOUKVILLE AUTONOMOUS SEAPORT AREA**

August 15, 2000

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/ 1198/72, dated November 30, 1998, on the Appointment of Royal government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Sub-Decree No. 50 ANKr.BK, dated July 17, 1998, on the Establishment of Sihanoukville Autonomous Port;
- Having seen the Sub-Decree No. 23 ANKr.BK, dated April 26, 2000, on Development of Sihanoukville Autonomous Port Area;
- Pursuant to the request of the Minister of Land Management, Urban Planning and Construction;

**IT IS HEREBY DECIDED:**

**Article 1:** **Article 2** of the **Sub-Decree** No. 23 ANK/PK of April 26, 2000 shall be amended as follows:  
*New Article 2* shall be deemed null and void the land titles No. A<sub>3</sub> 0508, A<sub>3</sub> 0048, A<sub>3</sub> 0455, A<sub>3</sub> 0067, A<sub>3</sub>0509, A<sub>3</sub>0615, A<sub>3</sub> 0512, A<sub>III</sub> 0260, A<sub>III</sub> 0330, A<sub>III</sub> 0210, A<sub>III</sub> 0211, A<sub>III</sub> 0240, A<sub>III</sub> 0002, A<sub>III</sub> 0003, A<sub>I</sub> 0037, A<sub>I</sub> 0176, A<sub>I</sub> 0003, A<sub>I</sub> 789, A<sub>3</sub> 0682, A<sub>3</sub> 0674, A<sub>3</sub> 0031 and any documents relating to the grant of right to hold the land located in the zone as provided in *Article 1* due to affecting the State property.

**Article 2 :** The Minister in charge of the Office of the Council of Ministers, the Minister of the Interior, the Minister of Economy and Finance, the Minister of Land Management, Urban Planning and Construction, the Minister of Public Works and Transport, the Governor of Sihanoukville Municipality, the Sihanoukville Autonomous Port of, all relevant ministers-institutions and people having land located in the premises mentioned in article 1 shall effectively implement this Sub-Decree from the dated of signature onward.

Phnom Penh, August 15, 2000

Sealed and Signed: **HUN SEN**

**Cc:**

- The King's Cabinet
- Secretariat-General of the Senate
- Secretariat General of the National Assembly
- Samdech Prime Minister's Cabinet
- As in Article 2
- Document-archive

20.	<b>Sub-Decree # 51 (RGC) on Establishment of Phnom Penh Autonomous Port (PPAP)</b> (July 17, 1998).....	2-69
	CHAPTER I	GENERAL PROVISIONS.....
	CHAPTER II	LEADERSHIP AND MANAGEMENT.....
	CHAPTER III	FINANCIAL MANAGEMENT.....
	CHAPTER IV	LEADERSHIP WITH THE STATE.....
	CHAPTER V	FINAL PROVISIONS.....

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 51 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ESTABLISHMENT OF**  
**PHNOM PENH AUTONOMOUS PORT**  
**(PPAP)**

July 17, 1998

- Seen the Constitutional Law of the Kingdom of Cambodia;
- Seen the Royal Decree dated 24<sup>th</sup> September 1993 on the appointment of the First and Second Prime Ministers of the Royal Government of Cambodia;
- Seen the Royal Decree dated 1<sup>st</sup> November 1993 on the appointment of the Royal Government of Cambodia,
- Seen the Royal Code No. 02 NS 94 dated 20<sup>th</sup> July 1994 on the organization and functioning of the Council of Ministers,
- Seen the Royal Decree No. NS/RKT 1094-83 dated 24<sup>th</sup> October 1994 on the changes of the components of the Royal Government of Cambodia,
- Seen the Royal Decree No. CS/RKT 0897-147 dated 7<sup>th</sup> September 1997 on the changes of the components of the government,
- Seen the Royal Code NS/RKM dated 24<sup>th</sup> January 1996 on the establishment of Ministry of Public Works and Transport,
- Seen the Royal Code NS/RKM 0196-18 dated 24<sup>th</sup> January 1996 on the establishment of Ministry of Economy and Finance,
- Seen the Royal Code No. 0696/03 dated 17<sup>th</sup> June 1996 on the General Statute of the Public Enterprises,
- Seen the Sub-decree No. 41 ANK/PK dated 6<sup>th</sup> August 1997 on the implementation of the Royal Code on the General Statute of the Public Enterprises,
- Upon the proposal of the Minister of Public Works and Transport and of Economy and Finance;

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:** The State characterized company named “Phnom Penh Autonomous Port” abbreviated as (PPAP) under the technical supervision of the Ministry of Public Works and Transport and with financial supports from the Ministry of Economy and Finance shall be established.

- PPAP’s headquarter is located in Phnom Penh;
- PPAP is a legal entity which is technically, administratively, and financially autonomous;
- PPAP shall be dominated by the Provisions of this Sub-decree and respect to the Provisions stipulated in the Royal Code No. 0696/03 dated 17<sup>th</sup> June 1996 on the General Statute of Public Enterprises as well as the Provisions of Commercial Law.

- Article 2:** PPAP has a major duty in conducting the business operation and basic services such as:
- Pilotage, bringing vessels in and out and provide them with supplies;
  - Conduct cargo handling, offloading, loading and transport;
  - Maintenance, stock safeguarding, warehouse and yard;
  - Develop and rehabilitate the PPAP's existing infrastructures, which are required to be expanded
- Article 3:** PPAP shall be obligated to:
- Be held responsible for the management of safety, security and order protection in its management area;
  - Adhere to the principle and working procedures in the same function as the customers;
  - Manage and organize working activities to be effective and progressive;
  - In the status of Public Institution, PPAP has obtained authority and duties from the government to carry out in accordance with its objectives.
- Article 4:** Except other provisions contrary to this, PPAP is simply necessitated to pay tax as imposed by law and enforcement regulation to the greatest effects.
- Article 5:** The beginning capital of PPAP shall be clarified by the first balance sheet approved by the Ministry of Economy and Finance and the Ministry of Public Works and Transport. As long as this Sub-degree comes into effect, PPAP shall be deemed as a legally recognized possessor, substituting the State, of all properties recorded in the fiscal inventory.
- Article 6:** PPAP's employees shall be under the individual Statute, which are decided by the Board of Directors (BDs) according to the Royal Code about the General Statute of the Public Enterprise.

Since the claim for individual Statute comes into force, PPAP's employees are no longer under the State's administration.

## CHAPTER II

### LEADERSHIP AND MANAGEMENT

- Article 7:** PPAP shall be administered by the Board of Directors (BDs) that is entitled with extensive rights to fulfill their duties as Stated in the Sub-Decree's Provisions and its own internal regulations.
- The Board of Directors (BDs) is comprised of:
    - Representative from the Ministry of Public Works and Transport (MPWT)  
1 Person as a Chairman
    - Representative from the Council of Ministers (CMs)  
1 Person as a Member
    - Representative from the Ministry of Economy and Finance (MEF)  
1 Person as a Member
    - Representative from the Phnom Penh Authority (PPA)  
1 Person as a Member
    - Representative from the Ministry of Commerce (MC)  
1 Person as a Member
    - Representative of PPAP's employee  
1 Person as an Automatic Member
    - Director General of PPAP  
1 Person as a Member

**Article 8:** The members of BDs shall be recruited among the active officials who have been serving work at least 05 (five) years or those who are not more than 65 years old and carry sufficient experiences as well as high qualities in Economy, Science or Law and are recognized as Khmer nationals and never indicted with any criminal offences by the court.

The members of BDs shall be appointed by the Sub-decree for a 3-year mandate. This mandate can be either terminated any time or resumed by the Sub-decree as requested by the ministry or the authority for which the member represents.

The representative of employees shall be selected through the election process done among all the employees of PPAP.

**Article 9:** The BDs is fully entitled on behalf of PPAP to decide on preparing the notices and documents related to the subject matters of the enterprise, which is consistent with the effective law. Namely, the entitlements are:

- Giving approval of the enterprise's project as Stated in Article 18 of this Sub-decree;
- Assessing the planned outcomes regularly as well as taking properly corrective actions;
- Giving approval of the Balance Sheet and annual account, and report about PPAP's performances;
- Upon the proposal of Director General (DG), deciding on reviewing the structure, the enterprise's internal regulations as well as some Statute and wage scale, bonuses and subsidiaries for the employees in accordance with the effective law and ordinances;
- Giving approval of the contracts and conventions that PPAP, the party consistent with the conditions and Stated formality in effective ordinance about the contracts and conventions registered by the public enterprise;
- Deciding to establish, open or close any certain office and agent affiliated with PPAP everywhere under its considering assessment;
- Determining the port due entailed to be paid for business transaction and service provided at the port.

**Article 10:** The BDs shall be able to hold a meeting anytime for the sake of the enterprise upon the invitation of the Chairman or the proposal of at least 4 employees among all the employees.

However, the BDs shall convene at least once in 3 (three) months. In case that the Chairman is occupied, the oldest member shall be selected to lead the meeting.

The BDs shall discuss only the matters in its responsibilities. The agenda and other relevant documents for the meeting shall be handed to all the members of BDs and the State-inspector official at least 10 days prior to the meeting.

- The meeting of BDs shall not be held unless at least half of the members present. If the number of the members who will join the meeting does not meet the quorum, the meeting is recommended to postpone to the next 15 days for the same agenda and issues, as the next meeting shall not require the quorum;
- All decisions made by the BDs shall not be valid unless with the approval of the participants of the meeting by the majority votes. In case that the votes among the participants are equal, the Chairman's vote shall be considered eminent.

**Article 11:** The BDs' decision shall be recorded in a minute, which will be conveyed to the protectorate authority, to each of BDs and the State-inspector official as well as other concerned departments, as Stated in Article 24 of this Sub-degree for a period of at least 15 days counting from the meeting day. The original minute shall be signed by the chairman of the meeting and any member of BDs who is present during the meeting course.

**Article 12:** The Director General (DG) shall be obligated to be as a regular manager and be nominated to run his/her office for the 3-year mandate according to the Sub-degree upon the proposal of the Protectorate Ministry.

**Article 13:** The BDs shall be necessitated to empower the DG to handle the daily operations so that he/she is able enough to manage the enterprise by law and by instructions from the BDs.

In this framework, the DG is entailed to:

- File various documents to the BDs, arrange and implement the BDs' decisions. From stage to stage, the DG is recommended to inform with a report to the BDs about PPAP's operations;
- Take over PPAP's operations in administration, techniques, business and finance;
- Represent PPAP before the citizens to fill out the administrative and judicial letters based on the legal framework and decision of the BDs;
- Be entitled to recruit, appoint and dismiss or terminate the job, and to order, control the agents or officials who are its employees of PPAP in accordance with (the Statute of employments) or the effective law and the decision of the BDs;
- Be entitled to delegate some or all power including the sign to the official under his/her administration consistently with the condition determined by the BDs;
- Represent PPAP before the judge and the Supreme Court in case of the accusation or claim against other lawsuits for PPAP.

**Article 14:** The BDs' dividends and the DG's remunerations shall be verified by the Protectorate Ministry and the Ministry of Economy and Finance upon the proposal of the BDs.

**Article 15:** Signing and implementing the contract by PPAP shall comply with the formality and procedure regulated by effective law.

### CHAPTER III

#### FINANCIAL MANAGEMENT

**Article 16:** PPAP shall properly control its accounting to make sure that it complies with the Cambodian Accounting Regulations as well as the Generally Accepted Accounting Principles.

The accounting period starts on January 1 and finishes on 31 December of the same year. The Balance Sheet and Managerial Accounting shall be determined by the Board of Directors just before 30 June of the year after the year in which the accounting period is closed, referring to the Statements passed by the qualified accountant whose function is the Account auditor.

The Balance Sheet and Managerial Accounting as well as the Statements passed by the Account Auditor shall be proposed for the approval from the Ministry of Economy and Finance in the period of not later 15 days starting from the day that the Board of Directors has checked all the Statements. All these Statements shall be forwarded to the protectorate ministry for some possible comments as stipulated in Article 16 of the Law about the Statute of Public Enterprises.

**Article 17:** The Account Auditor shall be nominated by the declaration of the Minister of Economy and Finance for the three-fiscal year mandate. The mandate could resume if requested by the Board of Directors.

- The remuneration paid to the Account Auditor shall be decided by the Board of Directors on the burden of PPAP's business transaction.
- The Account Auditor shall prepare the Statements to honestly and accurately prove the annual accounts in the accounting period and to clarify the reality of PPAP's financial situations.

- The Account Auditor's mission shall be done in accordance with the Provision of Sub-decree No. 42 ANK/PK dated 06 August 1997 about the Account Auditor for Public Enterprises.
- The Account Auditor shall be able to hold a meeting with the Board of Directors as invited by the Chairman of Board of Directors.

**Article 18:** Every year prior to 30 September, the Board of Directors shall be needed to consent to the annual project of the enterprise, as requested by the Director General before the project is preceded for the approvals from the ministers of the protectorate ministry and the Ministry of Economy and Finance.

**The Annual Project is required to mention:**

- 1- The investment programs as well as the financial reserves for achieving these programs
- 2- The budget to process the enterprise;
- 3- Charges for the handling and delivering, transporting and charges for the services of sea-going, port due and stock safeguarding;
- 4- Criteria to measure the economical and financial yields of PPAP.

**Article 19:** The resources of PPAP as the priorities:

- The State's granted capital (the beginning Balance Sheet during the process of establishment)
- All kinds of miscellaneous revenues gained from the enterprise's operations
- The revenues gained from sales or renting the movable and immovable properties
- Loans and granted money from various resources

**Article 20:** The expenses of PPAP include:

- The normal operating expenses
- Expenses on investment
- Debt clearance
- Other expenses

**Article 21:** PPAP can have the current accounts in various commercial banks and use these accounts for its needs.

**Article 22:** In each year, after the decision by the Minister of Economy and Finance, the expenses accepted by PPAP as it has already speculated, based on GAAP (Generally Accepted Accounting Principles) shall be proceeded to PPAP's Reserve Fund Account.

**Article 23:** The loan for average or long period for investment shall be first approved by the Minister of Economy and Finance.

## CHAPTER IV

### RELATIONSHIP WITH THE STATE

**Article 24:** During at least 15 days after the approval of the Board of Directors of PPAP, the certain documents shall be conveyed to the Minister of Cabinet Ministers, the Minister of the protectorate ministry and the Minister of Economy and Finance. The documents are as followings:

- The meeting minutes of the Board of Directors
- The Project of the enterprise (as stipulated in Article 18)
- The Statements about Balance Sheet and all the Managerial Accounts of PPAP
- The Statements passed by the Account Auditor

**Article 25:** The State-inspector official nominated by the Sub-decree, as requested by the Minister of Economy and Finance, shall be recommended to accompany PPAP. The State-inspector official shall be entitled to join all the meetings held by the Board of Directors and to give comments on every point in the agenda but not allowed the right to enact. The State-inspector official shall accomplish his/her mission in accordance with the provision of Article 20 to 25 of the Royal Code No. CS/RKM 0696/03 of June 01, 1996 on the General Statute of Public Enterprise.

**Article 26:** PPAP is authorized to suspend the cargo offloading and loading operation of all clients or any individuals who do not pay the port dues and charges in accordance with the contracts or agreement.

## CHAPTER V FINAL PROVISIONS

**Article 27:** Other provisions contrary to this Sub-decree shall be considered null and void. The Ministers of Cabinet Ministers, of Public Work and Transport, of Economy and Finance, of Commerce, Phnom Penh Delegate of the Royal Government, and the Director General of Phnom Penh Port shall undertake to carry out this sub-decree with efficiency.

**Article 28:** This Sub-decree shall come into effect from this signing date.

	Phnom Penh, 17 July 1998	
	<b>First Prime Minister</b>	<b>Second Prime</b>
Having Informed H.E. First Prime Minister Samdech Second Prime Minister		
	Signature	Signature
	<b>UNG HOUT</b>	<b>HUN SEN</b>
On behalf of the Minister of Public Work and Transport Secretary of State		Senior Minister and Minister of Economy and Finance

**TRAM IVTEK**

**KEATH CHHON**

CC:

- The King's Cabinet
- General Secretariat of the National Assembly
- General Secretariat of the Royal Palace
- The Cabinet of H.E. First Prime Minister
- The Cabinet of Samdech Second Prime Minister
- The same to Article 27
- Achieves – Chronicles

21. **Sub-Decree # 70 (RGC) on Appointment of Board of Directors of Phnom Penh Autonomous Port (February 16, 2004)**.....2-75

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 70 ANK/TT**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE APPOINTMENT OF BOARD OF DIRECTORS OF**  
**PHNOM PENH AUTONOMOUS PORT**  
**(PPAP)**

February 16, 2004

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/1198/72 of November 30, 1998, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. ChS/RKM/0696/03 of June 17, 1996 promulgating the Law on General Statute of Public Enterprise;
- Having seen the Royal Kram No. NS/RKM/0196/03, dated January 24, 1996, on the Establishment of the Ministry of Public Works and Transport;
- Having seen the Sub-Decree No. 14 ANK/ PK of March 03, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- Having seen the Sub-Decree No. 51 ANK/PK of July 17, 1998 on the Establishment of Phnom Penh Autonomous Port “PPAP”;
- Pursuant to the proposal of the Minister of Public Works and Transport;
- Pursuant to the need;

**IT IS HEREBY DECIDED:**

**Article 1:** To appoint the Board of Directors of the Phnom Penh Autonomous Port for the 2<sup>nd</sup> term with composition as follows:

- **H.E. HY Pavi**, General Director of Phnom Penh Autonomous Port, as Chairman;
- **H.E. SLOUT Sambo**, Representative of the Ministry of Public Works and Transport, as Member;
- **Mr. LY Sovanna**, Representative of the Office of the Council of Ministers, as Member;
- **Mr. KEN Sambath**, Representative of the Ministry of Economy and Finance, as Member;
- **Mr. SUTH Dara**, Representative of the Ministry of Commerce, as Member;
- **Mr. TIV Kimpiseth**, Representative of Phnom Penh City Hall, as Member;
- **Mr. CHEAB Thol**, Representative of employees of the Phnom Penh Autonomous Port, as Member

**Article 2:** The Minister in charge of the Council of Ministers, the Minister of Public Works and Transport, the Minister of Economy and Finance, the Secretary of State of the State Secretariat of Public Service, the Co-Ministers, Ministers and Secretaries of State of all relevant ministries-institutions and the person concerned as provided in Article 1 shall implement this Sub-Decree from the date of signature.



Phnom Penh, February 16, 2004

Sealed and signed:

**HUN SEN**

CC:

- The Ministry of the Royal Palace
- The Secretariat General of the Senate
- The Secretariat General of the National Assembly
- The Cabinet of Samdech Prime Minister
- As in Article 2
- Document-Archive

22.	<b>Sub-Decree # 40 (RGC) on Vessel Security and Port Facility Security (May 09, 2006)</b> .....	2-77
	CHAPTER I	GENERAL PROVISIONS.....
	CHAPTER II	MANAGEMENT .....
	CHAPTER III	THE SHIP SECURITY .....
	CHAPTER IV	THE PORT FACILITY SECURITY .....
	CHAPTER V	TECHNICAL INSPECTION, CERTIFICATE ISSUANCE AND SECURITY DOCUMENTS .....
	CHAPTER VI	REVISING THE IMPLEMENTATION OF SECURITY ACTIONS .....
	CHAPTER VII	SEPARATE PROVISIONS .....
	CHAPTER VIII	PENALTIES.....
	CHAPTER IX	FINAL PROVISIONS.....

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 40 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**VESSEL SECURITY AND PORT FACILITY SECURITY**

May 09, 2006

- Seen the Constitutional Law of Cambodia;
- Seen the Royal Decree No. NS/RD/0704/124 of July, 15, 2004 on the Appointment of the Royal Government of Cambodia;
- Seen the Royal Decree No. 02/NS/94 of July, 20, 1994 promulgated the Law on the Organization and Functioning of the Cabinet;
- Seen the Royal Decree No. NS/RD/0196/03 of January, 24, 1996 promulgated the Law on the Establishment of the Ministry of Public Works and Transport;
- Seen the Royal Decree No. 14/RD/PK of March, 3, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- Referring to the 1974 International Convention on the Ship crews' Safety on Ships and its amendment;
- Upon the proposal of the Ministry of Public Works and Transport;

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:** This Sub-decree shall aim at controlling the ship and port facility securities of the Kingdom of Cambodia by creating the international cooperation with the contracting governments, shipping companies, and the ports regarding the sea-ongoing transport.

**Article 2:** This Sub-decree shall be implemented for:

1. The ships that operate international navigation as priority:
  - a. All kinds of passenger ships
  - b. All kinds of cargo ships loading the total volume of over 500 GT
  - c. The dredgers

2. The ports providing services to the ships as stated in Point 1 of this **Article**.

**Article 3:** This Sub-decree shall not be implemented for:

1. The military ships
2. The State ships that are not affiliated with business
3. The military ports

**Article 4:** For the ship, there shall be a security officer who is in charge of security appraisal report, ship security plan or any possible revision on this plan, and other documents that comply with international conventions with which Cambodia is signatory.

For the port, there shall be a security officer who is in charge of security appraisal report, ship security plan or any possible revision on this plan, and other documents that comply with international conventions with which Cambodia is signatory.

The shipping company shall have one or more security officers or a group of ships.

**Article 5:** The ship security assessment, setting the ship security plan, revising or modifying as well as implementing the plan shall be under the burdens of shipping company's expenditures.

The assessment of the port facility security and setting the security plan for the port facility, revising or modifying as well as implementing the plan shall be under the burdens of the port's expenditures.

**Article 6:** Controlling the ship and port facility securities shall be under the competence of the Ministry of Public Works and Transport (MPWT)

Controlling the securities of the Cambodian ships shall be under the competence of the Management Committee for Cambodian Ship Registry (MCCSR).

MCCSR shall use Merchant Marine Department (MMD) as a Secretariat for its Headquarter.

**Article 7:** Terminologies applied in this Sub-decree include:

**Ship Security Plan** refers to a plan created to ensure various measures taken on the ship on target to secure human lives, cargos, and the ships against the risk of any security incident.

**Port Facility** refers to the location where operations between the ships and port are launched, and these operations are verified by the MPWT. Port facility includes docking, anchoring, waiting areas, canal and riverfront as well as the constructions, and other materials and equipments.

**Ship/Port Interface** refers to the loading and unloading activities between ships and port

**Ship-To-Ship Activity** refers to the transferring activities between ships and ship

**Security Incident** refers to any doubtful activity or any incident that might impose threats to the ship security, the port facility, ship/port interface, and ship-to-ship activity.

**Port Facility Security Plan** refers to the plan created to ensure various measures taken on target to protecting human lives, cargos, ship facilities, ships, and port facility from the risk security incident.

**Ship Security Officer** refers to a person on the ship. He/She is appointed by the shipping company to account for the ship securities including implementation and maintaining the ship security plan by collaborating with the ship and port facility security officers.

**Company Security Officer** refers to a person appointed by the shipping company to ensure the evaluation of ship security, the creation of ship security plan, the request for the plan approval, and further to guarantee the practice and upholding of the plan as well as cooperation with ship and port facility security officers.

**Port Facility Security Officer** refers to a person appointed by the competent institution of port to be in charge of the establishment, execution, re-inspection, and the maintenance of port facility security plan and collaboration with ship and company security officers.

**Competent Institution of Port** refers to a legal entity of the port namely including the Port Captain, the Port General Manager or the Port Manager.

**Recognized Security Organization** refers to an internationally Recognized Security Organization.

**Security Level 1** refers to the security level in which the security action plan is executed all time.

**Security Level 2** refers to the security level in which the further security action plan is operated in a period of specific time just depending on the severe risk of incident that will occur.

**Security Level 3** refers to the security level in which the comprehensive security action plan is executed in a short period of time that the security incident will occur despite the target is yet clearly verified.

**Ship** refers to:

1. Any ship of Khmer national (Cambodian Ship)
2. Any foreign ship, which enters the water territory or the ports of the Kingdom of Cambodia

**Port** refers to the Sihanoukville Autonomous Port (SAP), Phnom Penh Autonomous Port (PAP), or International Port of the Kingdom of Cambodia, which is determined by the Royal Government.

**International Law** refers to any International Law related to the maritime transport and is signed by the Kingdom of Cambodia

**National Law** refers to any Law and Legal Standard Letter of the Kingdom of Cambodia

**Contracting Government** refers to the government or competent authority of the State, which is a signatory of the International Convention of 1974 on lives safety during the ship navigation and its amendment.

**Management Committee for Cambodian Ship Registry** refers to the inter-ministry committee appointed by the Royal Government following the Resolution 32 R.S.T of March, 21, 2003 for controlling the ship of Khmer national (Cambodian Ship)

**Port State Control Officer** refers to the specialized government official who gains permission from the MPWT to inspect and investigate the ships entering the port corridors of the Kingdom of Cambodia by complying with the Ordinances of the National and International Laws.

**GT (Gross Tonnage)** refers to the measurement of “the ship’s loading volume” which can be calculated by formula  $GT = K_1 \cdot V$  in which:

- $K_1 = 0.2 + 0.02 \log_{10} V$  is a multiplier
- $V$  is a total space volume inside the ship speculated as cube meter ( $m^3$ )

## CHAPTER II

### MANAGEMENT

**Article 8:** The Ministry of Public Works and Transport (MPWT) shall carry the obligations and duties as followings:

**a. Obligations:**

1. Preparing the draft laws or various rules in order to completely and effectively implement the international laws;
2. Organizing the port facility security levels;
3. Checking and approving of the port facility security assessment and modification on this assessment;
4. Checking and approving of the port facility security plan and modification on this plan;
5. Inspecting and issuing the port facility certificate;
6. Setting the security clearance;
7. Assigning which the port facility security officer for which port facility;
8. Selecting and appointing a Recognized Security Organization for the port facility;

9. Applying the National and International Laws;
10. Informing about various rules to the International Maritime Organization (IMO), the ships, the shipping companies, and the ports.

**b. Duties:**

1. Ensuring the availability of training, drilling and practical exercises for the port facility security tasks;
2. Inspecting and testing the port facility security plan;
3. Cooperating and requesting for interventions from the concerned ministries when necessary.

**Article 9:** MCCSR shall carry the obligations and duties as followings:

**a. Obligations:**

1. Organizing and setting the ship security levels
2. Selecting and appointing a Recognized Security Organization for Cambodian ships

**b. Duties:**

1. Pushing to attain the ship security evaluation, the creation of ship security plan, and revision or modification on the plan;
2. Checking and approving of the ship security plan or change on this plan;
3. Inspecting and issuing the ship security certificate or any critical document for the ships;
4. Inspecting and testing the port facility security plan;
5. Ensuring the availability of training, drilling and practical exercises for the port facility security tasks;
6. Cooperating and requesting for interventions from the concerned ministries when necessary.

**Article 10:** The MPWT shall select and appoint the port operator, the specialized unit or the Recognized Security Organization as a security organization for the port facility if the port operator, the specialized unit, or the security organization has proper vocational capacities.

The MCCSR shall select and appoint the Recognized Security Organization as a security organization for Cambodian ship if it is have proper vocational capacities.

**Article 11:** The Recognized Security Organization (RSO) shall be assigned to fulfill the duties and responsibilities as followings:

1. Assessing the ship security, setting the ship security plan or changing this plan;
2. Assessing the port facility security and setting the port facility security plan or changing this plan;
3. Checking and approving of the ship security plan;
4. Giving comments about the security tasks to the shipping company and the port facility;
5. Conducting the technical inspection and issuing the ship security certificate.

**Article 12:** The RSO, which has assessed the ship security or set the ship security plan, shall not be permitted to inspect and approve of the assessment on the ship security or the ship security plan.

**Article 13:** The ship security officer shall have the responsibilities as followings:

1. Regularly inspecting the ship security;
2. Maintaining and tracking the implementations of the ship security plan and any change to this plan;
3. Cooperating with the ship crews and the port facility security officer in order to deal with the security tasks of unloading cargos and freights;
4. Cooperating with the company security officer and the port facility security officer in order to activate the ship security plan;

5. Proposing the improvement on the ship security plan;
6. Providing the company security officer the reports about all the incomplete points and the inconsistencies with the plan, which are found during:
  - a. Internal audition
  - b. Periodic revision
  - c. Security inspection
  - d. Edition on the plan implementation
7. Filling the incomplete points and solving the found inconsistencies to the plan;
8. Promoting the awareness and vigilance of the on-ship security and ensuring the availability of training and drilling to the ship crews;
9. Reporting all the security incidents;
10. Ensuring the good process of utilizing, trailing, measuring, and maintaining security equipments on the ship;
11. Assisting the port facility security officer to clarify the identification of a person who disembarks the ship if proposed;
12. Assisting the port facility security officer to clarify the identification of a person who disembarks the ship if proposed.

**Article 14:** The company security officer shall hold the responsibilities as followings:

1. Giving comments about the levels of the threats that may happen to the ship(s), based on the reports of the security assessment and other resources of information;
2. Ensuring the functioning of the ship security assessment;
3. Ensuring the creation, the request for approval of and then guaranteeing the implementation and maintenance of the ship security plan;
4. Ensuring the improvement to the ship security plan in order to modify the incomplete points and to meet the security requirement for each ship;
5. Establishing the internal audition and revising all ship security activities;
6. Preparing the initial and sequential editing process for the ship security operated by MCCSR.

**Article 15:** The port facility security officer shall carry the responsibilities as followings:

1. Observing the general port security by basing on the evaluation of the port facility security;
2. Ensuring the establishment and maintenance of the port facility security;
3. Ensuring the creation and maintenance of the port facility security plan;
4. Regularly monitoring the port facility security to guarantee the perpetuity of the security actions;
5. Providing recommendations and including any change to the port facility security plan in order to rectify the incomplete points and update the plan;
6. Promoting the awareness and vigilance of the security for the ship crews;
7. Ensuring the availability of training and drilling to what extent the ship crews, who account for the port facility security, can get;
8. Providing the reports to the concerned authorities and keeping the minute about the incident which poses threat to the port facility security;
9. Implementing the port facility security plan by cooperating with the company security officer, the ship security officer, or diverse security services;
10. Ensuring the availability of the appropriate standard for the staffs in charge of the port facility security;
11. Ensuring the good process of utilizing, trailing, measuring, and maintaining security equipments at the port;
12. Assisting the port facility security officer to clarify the identification of a person who embarks the ship if proposed.

**Article 16:** The shipping company shall carry the responsibilities as followings:

1. Giving rights and full accountability to the ship captain to make decisions related to the ship safety and security;
2. Giving rights and full accountability to the company security officer, the ship captain and the ship security officer consistently with the International Law.

**Article 17:** The shipping company shall choose one or more Recognized Security Organization(s) (RSOs) as stated in Article 10 of this Sub-decree to evaluate the ship security or to set the ship security plan, or any change to this plan.

The Competent Institution of Port (CIP) can choose any Recognized Security Organization (RSO) as stated in Article 10 of this Sub-decree to evaluate the port facility security or to set the ship security plan, or any change to this plan.

**Article 18:** The shipping company shall select and appoint a ship security officer and a company security officer if those security officers have proper vocational capabilities.

The shipping company, the ship captain, the ship security officer, or the company security officer shall recruit the ship crews whose duties are in charge of securities from any security sector if those ship crews have proper vocational capabilities.

**Article 19:** The shipping company shall ensure providing the proper training to the ship crews whose duties are in charge of securities from any security sector at all security levels as described in the ship security plan in every three (3) months, or in case of the staff changes up to twenty-five percent (25%), the training shall be offered for a period of one (1) week after these changes take effect.

The shipping company shall ensure the availability of proper practices in every eighteen (18) months. The practices shall be participated by the company security officer, the port facility security officer, the concerned authority or the ship security officer.

**Article 20:** The CIP shall select and appoint a port facility security office if he has proper vocational capability.

Upon the proposal of the port facility security officer, the CIP shall recruit the porters whose duties are in charge of securities from any security sector if he has proper vocational capability.

**Article 21:** The CIP shall ensure providing the proper training to the porters whose duties are charge in of securities from any security sector at all security levels as described in the port facility security plan in every three (3) months unless any necessary case happens.

The CIP shall ensure providing the availability of proper practices in every eighteen (18) months. The practices shall be participated by the port facility security officer, the concerned authority and the ship security officer or the ship security officer if proposed.

**Article 22:** The proper vocational capability as stated in Articles 10, 18, and 20, adding up to the proper training and practices as stated in Articles 19 and 21 of this Sub-decree shall be passed by PRAKAS (Proclamation) of the Ministry of Public Works and Transport (MPWT) in strict conformity with the spirit of the relevant international convention.

**Article 23:** The port facility security plan and any change to this plan and the alerted ship security proclamation shall be made in both Khmer and English, which value equally.

**Article 24:** The port facility security plan and any change to this plan as well as the reports about the port facility security assessment shall be kept at the port and the MPWT.

The ship security plan, and any change to this plan as well as the reports about the port facility security assessment shall be kept with the ship and the shipping company.

The alerted security proclamation is kept with the ship and the port facility.

Keeping the port facility security plan, the ship security plan, and any changes to these plans shall be conducted for at least five (5) years.

**Article 25:** The MPWT shall issue the comprehensive Proclamation (PRAKAS) and Circular (Sarachhor) to exercise this Sub-decree.

In the necessary case, the MPWT shall cooperate with the line ministries in order to jointly issue the Inter-Ministry Proclamation (PRAKAS).

### CHAPTER III

#### THE SHIP SECURITY

**Article 26:** The ship securities consist of three levels, and each level is included in the ship security plan.

**Security Level 1** is designed to identify and take actions to restrain the security incidents. These actions include:

1. Ensuring the implementation of the ship security task;
2. Inspecting the access to the ship;
3. Checking the ship passengers and their personal stuffs before boarding;
4. Keeping the watch on the banned area to make sure that only the authorized people can access;
5. Keeping the watch on all decks of the ship and the area surrounding the ship;
6. Inspecting the cargo handling, maintaining, and offloading and loading, and freight ;
7. Ensuring the convenience for the security communication;

**Security Level 2** refers to the further reinforcement of the action taken on Security Level 1;

**Security level 3** refers to the further reinforcement of the precise action taken to effectively restrain the security incidents.

**Article 27:** The Cambodian ship shall be comprised of the three security levels as stated in this Sub-decree and other relevant rules.

The Cambodian ship shall not have the lower ship security levels than the port facility security levels to be allowed to dock, or offload and load cargo, passengers, and tourists.

In case the Cambodian ship has the higher ship security levels than the port facility security levels, those ships shall be consented between the ship captain or the ship security officer and the port facility security officer by basing on the Security Proclamation (PRAKAS).

**Article 28:** The foreign ship entering the Kingdom of Cambodia shall respect the ordinances of the International Law and National Law of the Kingdom of Cambodia.

The foreign ship entering the port of the Kingdom of Cambodia shall have the equal or higher security levels, compared to the port facility security levels.

In case the foreign ship has the higher security levels than the port facility security levels, it shall be consented between the ship captain or the ship security officer and the port facility security officer by basing on the Security Proclamation (PRAKAS).



**Article 29:** The ship security assessment as well as the on-the-spot security inspection and other important factors that shall be included in the report are noted as followings:

1. Identifying the existing actions, legal procedures, and security operations;
2. Identifying and assessing the key operations that must be necessarily prevented on the ship;
3. Identifying the threats that might affect the operations on the ships;
4. Identifying all the weak points including the human factor in infrastructure, politics, and legal procedure.

**Article 30:** The ship security plan shall be set according to the Principles of the Ship Security Assessment and the respects to this Sub-decree and relevant rules.

**Article 31:** Any change to the ship security plan or to security equipments, or modification of any point of the ship security plan shall be approved by the Management Committee for Cambodian Ship Registry (MCCSR).

**Article 32:** The port security plan and the change to this plan shall be done through the internal audition in order to control the security activities.

**Article 33:** The internal auditors shall be independent of the security activities that they are auditing unless those auditors are not qualified enough to conduct audition because of the ship size or the condition of the shipping company.

**Article 34:** The ship security plan shall be revised and modified upon the proposal of the ship security officer or the company security officer when there are some changes made to the ship equipments and the ship security system.

## CHAPTER IV

### THE PORT FACILITY SECURITY

**Article 35:** The ship securities consist of three levels, and each level is included in the ship security plan.

**Security Level 1** is designed to identify and take actions to restrain the security incidents. These actions include:

1. Ensuring the implementation of the ship security task;
2. Inspecting the access to the ship;
3. Patrolling the port as well as the anchoring area, the dock and the location surrounding the port;
4. Keeping the watch on the banned area to make sure that only the authorized people can access;
5. Monitoring the security task for cargo handling and ship facilities;
6. Ensuring the convenience for the security communication

**Security Level 2** refers to the further reinforcement of the action taken on Security Level 1;

**Security level 3** refers to the further reinforcement of the precise action taken to effectively restrain the security incidents.

**Article 36:** Each port shall be comprised of the 3 security levels.

The port facility security officer can exercise either security level 2 or security level 3 in necessary case to restrain any security incident or any threat.

The port facility security officer can exercise either security level 2 or security level 3 if there is a request from the ship or it is approved by the ship captain or the ship security officer in accordance with the Security Proclamation (PRAKAS).

**Article 37:** The port facility security assessment includes on-the-spot security inspection and other important factors required to be added in the reports as followings:

1. Determining the identity for estimating the property values and other important infrastructures which have to be protected;
2. Determining the identities of the threats which may happen on the properties and the infrastructures
3. Determining the identities of selection and prioritization of countermeasures against the changes of the legal procedures and the effective levels to reduce the vulnerability;
4. Determining identity of the weakness including the human factors in the fields of infrastructure, policy, and legal procedure.

**Article 38:** The port facility security plan shall be set according to the port facility security assessment and also comply with the ordinances of the International and National Laws of the Kingdom of Cambodia.

**Article 39:** The port security plan and the change to this plan shall be done through the internal audition in order to control the security activities.

**Article 40:** The internal auditors shall be independent of the security activities that they are auditing unless those auditors are not qualified enough to conduct audition because of the port size.

**Article 41:** The concerned ports shall revise the port facility plan upon the proposal of the port facility security officer in the certain cases as followings:

1. Any change made to the port facility security assessment;
2. Incomplete points for some significant elements of the port facility security plan found by either the internal auditor or the Recognized Security Organization;
3. Any security incident or threat to the security ;
4. Changes made to the Management Structure or to the inspection on the port operations.

**Article 42:** The concerned ports shall make any suggested change to the port facility security plan upon the proposal of the port facility security officer in case the change leads to the basic alterations for maintaining the port facility security.

## CHAPTER V

### TECHNICAL INSPECTION, CERTIFICATE ISSUANCE AND SECURITY DOCUMENTS

**Article 43:** The Cambodian ship complying with this Sub-decree shall uphold the technical inspections in the stages as followings:

1. Technical inspection at first stage or before launching the ship to operate, or before issuing the first security certificate;
2. Technical re-inspection;
3. Technical inspection within the valid period of the ship security certificate;
4. Additional technical inspection

**Article 44:** The technical inspection shall be conducted by the MCCSR.  
In all cases, MCCSR shall ensure the complete and proper technical inspection.

**Article 45:** After the technical inspection, the security system and the equipments installed to the system shall be verified in the ship security plan, shall be kept for using and shall not be changed, uninstalled or further equipped without permission.

**Article 46:** MCCSR may issue the ship security certificate to the Cambodian ship if the ship is responsive to the conditions of the technical inspection in the first stage or the technical re-inspection.

MCCSR shall endorse the ship security certificate in order to confirm ship's compliance with the National and International Laws for the cases as followings:

1. Technical re-inspection;
2. Technical inspection during the valid period of the ship security certificate;
3. Additional technical inspection;
4. Delaying the validity of ship security certificate.

**Article 47:** MCCSR shall be able to request any contracting government to conduct the technical inspection for the Cambodian ship or the ship taking Khmer citizenship and also issue the ship security certificate or endorse the certificate in accordance with the National and International Laws.

**Article 48:** The ship security certificate shall be valid for five (5) years.

**Article 49:** The technical re-inspection shall be conducted in every five (5) years in order to guarantee that the ship security system and equipments installed to this system are still responsive to the conditions of the National and International Laws.

If technical re-inspection is completed within three (3) months prior to the expiry date of the ship security certificate, the new certificate issued shall be valid from the date of the completed inspection to five (5), starting from the expiry date of the old security certificate.

If technical re-inspection is completed after the expiry date of the ship security certificate, the new certificate issued shall be valid from the date of the completed inspection to five (5) years, starting from the expiry date of the old security certificate.

If technical re-inspection is completed within more than three (3) months prior to the expiry date of the ship security certificate, the new certificate issued shall be valid from the date of the completed inspection to five (5) years, starting from the date of completed technical re-inspection.

**Article 50:** If technical re-inspection is completed, but the new security certificate cannot be issued or delivered to the ship prior to the expiry date of the validity of the old security certificate, MCCSR may endorse the old certificate for another five (5) years, starting from the expiry date of the validity.

**Article 51:** If the expiry date of ship security certificate matures, and the Cambodian ship is at the foreign port outside the port which is allowed for the technical re-inspection, MCCSR may delay the validity of the ship's security certificate not more than three (3) months so that it can give time to the ship to navigate to the allowed port for inspection.

In this case, if the ship arrives at the port for the technical re-inspection, it shall not be allowed to leave the port as long as it is awarded a new security certificate.

**Article 52:** The technical inspection during the valid period of the ship security certificate shall be carried out only one time.

This inspection shall be carried out in the third (3<sup>rd</sup>) year to ensure that the ship security system and equipments installed to this system could be operated as necessary.

**Article 53:** MCCSR may relay the information related to the issuance of the ship security certificate to any contracting government to whom the Cambodian ship is transferred if proposed.

The old shipping company whose ships have to be transferred to the new shipping company shall relay all the information related to the ship security certificates to the new shipping company to make it easy for inspection.

**Article 54:** MCCSR may issue the temporary ship security certificate, which is valid for six (6) months at maximum to the Cambodian ship in case that it:

1. Has not had the ship security certificate;
2. Has changed its nationality from contracting government to the Cambodian national;
3. Has changed its nationality from non-contracting government to the Cambodian national;
4. Has never been operated by any shipping company;

The issuance of the temporary ship security certificate could be made possible after the technical inspections as followings:

1. The report about the ship security assessment;
2. The copy of the ship security plan which is filed for checking and approving and is being implemented on the ship;
3. The ship emergency system;
4. The company security officer who ensures the implementation of the National and International laws;
5. The security equipment and system work well and consistently with the conditions stipulated in the ship security plan;
6. The ship captain, the ship security officer, and other ship crews whose duties are in charge of precise security task shall clearly stick their duties and accountabilities as assigned in the ship security plan;
7. The ship security officer shall be responsive to all the conditions stated in this Sub-decree.

**Article 55:** The ship security record shall cover various activities as depicted in the ship security plan and shall be kept on the ship for at least the last 10 docking times. These activities include:

1. Training and instructing;
2. Security threat and security incidence;
3. Security abuse;
4. Changes of the security levels;
5. Communicating the security information directly related to the ship security or the port facility security where the ship is docking or has docked;
6. Internal audition and revision on the security activities;
7. Periodic revision on the ship security assessment and the ship security plan;
8. Changes made to the ship security plan;
9. Maintaining, measuring and trailing the security equipments as well as the emergency equipment on the ship.

**Article 56:** The Security Proclamation (PRAKAS) is made under the following purposes:

1. To ensure the protection against the incidence or threat which may happen to human lives, ships, ports, and environment;
2. To ensuring the agreement between the Cambodia ship and the foreign port; or between the Cambodian ship and the Cambodian ship; or between the Cambodian ship and the foreign ship that has raised up its own security action as depicted in the security plan;
3. To ensure the agreement between the foreign ship and the Kingdom of Cambodia's port used by the ships.

**Article 57:** The agreement on security proclamation shall be made based on the following documents:

1. Report of the ship security assessment and ship security plan;
2. Report of port facility security assessment and port facility security plan;
3. Security level

**Article 58:** The Security Proclamation (PRAKAS) shall be made in the following cases:

1. Request from the foreign ship to enter the Kingdom of Cambodia's port;
2. Request from the Cambodian ship to enter the foreign port;
3. Request from the Cambodian ship that operates loading and unloading cargos or passengers with the foreign ship;
4. Request from the Cambodian ship that operates loading and unloading cargos or passengers with the Cambodian ship;
5. Request from the foreign ship that operates loading and unloading cargos or passengers with the Cambodian ship;
6. Necessity case from the port.

**Article 59:** The Security Proclamation (PRAKAS) shall be made and approved between:

1. The ship captain or the ship security officer and the port facility security officer;
2. The ship captain or the ship security officer of a ship and the ship captain or the ship security officer of another ship

**Article 60:** The Security Proclamation (PRAKAS) shall be valid in accordance with the agreement. The Security Proclamation (PRAKAS) may be invalid in case of alteration of security levels.

**Article 61:** After meeting all the conditions stated in the ordinance of the national and international laws, the Ministry of Public Works and Transport (MPWT) shall be able to issue a certificate to recognize the Port Facility (PF) with expressing the name of the Port Facility, its location address and kinds of ships utilized for the PF.

The recognized certificate as stated in the first paragraph of this Article shall be made valid for the period of 5 (five) years and any checking work shall not be done during the valid period of the recognized certificate.

## CHAPTER VI

### REVISING THE IMPLEMENTATIONS OF SECURITY ACTIONS

**Article 62:** At the foreign ports, the Cambodian ships shall be under the control of the Port State Control Officer (PSCO).

At the ports of the Kingdom of Cambodia, the ships shall be under the control of the Port State Control Officer (PSCO) of the MPWT.

Controlling process as stated in Paragraphs 1 and 2 of this Article shall be possibly done in order to only review the validity of the Ship Security Certificate (SSC) or Temporary Ship Security Certificate (TSSC) or some legally necessitated documents.

**Article 63:** In case that the ordinance of the national and international laws is found not respected by the ship or the ship does not carry the valid Ship Security Certificate (SSC), the Port State Control Officer (PSCO) shall take immediate actions as followings:

1. Asking the ship to stop for inspection and entailing it to revise some insufficient points;
2. Setting the prohibition for the ship to operate.

**Article 64:** Prior to coming into the port of the Kingdom of Cambodia and to avoid the inspecting actions taken on the foreign ships, the foreign ships shall be required to inform the MPWT some useful tips as followings:

1. The Ship Security Certificate (SSC) including the name of the authority who issued the certificate;

2. Security demarcation currently used by the those foreign ships;
3. Security demarcation used by those foreign ships at the previous ports where they had launched their operations between the ships and the ports in the appropriate limit of security records as stated in Article 55 of this Sub-decree;
4. Any further or particular action held by those foreign ships at the previous ports where they had launched their operations between the ships and the ports in the appropriate limit of security records as stated in Article 55 of this Sub-decree.
5. Security demarcation used by those foreign ships during the operations between ship and ship;
6. Any further or particular action held by those foreign ships during the operations between ship and ship;
7. Information related to other important security exercises.

**Article 65:** The ships shall keep at least 10 of their security records which have been jotted down all the security information as stated in Article 55 of this Sub-decree – the latest 10 security records for their port entries.

**Article 66:** If the information insufficiency is found as stated in Article 64 of this Sub-decree, or the incomplete point about security is found, the competent controlling officer of MPWT shall be able to contact those foreign ships or the countries of those foreign ships to deal out with the duties.

In case the contact for rectification comes to failure or is believed not respecting to the ordinances of the national and internal laws, the Port State Control Officer (PSCO) shall take actions as followings:

- 1- Entailing the ships to rectify the points that are found not respecting to the ordinances;
- 2- Entailing the ships to navigate to any area of the local sea or inland sea;
- 3- Launching inspections on the ships;
- 4- Rejecting the ship entries to the ports of the Kingdom of Cambodia.

**Article 67:** In case of the actions taken as stated in Article 66 of this Sub-decree, the Port State Control Officer (PSCO) shall be required to file a notice letter about the actions taken to the countries of those foreign ships or the certain security company that issued the Security Certificate to those foreign ships.

**Article 68:** In case of rejecting the ship entries or compelling the ships to leave the port, the MPWT shall be able to release a notice letter by expressing some good reasons to the port where the ships will navigate to.

## CHAPTER VII

### SEPARATE PROVISIONS

**Article 69:** Managing the ship securities for all kinds of ships which do not base on international sea-going, or for all kinds of cargo ships which load the total volumes of less than five hundreds (500) GT or for the State ships which are not affiliated to the commercialized target and the port security management but provide services to the running ships shall be prescribed in the Separate Sub-decree.

**Article 70:** The MPWT shall be able to make an agreement with the government for a or some particular contract(s) to ensure the security actions appropriately taken on the navigating way and to put limited responsibilities between the international port of the Kingdom of Cambodia and the international port of the contracting State. This agreement shall be only applied for the ships of the Kingdom of Cambodia and of the contracting State.

**CHAPTER VIII****PENALTIES**

**Article 71:** The MPWT shall have rights to rebuff, suspend or revoke the capacity certificate of the Port Facility's security officer who violates Article 15 of this Sub-decree.

The Management Committee for Cambodian Ship Registry shall have rights to rebuff, suspend or revoke the capacity certificates of the Port Facility's security officer who violates Article 13 and of the company director who violates Article 14 of this Sub-decree.

**Article 72:** The Management Committee for Cambodian Ship Registry shall repeal the ship security plan or any change on the ship security plan just in cases as followings:

- 1- The shipping company has violated Articles 12 and 17 of this Sub-decree;
- 2- The company or ship security officers have violated Articles 30, 31 and 45 of this Sub-decree.

**Article 73:** The Management Committee for Cambodian Ship Registry shall have rights to rebuff or revoke the Ship Security Certificate (SSC) in the case of the annulments of the ship security plan or any change on the ship security plan.

**Article 74:** The MPWT shall have rights to refuse recognizing the ship security plan for the Port Facility or any change on the ship security plan for the Port Facility in case the Port Competent Institute fails to follow the stipulation as stated in the Sub-decrees or violate Articles 17 or 38 of this Sub-decree.

**Article 75:** The MPWT shall have rights to refuse recognizing the security officer of the Port Facility if his/his selectmen and appointment violate Article 20 of this Sub-decree.

The Management Committee for Cambodian Ship Registry shall have rights to refuse recognizing the ship or company security officers if his/her selection and appointment violate Article 18 of this Sub-decree.

**Article 76:** Any foreign ship that fails to respect the national law or does not meet the stipulation as stated in Article 66 of this Sub-decree or that will pose threat to the Port Facility Security, lives of people and other ships at the port, as this threat cannot be restrained by any means, shall be deemed as violating Article 28 of this Sub-decree. The ship shall be:

- 1- Ordered back to the nearest Construction Machinery and Repair Enterprise;
- 2- Ordered the ship to leave the port or inland-sea area or local sea area at once

**Article 77:** Detaining the ship without appropriate reason as stated in Article 63 of this Sub-decree shall account for reparation of the damages.

**Article 78:** The MPWT, the Management Committee for Cambodian Ship Registry, the Technical Entity under the restitution of MPWT, the security company, the shipping company, the ship security officer, the company security officer, the port facility security officer use their duties and powers to infringe upon the laws of the Kingdom of Cambodia or cause difficulties to the navigation operations as well as the port without appropriate reason while performing their duties shall be penalized by the effective law unless there is a separate international accord.

**CHAPTER IX**

**FINAL PROVISION**

**Article 79:** Any provisions contrary to those stipulated under this Sub-decree shall be considered as null and void.

**Article 80:** The Minister of Cabinet Ministers, the Minister of Public Works and Transports, the Ministers and the Secretaries of State of the relevant ministries and institutions shall be burdened on applying this Sub-decree by their respective duties from the date of its signature.

Phnom Penh, 09 May 2006

Sealed and Signed

**HUN SEN**

CC:

- The Ministry of Royal Palace
- General Secretariat of the Senate
- General Secretariat of the Assembly
- The Cabinet of Samdech (Royal Highness of) Hun Sen
- All provincial and municipal halls
- The same to Article 80
- Document – Journal

Having informed to  
Samdech Prime Minister for signature  
Minister of Public Works and Transport

**SHUN CHANTOL**



23. **Sub-Decree # 38 (RGC) on the Organization and Functioning of the Dry-Port Inspection Bureau (CWT)** .....2-92

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 38 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**  
**THE ORGANIZATION AND FUNCTIONING OF**  
**THE DRY-PORT INSPECTION BUREAU**  
**(CWT)**

June 11, 1998

- Considering the Constitution of the Kingdom of Cambodia;
- Considering the Royal Decree dated November 01, 1993 on the Appointment of the Royal Government of Cambodia;
- Considering the Royal Kram No. NS/RKT/1094-93 dated October 24, 1994 regarding the Reshuffle of the Royal Government Composition;
- Considering the Royal Kram No. NS/RKT/1094-90 dated October 31, 1994 regarding the Reshuffle of the Royal Government Composition.
- Considering the Royal Kram No. 02/NS/94 dated July 20 1994 promulgating Law on the Organization and Functioning of the Council of Ministers;
- Considering the Royal Kram No. CS/RKT/D5 97/147 dated August 07, 1997 on the Reshuffle of the Royal Government of Cambodia;
- Considering the Royal Kram No. NS/RKM /01 96/ 03 dated Jan 24, 1996 regarding the Establishment of the Ministry of Public Work and Transport;
- Considering the notice No. 08 Schn/P of the Council of Ministers dated Jan 06, 1998 regarding Approval on the Establishment of Dry-Port CWT Checkpoint;
- Upon the request of the Minister of Public Works and Transport;

**HEREBY DECIDES**

**Article 1:** To establish a check point controlling the functioning of Cambodia Dry port CWT, located along RN 4 in Trapeang Krasaing Commune, Dang Ko District, Phnom Penh. This checkpoint is under the Ministry of Public work and Transport administration.

**Article 2:** The composition of the Checkpoint is as follows:

**A- Permanent membership**

- 1- One official with the rank of deputy director of dry port is chief of the checkpoint.;
- 2- Director of Customs Office at Cambodia Dry Port CWT is member;
- 3- Director of CAMCONTROL at Cambodian Dry-Port CWT is member.

**B- Non- permanent membership**

- 1- Economic police representative
- 2- Plants hygiene representative
- 3- Agriculture forestry hunting a fishing representative
- 4- Pharmaceutical controller

Non-permanent member may participate in control with permanent member as requested when permanent member see that some goods or materiel are related to non-permanent member's competence.

- Article 3:** Role and duty of members of Cambodian Dry Port CWT Check point members are as follows:
- Administrate goods stocked at Cambodian Dry Port CWT and manage to have tax paid.
  - Responsible of administrative maker at the Check point and correctly implement the economical policy of the Royal Government with request to goods in transit of Cambodian dry port CWT until they all pass the control of competent authority.
- Article 4:** The Cambodian Dry Port CWT Check point shall have permanent official and report on its activities monthly to the Ministry of Public work and transport and to the Council of Ministers. Separately permanent members shall report to theirs respective institutions.
- Article 5:** The Co. Ministers in Charge of the office of the Council of Ministers, the Minister of Public work and Transport, the Minister of Economy and Finance, the Minister of Commerce, the Royal Delegate to Phnom Penh, Municipality and all relevant Institution Director shall effectively implement this sub decree from this day of signing.

**First Prime Minister**

**Second Prime Minister**

Signed:

Signed:

**UNG HUOT**

**HUN SEN**

**CC:**

- The King Cabinet
- The General Secretary of National Assembly
- The General Department of the Royal Palace
- As in Article 5
- The Cabinet of First Prime Minister
- The Cabinet of Second Prime Minister
- Active - Chorine

24.	<b>Sub-Decree # 64 (RGC) on The Designation and Management of the Control Offices at the International Gates, the International Border Gates, the Bilateral Border Gates, the Gates at the Border Areas and the Seaport Gates across the Kingdom of Cambodia (July 9, 2001)</b> .....	2-94
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**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 64 ANK/PK**

**ANUKRET (SUB-DECREE)**  
**ON**

**THE DESIGNATION AND MANAGEMENT OF THE CONTROL OFFICES  
AT THE INTERNATIONAL GATES, THE INTERNATIONAL BORDER GATES,  
THE BILATERAL BORDER GATES, THE GATES AT THE BORDER AREAS  
AND THE SEAPORT GATES ACROSS THE KINGDOM OF CAMBODIA**

July 9, 2001

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree No. NS/RD/1198/72 of November 30, 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Seen the Royal Code No. 02/NS/94 dated July 20, 1994 promulgating the use of the Law on the Organization and Functioning of the Council of Ministers;
- Seen the Sub-decree No. 07 ANK dated September 18, 1993 on the Organization and Functioning of the Ministry of Interior;
- Seen the Sub-decree No. 04 ANK/PK dated January 20, 2000 on the Organization and Functioning of the Ministry of Economy and Finance;
- See the Sub-decree No. 54 ANK/PK dated September 22, 1997 on the Organization and Functioning of the Ministry of Commerce;
- See the Sub-decree No. 14 ANK/PK dated March 3, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- At the request of the Ministry in charge of the Office of the Council of Ministers;

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISION**

**Article 1:** This sub-degree is intended to designate and manage the control offices at the international border gates, the bilateral gates, the gates at the border areas and the seaport gates and to control the activities of coming in and going out of the Kingdom of Cambodia by travelers, means of

transportation and all kinds of goods in order to ensure security, stability, social law and order both in the border areas and inside the country, thereby protecting people's well-being and State's revenues.

## CHAPTER II

### DEFINITION

- Article 2:** The control offices at the international gates serve as places of a mixed unit to control the coming in and going out in an international manner and all the activities of travelers, means of transportation and all types inside the country as stipulated in the Article 7 of the Chapter 3 of this sub-degree.
- Article 3:** The control office at the international border gates serve as places of a mixed unit to control the coming in and going out of the border areas in a bilaterally international manner and all the activities of travelers, means of transportation and all kinds of goods at the international border gates which are situate on the borderline as provided in the Article 8 of the chapter 3 of this sub-degree.
- Article 4:** The control offices at the bilateral border gates serve as places of a mixed unit to control the coming in and going out of the country in a bilateral manner at the border areas and all the activities of travelers, means of transportation and all kinds of goods at the bilateral border gates which are located on the borderline as stipulate in the Article 9 of the Chapter 3 of this sub-degree in accordance with the bilateral agreement between the countries bordering the Kingdom of Cambodia.
- Article 5:** The control offices at the gates of the border serve as places of a mixed unit to control the coming in and going out of the country through the border areas and all the activities of travelers who are permanent residents at those border areas, means of transportation and all kinds of goods at the border gates which are situated on the borderline according to the agreement made by the countries bordering the Kingdom of Cambodia as stipulated in the Article 10 of the Chapter 3 of this sub-degree.
- Article 6:** The control offices at the seaport gates serve as places of a mixed unit whose duty is to control the coming in and going out of the seaport and the activities of the travelers who are peoples of the bordering countries, means of transportation and all kinds of goods at the seaport gates which are located in the country as stipulated in the Article 11 of the Chapter 3 of this sub-degree.

## CHAPTER III

### DESIGNATION OF THE CONTROL OFFICES OF THE GATES

- Article 7:** Designated as the control offices of the international gates are:
- Phnom Penh : Pochentong International Airport and Phnom Penh International port
  - Sihanouk Ville : Sihanouk Ville International Port Seaport Airport.
  - Seam Reap : Seam Reap Airport.
- Article 8:** Designated as the control offices of the international border gates are:
- Svay Reang Province : Bavet
  - Provinces of Kandal-Prey Veng : Kha-om Samnor-Koh Rokar
  - Takeo Province : Phnom Den mountain
  - Koh Kong Province : Chamyeam
  - Banteay Meanchey Province : Poipet
  - Stung Treng Province : Dong Kralor

**Article 9:** Designated as the control offices of the bilateral border gates are:

- Rattanakiry Province : Ou yadao
- Mondolkiri Province : Dakdam
- Preah Vihear Province : Preah Vihear Temple
- Katie Province : Snourl
- Kompong Cham Province : Trapaing Plong
- Kampot Province : Prek Chak
- Svay Rieng Province : Prey Vor

**Article 10:** Designated as the control offices of the gates at the border areas are:

- Mondolkiri Province : Lapakhe
- Kratie Province : Chey Klaing and Trapaingsre
- Kompong Cham Province : Chanmoulda and Chomkravean
- Prey Veng Province : Peam Montear and Koh Sampov
- Svay Reang Province : Samrong, Bosmorn and Sre Baraing
- Kandal Province : Chrey Thom-Khna Taingyou
- Takeo Province : Bakday and Kompong Krasang
- Kampot Province : Tornhorn
- Pursat Province : Phnom Rosey, Spean Cheycomnas and road passage 56
- Banteay Meanchey Province : Boeng Trakoun and Melay
- Oudor Meanchey Province : O'smach, Choamrosngam and Preah Pralay
- Preah Vihear Province : Anh Ses
- Battambang Province : Phnom Dey, Soun Soum, passage 400, passage 203, Peam Ta, Bansanchhav, Phnom Prek, Svay Chek and O Romdoul
- Pailin Town : Passage Prom

**Article 11:** Designated as the control offices of the seaport gates are:

- Kampot Province : Koh Ses, Trapaing Lapoa and the Provincial town
- Kep town : Kep town
- Sihanouk Ville : Tomnop Rolok Sar, and Steng Hav
- Koh Kong Province : Bak Khlornng, Thmor Sar, Sre Ambel and Koh Sdech

## CHAPTER IV

### DESIGNATION OF THE GEOGRAPHICAL AREAS FOR THE CONTROL OFFICES OF THE GATES

**Article 12:**

- The geographical areas for the control offices of all sorts of gates shall constitute the areas used for the control activities by the competent officers of each control office;
- The size of the control of each gate shall be defined by the joint declaration of the Minister of Economy and Finance, the Minister of Commerce and the Minister of Interior;
- With regard to the control office of the Pochentong International Airport and that of the Seam Reap Airport, this joint declaration shall be made with the participation of the Minister in charge of the Office of the Council of Ministers;
- Concerning the control offices of both the international port in Phnom Penh and that in the Sihanouk Ville, this joint declaration shall be made with the participation of the Minister of Public Works and Transport;
- In case of presence of the Commander of the border defense sub-regiment of the Ministry of National Defense, this joint declaration shall be made with the participation of the Minister of National Defense;
- The concrete size of the geographical areas used as the control offices of the international border gates, the Bilateral Border Gates and the gates at the Border Gates, shall be designated by the joint Declaration of the Minister of Economy and Finance, the Minister

of Commerce, the Minister of Interior and the Minister of the Public Works and Transport following the agreement from the mixed committee for border affairs.

## CHAPTER V

### COMPOSITION

**Article 13:** At the control offices the international gates:

**(a) The control office of the Pochentong international airport:**

1. An official of the Civil Aviation Authority of the State Secretariat of the Civil Aviation shall be the chief and two assistants;
2. The National Police chief of the Foreigner Department of the Ministry of Interior shall be a deputy chief and 49 colleagues;
3. An official of Customs and Excise of the Ministry of Economy and Finance shall be a member and 63 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 15 colleagues.

**(b) The control office of the International Port Gates in Phnom Penh (P.P):**

1. An official of P.P International Port of the Ministry of Public Works and Transport and Finance shall be a chief and 3 assistants
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be a deputy chief and 29 colleagues;
3. An official of Customs and Excise of the Ministry of Economy and Finance shall be a member and 30 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 14 colleagues;
5. KAMSAB official of the Ministry of Public Works and Transport shall be a member and 2 colleagues.

**(c) The control office of the Sihanouk Ville International Port:**

1. An official of Sihanouk Ville International of the Ministry of Public Works and Transport and Finance shall be the chief and 3 assistants;
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be a deputy chief and 49 colleagues;
3. A customs and excise official of the Ministry of the Ministry of Economy and Finance shall be a member and 47 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 47 colleagues;
5. KAMSAB official of the Ministry of Public Works and Transport shall be a member and a colleague.

**(d) The control Office of the Seam Reap Airport Gates:**

1. An official of the Civil Aviation Authority of the State Secretariat of the Civil Aviation shall be the chief and two assistants;
2. The National Police chief of the Foreigner Department of the Ministry of Interior shall be a deputy chief and 29 colleagues;
3. A customs and excise official of the Ministry of the Ministry of Economy and Finance shall be a member and 10 colleagues;
4. CAMCONTROL official of the Ministry of Commerce shall be a member and 3 colleagues;

**Article 14:** At the Control Offices of the International Border Gates:

**(a) The control offices of the Poipet international border gate:**

1. The governor of Banteay Meanchey Province who can be represented by a senior delegate shall be the chief;
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be a deputy chief and 39 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 36 colleagues;
4. CAMCONTROL official of the Ministry of Commerce shall be a member and 11 colleagues;

**(b) The Control Office of the Bavet International Border Gate:**

1. The governor of Svay Reang Province who can be represented by a senior delegate shall be the chief
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be deputy chief and 39 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 24 colleagues;
4. CAMCONTROL official of the Ministry of Commerce shall be a member and 9 colleagues;

**(c) The Control Office of Phnom Den International Border Gate:**

1. The governor of Takeo Province who can be represented by a senior delegate shall be the chief;
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be deputy chief and 39 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 15 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 8 colleagues;

**(d) The Control Office of the Chamyeam International Border Gate:**

1. The governor of Koh Kong Province who can be represented by a senior delegate shall be the chief;
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be deputy chief and 39 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 12 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 6 colleagues;

**(e) The Control Office of the Khaom Samnor-Koh Rokar International Border Gate:**

1. The governor of Kandal Province who can be represented by a senior delegate shall be the chief;
2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be deputy chief and 39 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 24 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 9 colleagues;

**(f) The Control Office of the Dong Kralor International Border Gate:**

1. The governor of Stung Treng Province who can be represented by a senior delegate shall be the chief;

2. A National Police officer of the Department of Foreigners of the Ministry of Interior shall be deputy chief and 24 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 15 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 6 colleagues.

**Article 15:** At the Control Office of the Bilateral Border Gate:

1. An administrative official whose rank equals that of the Chief of the Provincial or Town office concerned shall be the chief and a colleague;
2. The National Police head of the office of foreigners of the provincial and town police department concerned shall be a deputy chief and 24 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 3 to 29 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 7 colleagues;

**At the Preah Vihear Temple Gate Alone:**

1. An administrative official whose rank equals that of the chief of the Preah Vihear provincial office shall be the chief and 3 colleagues;
2. A National Police Officer of the Department of Foreigners of the Ministry of Interior shall be a deputy chief and 24 colleagues;
3. An official of the Ministry of Tourism shall be a member and 9 colleagues.

**Article 16:** At the Control Office of the Gate at the Border Areas:

1. An administrative official whose rank equals that of the Chief of the Provincial or Town office concerned shall be the chief and a colleague;
2. The National Police head of the office of foreigners of the provincial and town police department concerned shall be a deputy chief and 24 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 4 to 37 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 9 colleagues.

**Article 17:** At the Control Office of the Seaport Gate:

1. An administrative official whose rank equals that of the Chief of the Provincial or Town office concerned shall be the chief and a colleague;
2. The National Police head of the office of foreigners of the provincial and town police department concerned shall be a deputy chief and 24 colleagues;
3. A custom and excise official of the Ministry of Economy and Finance shall be a member and 12 colleagues;
4. A CAMCONTROL official of the Ministry of Commerce shall be a member and 5 colleagues;

At the control office of the Koh Ses seaport gate alone, a National Police officer of the (territorial) waters defense police department shall be a deputy chief and 12 colleagues.

## CHAPTER VI

### DUTIES

**Article 18:** The Chief of the control office has the duty:

- To chair all the meetings of the control office;
- To direct the affairs and to maintain the law and order during meetings;
- To ensure that there is a joint meeting of all competent representatives of the control office at least one every month;



- To ensure the direct relationship of all units under the control of the control office to proceed properly according to the State constitution, laws, sub-decrees, Prakas and letters of norms related to the internal rules and regulations of the control office;
- To direct the work in preserving and protecting the sovereignty and territorial integrity;
- To protect security, safety and social law-and-order;
- To facilitate the work in the office to operate smoothly;
- To direct the work of the control office and to report on the activities of the national police forces and competent officials to concerned ministries or institutions in case that any individuals or units commits any offences;
- To direct the work in co-operation with the competent authorities involved in the country and competent authorities concerned of the bordering countries in order to ensure the maintenance and laws of each country;
- To direct and control the construction, repair and good maintenance of the joint control office according to the construction of the national culture, thus ensuring the enhancement of the prestige of the Kingdom of Cambodia and the efficiency and effectiveness of the work done in the collaboration with the local authorities and institutions concerned so as to remove all the difficulties happening to the passers-by;
- To ensure that there is only one joint control office;
- To make a report, monthly, quarterly, half-yearly, nine monthly and annually, to the Office of the Council of Minister of the concerned provincial or town governors

**Article 19:** The National Police officers at the gates have the duty:

- To control all the travelers whether they are coming in or going out of the country and the border areas, including both Cambodians and foreigners;
- To co-operate in inspecting the means of transportation and all kinds of goods being imported or exported into or out of the Kingdom of Cambodia, aimed at finding out and repress in time all sort of the cross-border offences, smuggling, illegal trafficking of women and children, the circulation of counterfeit moneys, the trafficking of drugs and antiques, the illegal transportation, trading and use of weapons, explosives, military equipment and other offences in order to maintain security, safety and the social law-and order;
- To control and maintain the status quo of the borderline in the geographical areas of each gate;
- To take measures to maintain the security and order at the gate and to co-operate and ask for intervention from the local authorities involved when necessary;
- The National Police forces of the Department of Foreigners who are fulfilling their tasks at the gate of the Phnom Penh International Port shall take measures to escort a ship(s) from the zero point to the port.

**Article 20:** The customers and excise officers have the duty:

- To control and collect taxes and duty as well as others levied on goods and all sorts of means of transportation for both import and export, including the travelers' luggage, post packages, banknote, precious metals or stones as well as other substances as provided in the customs tariff of the Kingdom of Cambodia in accordance with the customs procedures and other concerned regulation in effect;
- To certify the results of the inspection on the notification, write a minute on the offences and manage to detain or keep temporarily the illegal goods or means in wait for any decision made by the competent institutions;
- When necessary, the customs and excise officers involved shall ask for co-operation from other competent authorities or institutions while searching for other customs offences.

**Article 21:** The CAMCONTROL officer has the duty:

- To inspect quantity, weight, quality, the status of both the imported and exported goods and to issue certificates certifying the quantity or quality of goods and the status of the imported and exported of products;
- To take measures to prevent and catch and detain the imported and exported goods with spoiled or bad quality and repress all types of fraud;
- To collect money earned from the inspection of the imported and exported goods for the State budget.

**Article 22:** The official of the Ministry of Public Works and Transport have the duty:

- To examine or coordinate any proposed request for;
- Permission for all kinds of cargo and tourist ships to land at the international port both in Phnom Penh or in the Sihanoukville;
- To examine, record and make reports regularly on the quality of ships and goods to pass or the damages or losses of goods to be imported and exported into and out of the Kingdom of Cambodia
- To coordinate the request for permission to allow ships to land or debark from the international ports.

**Article 23:**

- The mobile Customs and excise officers under the direct leadership of the Director of the Customs and excise Department have the duty to research and repress any smuggling from the border gates into the country.
- This mobile Customs and excise group shall be able to conduct any operation aimed to prevent any means of transportation in the event that they have been inform that the means of transportation is operating to avoid paying tax from the border into the country and with the letter of the authorized mission from the director of the customs and excise department in conformity with each practical case. This mobile Customs and excise group is not allowed to conduct any activities in an anarchic manner.

**Article 24:** All kinds of competent officials shall be required to make reports, monthly, quarterly, six monthly, nine monthly and annually, and submit them to the concerned ministries, institutions and chiefs of the control offices.

**Article 25:** All kinds of competent officials working at the control offices shall co-operate in conducting any inspection simultaneously and quickly in accordance with their skills and the scope of work at the same place by avoiding searching or inspecting more than once for a period of passing through the gate. In case that any forces or agents fail to joint the inspection as required by the chief of the control office, then, they shall be regarded as having already inspection as having already inspected.

The examination of the formalities by the competent officials of the international ship with come in or go out of the Kingdom of Cambodia whether through the sea gate or Tonle Mekong gate shall be conducted only once at the time when the ship(s) arrive(s) at the Sihanouk Ville port or at the Phnom Penh port. At the Tonle Mekong gate, the customs and excise officers and the border-gate police shall appoint some officers or agents to escort the ship(s) as considered necessary. The stopping over of the international ship(s) at the other harbors outside the geographical areas of ports as specially defined shall have prior permission from the chiefs of the control offices at the gates of the Sihanouk Ville international port or the international port in Phnom Penh.

**Article 26:** The competent officials at various control offices shall be present at their respective offices so as to coordinate a quick filling of the required from the travelers and the owner of goods.

**Article 27:** The chief of each skilled competent unit shall schedule turns to be on duty, including the days which are not workdays in conformity with the concrete situation of their control offices in order to ensure the sustainability of the work.

## CHAPTER VII

### COMPETENCE OF THE LOCAL AUTHORITY

**Article 28:** The governors of the concerned provinces and towns representing the Royal Government shall have the duty:

- To issue and monitor the implementation of the internal rule and regulation of the control office which is located in the areas under their control and to facilitate the work so that the control office can operate legally and make effective the letters on rules and regulations;
- To suppress and remove all the forces that anarchically set up any control offices in the areas they are controlling;
- To review and sign the reports of the control offices and send them to the Office of the Council of Ministers and ministries and institutions involved.

## CHAPTER VIII

### WORK TERM

**Article 29:** The chiefs of the control offices at the international gate, the international border gates, the bilateral gates, the gates at the border areas, the seaport gates and the chiefs of the skilled competent agents shall be changed once every two years.

**Article 30:** The competent officials who are stationed at the control offices at the international gates, international border gates, the bilateral gates, the gates at the border areas and the seaport shall be changed once every year.

**Article 31:** The heads of each skilled ministry and institution can change according to necessary requirements any leading officials and competent officers who are based at various control offices wherever necessary.

## CHAPTER IX

### INTERVENTION FORCE

**Article 32:** The Royal Cambodian Armed forces, the National Gendarmes, the National Police and other competent forces who are stationed near the control offices at the international gates, the international border gates, the bilateral border gates, the gates at the border areas and the seaport gates shall be required to come out to intervene in the event of any requests from the chiefs of the control offices.

**Article 33:** The intervention forces as stipulated in the Article 32 shall not be based and shall not carry out any activities in the geographical areas near the gates of the control offices in case that there are no requests made by the chiefs of the control offices.

## CHAPTER X

### WATCH-MECHANISM

**Article 34:** A mechanism shall be set up with a representative of the Office of the Council of Ministers acting as chairperson and representatives of the ministries and institutions and those of the provincial and town offices concerned who are defined by PRAKAS (DECLARATION) of the Minister in charge of the control offices and report them to the head of the Royal Government.

**CHAPTER XI**

**PENALTY PROVISIONS**

**Article 35:** Any competent officers who use their role, tasks and power to provoke any trouble for the travelers, the owners of means of transportation and all kinds of goods without any legal grounds or by violating the competence shall be legally punished.

**Article 36:** Any local authorities who fail to fulfill their tasks in eradicating the anarchic control offices in their jurisdictions shall be punished in conformity with the law on the co-statutes of the civil servants.

25.	<b>Sub-Decree # 09 ANK/PK (RGC) on the Organization and Functioning of the National Statistical System (January 26, 2007)</b> .....	2-104
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**THE ROYAL GOVERNMENT OF CAMBODIA**

**No: 09 ANK/PK**

**ANUKRET (SUB-DECREE)**

**ON**

**THE ORGANIZATION AND FUNCTIONING OF  
THE NATIONAL STATISTICAL SYSTEM  
(NSS)**

25 January 2007

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree No. NS/RD/0704/124 dated July 15, 2004 on the Appointment of the Royal Government of Cambodia;
- Seen the Royal Code No. 02/NS/94 dated July 20, 1994 promulgated the Law on the Organization and Functioning of Cabinet Ministers;
- Seen the Royal Code No. NS/RC/0196/11 dated January 24, 1996 promulgated the Law on the Establishment of Ministry of Planning;
- Seen the Royal Code No. NS/RC/0505/015 dated May 09, 2005 promulgated the Statistics Law;
- Seen the Sub-decree No. 55 SD/PK dated September 23, 1997 on the Organization and Functioning of the Ministry of Planning;
- Seen the Sub-decree No. 64 SD/PK dated October 15, 1997 on the Statistics Obligations;
- Pursuant to the agreement made during the Cabinet Ministers Meeting on 15 December 2006;

**IT IS HEREBY DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:** This Sub-decree aims at governing all organizational and operational affairs of the National Statistics System, Statistical Obligations, and other relevant matters in order to implement the Statistics Law of the Kingdom of Cambodia.

**Article 2:** The technical terms used in this Sub-decree shall have the following meanings:

- **“Designated Official Statistics”** is the statistics produced by the ministries and institutions determined by the government to meet the statistical information requirement of the policy-makers in formulating and evaluating the policies and economic and social programs in addressing the development of socio-economic development of the nation, as well as the information requirement of the Decision-makers and researchers in the Wider Cambodian and International communities;

- **“Designated Statistical Officers”** are officers of the National Institute of Statistics, ministries, and government organizations that are given rights for the implementation of statistical activities, following the objectives of the Statistics Law and this Sub-decree;
- **“Designated Statistical Units”** are the central statistical organizations of the ministries and government institutions determined by the royal government to be responsible in producing Official Statistics, which is designated in accordance with Article 11 and 12 of this Statistics Law;
- **“Director-General”** is the Director-General of National Institute of Statistics;
- **“Questionnaires”** are tools of collecting data prepared by the Director-General of National Institute of Statistics and Director of other Designated Statistical Units;
- **“National Statistics System”** is the integrated statistics data at the National and Local level and Infrastructure, including official statistical data and national statistical program, statistical organizations, and statistical units within the ministries and institutions of the Royal Government; as well as statistical officers and other infrastructure;
- **“Officers”** are the officers of the National Institute of Statistics and Designated Statistical Units or Designated Statistical Officers, conforming to the Statistics Law and this Sub-decree, to assist the implementation of the functions of National Institute of Statistics and other royal government statistical units;
- **“Premises”** are places that have no houses or a part of any places in the region to be separately supervised or used for the purposes of settling;
- **“Statistical Purposes”** are the purposes pertaining to the collecting, processing, compiling, analyzing, publishing, installing data through electronic system, and disseminating the Official Statistics;
- **“Statistical Obligations”** are the duties that the respondents have in providing data in an accurate, honest, complete, and timely manner to all the questions of Data Collection, referring to Article 11 and 12 of this Statistic Law.

## CHAPTER II

### STATISTICAL ORGANIZATION AND FUNCTIONS

**Article 3:** National Institute of Statistics is the institution for the establishment of Official Statistical Policies of the Royal Government in creating and leading an integrated National Statistics System which covers all designated official statistics of ministries, government institutions, and statistics units of provinces, municipalities, districts, khans, and statistical staffs at all sangkats and communes.

National Institute of Statistics consists of one department to be responsible for the professional statistical activities and the support of those activities.

National Institute of Statistics consists of statistical units in provinces, municipalities, districts, khans, and statistical staffs in all communes and sangkats.

**Article 4:** National Statistics System is established as the Official Statistics System of the Royal Government.

National Statistics System consists of National Institute of Statistics, other Designated Statistical Units, and officers working for those statistical units.

Each statistical unit shall be led by one director and some deputy directors.

**Article 5:** National Institute of Statistics, an official statistical unit of the Royal Government, is responsible for:

- a. Collecting, processing, compiling, analyzing, publishing, and disseminating official statistics and information pertaining to statistics.
- b. Researching, compiling other methods, developing models and statistical techniques to enhance the quality of official statistics.
- c. Insuring the coordination, cooperation of designated statistical units in collecting, processing, compiling, analyzing, publishing, disseminating official statistics, and information pertaining to statistical affairs to:
  - Avoid the overlapping of duties in collecting information for the purpose of Official Statistics by the designated statistical units.
  - Obtain a match and integration between official statistics compiled by designated statistical units.
  - Make the development, documentation, and dissemination on the statistical vision, sources and methodology effective.
  - Implement the Statistical Policies which include the Policies pertaining to the dissemination of official statistics and the Calendar that announces earlier about the dissemination of official statistics.
  - Maximize the possibility of using information and means of collection and dissemination of information at the designated statistical units.
- d. Formulating policies and statistical standard for the united implementation of the designated statistical units.
- e. Offering guidance and supporting the designated statistical units on the official statistics.
- f. Interacting with other relevant countries and international organizations

National Institute of Statistics shall cooperate with Official Statistical Units designated by the ministries, institutions, and provincial, municipal, district, khan, communal, and sangkat authorities in collecting, compiling, analyzing, publishing, and disseminating statistics including the statistics obtaining from the administrative records; aiming at coordinating the statistical activities and insuring the statistics standard application.

- Article 6:** Designated Statistical Units are central statistical units of ministries or government organizations and consists of the following responsibilities:
- a. Collecting, processing, compiling, analyzing, publishing, and disseminating official statistics and information pertaining to statistics.
  - b. Sending statistics produced and providing related documents and methodologies to the National Institute of Statistics in soft and hard forms.
  - c. Cooperating with the National Institute of Statistics in collecting, processing, compiling, analyzing, publishing, and disseminating official statistics and related information to:
    - Avoid the overlapping of statistical activities and official statistics.
    - Minimize the numbers of respondents.
    - Obtain a match and integration between official statistics.
    - Implement the statistical policies and standard promulgated by the National Institute of Statistics.

- Article 7:** Director-General shall be appointed by the Royal Decree. Director-General shall fulfill his roles and duties in compliance with the provisions of the Statistics Law and this Sub-decree and shall not perform any other work unless there is approval from the Minister of Planning.

Director-General shall lead the National Institute of Statistics and National Statistics System.

Director-General shall lead and control the organization and operation of National Institute of Statistics.

Other duties, functions, and authorities of National Statistics System are as the followings:

- a. Offer suggestions on statistics matters.
- b. Decide on means of collecting, processing, compiling, analyzing, and disseminating data for statistics purpose.
- c. Provide information pertaining to regulations, statistical policies, official statistics, and other statistics matters.
- d. Represent the National Statistics System in the statistics-related international stage.

**Article 8:** Director-General shall designate officers in accordance with the type and scope of work in a written form to be Designated Statistical Officers for the purpose of Statistics law and this Sub-decree only.

Designated Director of Statistics Units shall consult with one Director-General before informing the Ministers or Directors of Government Organizations in order to designate officers in accordance with the type and scope of work in a written form to be Designated Statistical Officers for the purpose of Statistics law and this Sub-decree only.

**Article 9:** Director-General can sign the delegation to any officers to complete their data collection or coordinate the data collection as stipulated in the Statistics Law and this Sub-decree.

According to the Statistics Law and this Sub-decree, the delegation of authorities to the officers during the implementation is considered to be carried out by the Director-General.

**Article 10:** Director-General shall prepare annual report pertaining to the activities of statistical operation and the dissemination and use of official statistics of National Statistics System in the previous years and send it to the Minister of Planning.

Minister of Planning shall send the annual report to the Cabinet Ministers.

**Article 11:** The officers of the National Institute of Statistics consist of permanent staffs who are officers of National Institute of Statistics and have the functions as stipulated in Article 11 and 12 of the Statistics Law.

Director-General can employ more staffs who are not permanents when:

- a. Conducting Census and Survey.
- b. Collecting Statistical data and related information.
- c. Providing technical consultation and support.

Contracts on the periods and conditions of work of the non-permanent staffs are determined by the Director-General.

**Article 12:** Officers of the Designated Statistics Units consist of permanent staffs who are the officers of those units and have the functions as stipulated in Article 12 and 19 (a) of Statistics Law.

Designated Statistical Units can employ more non-permanent staffs by consulting with the Director-General of National Institute of Statistics when:

- a. Conducting survey
- b. Collecting other statistical data and related information
- c. Providing technical consultation and support;

Contracts on the periods and conditions of work of non-permanent staffs are determined by the ministries and institutions consulting with the Director-General.



**CHAPTER III**  
**STATISTICS ADVISORY COUNCIL**

**Article 13:** “Statistics Advisory Council” was established in compliance with Article 15 of Statistics Law consisting of the following compositions:

Minister of Planning	Chairman
Secretary of State of Planning in charge of Statistics	Vice-chairman
Secretary of State of Council of Ministers	Member
Secretary of State of Interior	Member
Secretary of State of Rural Development	Member
Secretary of State of Economics and Finance	Member
Secretary of State of Commerce	Member
Secretary of State of Education, Youth, and Sport	Member
Secretary of State of Agriculture, Forestry, and Fisheries	Member
Secretary of State of Industry, Mines and Energy	Member
Secretary of State of Social Affairs, Veteran and Youth Rehabilitation	Member
Secretary of State of Posts and Telecommunications	Member
Secretary of State of Health	Member
Secretary of State of Public Works and Transport	Member
Secretary of State of Tourism	Member
Secretary of State of Women Affairs	Member
Vice-Governor of National Bank of Cambodia	Member
One Representative of Higher Education selected by the Minister of Planning	Member
Director-General of National Institute of Statistics Secretary	Permanent

Chairman of the “Statistics Advisory Council” has the right to invite representatives of ministries and institutions, relevant technicians, development partners, NGO, and Business Communities to participate in offering advice when necessary.

**Article 14:** “Statistics Advisory Council” shall conduct the meeting at least twice a year. The members of Statistic Advisory Council shall participate in the meeting invited by the Chairman.

Statistics Advisory Council shall have at least half of all the members to conduct every meeting. In case there is a lack of members in the first meeting, the second meeting will be required to have at least one third of all the members.

The decisions of the Statistics Advisory Council shall be approved based on the majority of the participated members.

Minister of Planning who is the Chairman of the Statistics Advisory Council has the right to approve the decision in case there is an equal vote.

All the meetings of Statistics Advisory Council shall be recorded.

**Article 15:** “Statistics Advisory Council” has the right to use the seal of the ministry of Planning. National Institute of Statistics of Ministry of Planning shall provide Secretariats to the Statistics Advisory Council.

**Article 16:** “Statistics Advisory Council” has the roles in offering advice to the Ministers of Planning pertaining to:

- The determination of the Official Statistical Polices;

- The official statistics requirement and prioritization of statistical tasks scheme proposed by the National Institute of Statistics and the Designated Statistical Units;
- The improvement, enhancement, and coordination of the National Statistics System and the Designated Official Statistics for public purposes;
- Any amendments on the Statistics Law, Sub-decree, and Judicial Standard letter pertaining to statistics affairs;
- The one-year, medium and long-term prioritized statistics program of the National Institute of Statistics and the designated statistical units relevant to the production of official statistics;
- Statistical Master Plan;
- The determination of the date for conducting population, agricultural, and establishment censuses;
- Other tasks related generally to National Statistics System and official statistics;
- The seeking of aids and support, financial resources, and human resources needed by the National Institute of Statistics and the Designated Statistical Units to conduct censuses and surveys, produce, and disseminate the official statistics for public purposes.

## CHAPTER IV

### STATISTICS COORDINATION COMMITTEE

**Article 17:** In accordance with Article 16 of Statistics Law, Statistics Coordination Committee has the compositions as follows:

Director-General of National Institute of Statistics	Chairman
Deputy Director-General of National Institute of Statistics	Vice-chairman
Director of General Statistics of National Institute of Statistics	Secretary
Director or Deputy Director of Statistical Units of the Office of Council of Ministers	Member
Director or Deputy Director of Statistical Units of Ministry of Interior	Member
Director or Deputy Director of Statistical Units of Ministry of Defense	Member
Director or Deputy Director of Statistical Units of Ministry of Foreign Affairs and International Cooperation	Member
Director or Deputy Director of Statistical Units of Ministry of Rural Development	Member
Director or Deputy Director of Statistical Units of Ministry of Economics and Finance	Member
Director or Deputy Director of Statistical Units of Ministry of Parliamentary relations and Inspection	Member
Director or Deputy Director of Statistical Units of Ministry of Commerce	Member
Director or Deputy Director of Statistical Units of Ministry of Land Management, Urban Planning and Construction	Member
Director or Deputy Director of Statistical Units of Ministry of Environment	Member
Director or Deputy Director of Statistical Units of Ministry of Education, Youth, and Sport	Member
Director or Deputy Director of Statistical Units of Ministry of Cults and Religious Affairs	Member
Director or Deputy Director of Statistical Units of Ministry of Agriculture, Forestry, and Fisheries	Member
Director or Deputy Director of Statistical Units of Ministry of Industry, Mines and Energy	Member
Director or Deputy Director of Statistical Units of Ministry of Social Affairs, Veteran, and Youth Rehabilitation	Member

Director or Deputy Director of Statistical Units of Ministry of Water Resources and Meteorology	Member
Director or Deputy Director of Statistical Units of Ministry of Information Member	
Director or Deputy Director of Statistical Units of Ministry of Justice	Member
Director or Deputy Director of Statistical Units of Ministry of Posts and Telecommunications	Member
Director or Deputy Director of Statistical Units of Ministry of Health	Member
Director or Deputy Director of Statistical Units of Ministry of Public Works and Transport	Member
Director or Deputy Director of Statistical Units of Ministry of Culture and Fine Arts	Member
Director or Deputy Director of Statistical Units of Ministry of Tourism	Member
Director or Deputy Director of Statistical Units of Ministry of Women Affairs	Member
Director or Deputy Director of Statistical Units of Ministry of Labor and Vocational Training	Member
Director or Deputy Director of Statistical Units of Secretariat of Public Service	Member
Director or Deputy Director of Statistical Units of Secretariat of Civil Aviation	Member
Director or Deputy Director of Statistical Units of National of Bank	Member
Director or Deputy Director of Statistical Units of the Council for the Development of Cambodia	Member
Director or Deputy Director of Statistical Units of Customs and Excise Department	Member
Director or Deputy Director of Statistical Units of Tax Department	Member

**Article 18:** Statistics Coordination Committee shall have at least a meeting in every 3 months. Members of the Statistics Coordination Committee shall participate in the meeting as invited by the Chairman.

Statistics Coordination Committee shall have at least half of all the members to conduct every meeting. In case there is a lack of members in the first meeting, there will be no consideration on the numbers of participants on the second meeting.

The decisions of the Statistics Coordination Committee in the meeting shall be approved by considering the majority of the participants.

The Chairman of the Statistics Coordination Committee has the right to approve the decision in case there is an equal vote.

All the meetings of the Statistics Coordination Committee shall be recorded.

**Article 19:** Statistics Coordination Committee has the rights to use the seal of the National Institute of Statistics of the Ministry of Planning.

General Statistics Department of the National Institute of Statistics is the Secretariat of Statistics Coordination Committee.

**Article 20:** Statistics Coordination Committee has the duties to help the National Institute of Statistics in the tasks pertaining to:

- The formulation of Statistical Policies, Procedures, and Regulations pertaining to National Statistics System and Official Statistics;
- The integration of National Statistics System through effective coordination and cooperation in the statistical activities and development between Designated Statistical Units including National Institute of Statistics in order to be responsible in producing and disseminating the Official Statistics;
- The improvement and expansion of National Statistics System and Official Statistics for public purposes;
- The prioritization of annual, medium and long-term working programs that should be chosen, pertaining to the main aspects of official statistics provided by the National Institute of Statistics and Designated Statistical Units;
- The preparation and updating of Statistical Master Plan;
- Making plans for conducting population, agricultural, and establishment census;
- The establishment of a register of business or population frame, a register of administrative data sources, and the statistics pertaining to National Statistics System; and effectively maintain and update it on an annual basis;
- Cooperative Agreement and coordination between ministries, institutions, and Royal Government organizations on the exchange of data and the regular submission of timely and reliable official statistics;
- The establishment of Periodic or Permanent Statistical Technical Group for any statistics or other statistics related to the National Statistics System and Official Statistics;
- The promulgation and the implementation of classification and the Statistics Standard pertaining to the Official Statistics;
- The raising of budget and human resources planning for the Designated Statistical Units including National Institute of Statistics for the leading to conducting census and survey, producing, and disseminating Official Statistics for public purposes.

**Article 21:** Statistics Coordination Committee has the right to establish Periodic or Permanent Statistical Technical Group to settle any statistical technical matters that require control, studies, and detail discussion.

Statistics Coordination Committee will determine the referential conditions stipulated the duties and report forms on the achievements of each Statistical Technical Group.

Each Statistical Technical Group shall organize the following compositions:

- |  |               |
|--|---------------|
| - One member of Statistics Coordination Committee  | Chairman      |
| - One Director or Deputy Director of National Institute of Statistics  | Vice-Chairman |
| - Other members from relevant Ministries, Institutions, and Royal Government Organizations including National Institute of Statistics, with the members not more than 5 as determined by the Statistics Coordination Committee | Member        |

## CHAPTER V

### RIGHTS AND OBLIGATIONS

**Article 22:** National Institute of Statistics, conforming to the Statistics Law and relevant Sub-decree, shall collect:

- Statistical information necessary for the purpose of compiling and analyzing of Designated Official Statistics;
- Additional statistical information required by the Royal Government for the Planning and Policy-making objectives;
- Statistical information pertaining to the issues determined in writing by the Minister of Planning.

The Designated Statistical Units, conforming to the Statistics Law and this Sub-decree, shall collect necessary information for the purpose of compiling and analyzing of Designated Official Statistics responsible by those Statistical Units.

**Article 23:** Director-General or Director of Designated Statistical Units shall compile and analyze the collected statistical information under the legal power of Statistics Law and this Sub-decree and shall publish and disseminate the achievements of those compiles and analyses or summaries. Those achievements or summaries will not be published or disseminated in a way that can lead to the recognition of identity of any staff or organization.

**Article 24:** Statistical Officers who are given rights to perform the statistical tasks, referring to the Statistics Law and relevant Sub-decree, shall sign the contract, with witnesses, to ensure:

- Honesty
- The secret of any personnel information obtained from the respondents
- The information collected shall be used for the Statistical purposes only.

**Article 25:** In special case, the minister of Planning can make decision in writing to provide a level of any personnel information as requested by the Director-General or Director of Designated Statistical Units in writing.

Decisions of the provisions pertaining to:

- a. Individuals that request for information
- b. Agreement from the respondents
- c. Confirmation of periods and conditions of utilizing the provided information such as no divulging of information to any other persons

Information containing personal characteristics of respondents shall not be distributed in a way that can lead to the recognition of identities.

Information on the number of Business registration; name, address, location and type of legal designation; production, number of employees, or other non-fixed levels of Agricultural Organizations and Enterprises; and other organizations required by the National Institute of Statistics and Designated Statistical Units to establish census and survey frame for the purpose of active leading in data collection and compiling of National and Local Official Statistics are not required to be agreed by the respondents.

**Article 26:** Statistical Officers of the Ministry of Planning or Designated Statistical Officers, referring to Article 23 and 24 of Statistics Law, shall show their mission letters, official identity cards, and can enter the dwellings or places of residents including houses or any part of other premises that is separately occupied and any other places with the consent of the owners or residents at proper time for the purposes of:

- a. Providing questionnaires or statistical forms to individuals to complete
- b. Collecting questionnaires or statistical forms which have been completed
- c. Interviewing and fulfilling other work for statistical purposes

**Article 27:**

- a. Director-General or Director of Designated Statistical Units has the rights and obligations as follows:
  - Organizing questionnaires or statistical forms pertaining to the collection of statistical information related to specific issues.
  - Can make a required letter to specific professional and responsible individuals to complete the questionnaires or statistical forms following the instruction of completion

- b. Director-General or Director of Designated Statistical Units or Designated Statistical Officers can:
  - Make individuals complete and provide statistical information following the writing or oral instructions.
  - Take necessary measures to encourage individuals to completely fill in the questionnaires or statistical forms as instructed
- c. Director-General or Director of Designated Statistical Units can issue an announcements enclosed with questionnaires or statistical forms to post to individuals or hand to individuals by the representative statistical officers. Individuals who have received the questionnaires or statistical forms shall responsibly fill in complete answers as instructed and send the questionnaires or statistical forms to the General-Director or Director of Designated Statistical Units in a period not more than 14 work-days from the date of receiving the questionnaires or statistical forms.
- d. The announcement of the Director-General or Director of Designated Statistical Units shall verify the penalties as stipulated in Article 28 and 29 of Statistics Law.

**Article 28:**

- a. Director-General or Director of Designated Statistical Units or Designated Statistical Officers can ask the individuals to answer any necessary questions orally or in writing;
- b. Director-General or Director of Designated Statistical Units determined by writing or by himself or by appointing statistical officers as representatives can instruct individuals to provide the answers to any necessary questions not more than 14 work-days from the date of receiving the questions;
- c. The questions of Director-General or Director of Designated Statistical Units shall verify the penalties as stipulated in Article 28 and 29 of Statistics Law.

**CHAPTER VI****PENALTIES**

**Article 29:** Any individual violates the provisions of Article 25, 27, and 28 of this Sub-decree shall be punished under the Penal Code in force.

**Article 30:** Any individuals receiving the questionnaires or statistical forms to complete in a limited period as stipulated in Article 27 c or Article 28 b of this Sub-decree still has the obligations to successfully fulfill this assignment.

**CHAPTER VII****FINAL PROVISIONS**

**Article 31:** Any provisions contrary to this Sub-decree shall be considered null and void.

**Article 32:** Minister in charges of Office of Council of Ministers, Minister of Planning, Minister of Economy and Finance, Ministers, Secretary of State of all ministries and Secretariat of State, and Directors of relevant Royal Government Institutions shall implement this Sub-decree from the date of the its signature.

Phnom Penh, 26 January, 2007

Prime Minister

Signature and seal: **HUN SEN**

Cc:

- The Ministry of the Royal Palace
- The General Secretariat of Senate
- The General Secretariat of National Assembly
- The General Secretariat of Royal Government
- The Cabinet of Samdech Prime Minister
- The Cabinet of H.E. Deputy Prime Minister
- As in Article 32
- Royal Affair (Reach Kech)
- Archives - Chronicles

26. **Decision # 110c M (MPWT) on Port Dues & Stevedoring Charge Tariff (September 1987) + Prakas # 239 M.T. (May 08, 1993)**.....2-115

**THE MINISTRY OF PUBLIC WORKS AND TRANSPORT**

**PHNOM PENH PORT AUTHORITY**

**PORT DUES & STEVEDORING CHARGE TARIFF**

- The Decision No 110c M dated September 1987
- Prakas No 239 M.T. Dated 08. 05. 93

**I. NAVIGATION CHARGES & DUES**

1. Navigation charge shall be: US\$ 0.13 X GRT X 2 (for each entry and departure)
2. Berthing charge shall be:

A: For cargoes vessels berthing less than 2 days:

- a. At quay : US\$ 0.23 X GRT
- b. At buoy : US\$ 0.10 X GRT
- c. At anchorage : US\$ 0.05 X GRT

B: For Tourist and Service vessels:

- a. At quay : US\$ 0.003 X GRT X hrs
- b. At buoy : US\$ 0.001 X GRT X hrs
- c. At anchorage : US\$ 0.0005 X GRT X hrs

For cargo-vessels discharging or loading more than 5 days shall apply Point A for the first period of time, and over this period of alongside to surplus in Point B. In case of receiving of harbor-sailing order but still occupying a berth, the vessels shall be fined as follow:

- a. At quay : US\$ 0.70/ meter/hrs
- b. At buoy : US\$ 50.00/ hrs

3. Channel due:

For commercial vessels shall be : US\$ 0.31 X GRT X 2  
 For lighter carrier : US\$ 0.16 x GRT

4. Pilotage charge (for each entry and departure)

(Minimum charges US\$ 100 00)

- a. US\$ 0.003 X GRT X 9 miles (for commercial sea port)
- b. US\$ 0.03 X GRT (for refinery port)
- c. US\$ 0.017 X GRT (for each shifting)

5. Tug assistance charges by the registered tonnage of vessel:

Kind of Vessels	Tug assistance charge US.\$ / hrs
Vessel below 1.000 GRT	83.00
Do- from 1.001 to 4.000	149.00
Do- from 4.001 to 10.000	165.50
Do- from 10.001 to 15.000	215.00
Above 15.000 GRT every subsequent of 1.000 GRT to be charged in additional to	18.00

6. Mooring & Unmooring by GRT of the vessel:



Kind of Vessel	mooring and unmooring	
	At quay	At buoy
GRT bellow 1.000	16.50	50.00
From 1.001 to 4.000	33.00	83.00
From 4.000 to 10.000	50.00	110.00
From 10.001 to 15.000	66.00	132.00
Abov3 15.001	83.00	149.00

## 7. Charge for opening and closing hatches:

Kind of Vessel	Tariff for each opening or closing	
	Hatch without beam	Hatch with beam
Below 5.000 GRT	13.00	26.00
From 5.001 to 10.000	32.00	46.00
Above 10.000	36.00	73.00

## 8. Charge for cleaning and sweeping hatches:

Kind of Vessel	Innocuous – cargo	Dangerous & Poisonous cargo
Kind of vessel by GRT		
Below 5.000 GRT	33.00	53.00
From 5.001 to 10.000	41.00	83.00
Above 10.000	56.00	116.00

## CHARGES FOR SWEEPING AND WASHING SHIP'S DECKS:

- A. with water supply by ship: US\$ 0.17 /m<sup>2</sup>  
 B. with water supply by port: US\$ 0.20 /m<sup>2</sup>

## 9. Charges for dumping service (garbage removal charges):

- A. At quay US\$ 2.50/ times  
 B. At buoy US\$ 3.75 / times

## 10. Fresh water charges:

- Supplied from hydrant at quay US\$ 2.50/ m<sup>3</sup>  
 - Supplied by truck US\$ 3.75 /m<sup>3</sup>

## 11. Other charges:

- Clearance fee US\$ 100.00/ vessel  
 - Watchman US\$ 1.60/ person/ hrs

**II. STEVEDORING CHARGES**

- Charges for discharging or loading cargoes

## 1. Ship's hold over ship's rail using ship's gear:

N <sup>o</sup>	CATEGORY OF CARGO	US. \$
1	- Cargo in bulk, mental, ores gravels, block stone, food fertilizer, salt, raw, sugar	1.46
2	- Cargo in bags packed in cotton, jute, paper, rad-nylon rash bags	1.58
3	- Machinery equipment, empty container, empty drums, empty case log wood	2.12
4	- Cargo in drums, in cases or in bundles, coins bars, plates	2.32
5	- Cargo in bales (raw cotton, raw jute humps, rush paper, textiles, clothing materials, household utensils sun dried).	2.45
6	- Sawn timber, flooring stripes, wooden & bamboo wares	2.52
7	- Cargo in baskets	2.65
8	- Fragile materials cargo, in bottles, glass, ceramic, pots. TV camera sets valuable	2.81

9	cargo	
10	- Fresh fruit, livestock, frozen products	2.92
	- Special and valuable cargo (gold, silver, diamond motor car, trucks, heavy weight and long construction material)	4.97

2. Charge for cargo operation other than above, and increase rate to Point 1 shall be applied as follows:

- (a) Discharge cargo at anchorage at buoy 50%
- (b) From ship onto trucks, wagon or vice-versa 50%
- (c) Moving or shifting cargo in hold the same ship 30%
- (d) From warehouse or open space to trucks or vice-versa 35%
- (e) Discharging from ship to warehouse or open space or vice-versa 100%
- (f) Warehouse or open space to wagon or vice-versa 50%
- (g) From ship to ship or barge 75%

3. For over length and weight (except containers)

The rate to increase to Point 1 shall be applied as follows:

- (a) Discharging cargo in hold which dept over 3 m 100%
- (b) For cargo caked or hardened which require picking splitting 40%
- (c) For cargo in small cases packed, drums below 10kg 30%
- (d) Discharging in cool holds from 10c to 0c an increase 50%
- (e) Discharging or loading run through the scales to be pluses US\$ 0.50/ton 100%
- (f) In case of consignee bring the equipment or labors for operated the cargo (loading or discharging) the consignee must be paid 20 % to the for over-weight and over-length

N°	Weight or length of package of cargo	Rate increase
1	Weight from 5 t to 10t	50%
2	-do-from 10t to 20t	100%
3	Over 200t	200%
4	Length from 12 m up to 16 m	50%
5	-do-from 16 m up to 20m	100%
6	Over 20m	200%

- In case of discharging or loading cargo using port's mobile crane increase (except no ship's crane) US\$ 1.00/ ton
- Dangerous and poisonous cargo increase 50%
- Night shift from 06.00PM to 12.00 increase 25%
- Night shift from 00.00 hrs to 06.00 increase 50%
- Holiday and Sunday increase 50%

4. Storage charges (except containers)

- a: In warehouse US\$ 0.20 /day or US\$ 0.25 /m2 /day
- b: In open space US\$ 0.10 /day or US\$ 0.125 /m2 /day

**III. OTHER CHARGES**

**CONTAINER HANDLING CHARGES**

**1- Stevedoring Charge:**

<u>A- Quay-CY, CY-Quay</u>	20'	40', 40'HU, 45'
-Full CNTR	US\$49.00/Unit	US\$74.00/Unit
-Empty CNTR	US\$26.00/Unit	US\$37.00/Unit

B- Crane Charge

	20'	40', 40'HU, 45'
-Full CNTR	US\$16.00/Unit	US\$62.00/Unit
-Empty CNTR	US\$10.00/Unit	US\$16.00/Unit

**2- LIFT-ON / LIFT-OFF (CY –TRUCK OR TRUCK-CY):**

	20'	40', 40'HU, 45'
-Full CNTR	US\$46.00/Unit	US\$62.00/Unit
-Empty CNTR	US\$23.00/Unit	US\$44.00/Unit

**3- STUFFING OR UNSTUFFING OF CNTR:**

	20'	40', 40'HU, 45'
	US\$50.00/Unit	US\$100.00/Unit

**4- STORAGE CHARGE:**

- For import cargoes: 7days free of charge after completion of discharging from vessel.
- For export cargoes: 5days free of charge from the moment the cargoes come to store yard.

	20'	40', 40'HU, 45'
-Full CNTR	US\$3.00/Unit	US\$6.00/Unit
-Empty CNTR	US\$1.20/Unit	US\$2.00/Unit

**5- TRUCKING (round trip)**

	20'	40', 40', HU, 45'
-Full CNTR	US\$50.00/Unit	US\$65.00/Unit (Include Vat 10%)

**6- TALLY FEE**

- All import laden containers are object to tally fee of US\$1.00/Unit.

**7- THE GOVERNMENT INCOME TAX:**

- All the cost presented above are not included VAT 10%
- All taxes will be carried out in accordance with the law of the Royal Government of Cambodia.

\*Remark:

- Phnom Penh Autonomous Port Collect Lo/Lo CNTR one way only.
- The following rates have been offered to any shipping Lines according to their quantity in TEUs provided through P.P.A.P.

CNTR	From3001TEUS-7000TEUS	From 7001TEUS-12000TEUS	From12001TEUS-17000TEUS	From17001TEUS UP
LADEN20'	US\$46.00	US\$44.00	US\$41.00	US\$39.00
EMPTY20'	US\$24.00	US\$23.00	US\$22.00	US\$20.00
LADEN40'	US\$70.00	US\$66.00	US\$62.00	US\$59.00
EMPTY40'	US\$35.00	US\$33.00	US\$31.00	US\$29.00

27. **Decision # 10 (RGC) on Prevention of Illegal Activities at the Beach of Sihanoukville**  
 (February 27, 2004).....2-119

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 10 SSR**

**SACH KDEY SAMRACH (DECISION)**  
**ON**  
**PREVENTION OF ILLEGAL ACTIVITIES AT THE BEACH AREAS**  
**OF SIHANOUKVILLE MUNICIPALITY**

February 27, 2004

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree NS/RKT/1198/72 of November 30, 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 of July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Pursuant to recommendation of Samdech Prime Minister of year 2000 regarding those people living along the Tomnop Rolok area;
- Pursuant to the minutes of the Inter-Ministerial Committee and the Organizing Committee of Municipal Beauty, dated February 03, 2004;
- To ensure that the management and use of beach areas are sustainable;

**IT IS HEREBY DECIDED:**

**Article 1:** All illegal activities at the beach areas of Sihanoukville Municipality, in which there have been affected and destroyed environment and ecological system of beach areas, shall be immediately stopped at the points below:

1. To fill land into the sea at two locations situated in Ream beach area in Ong village, Sangkat Ream, Khan Prey Nup;
2. To fill land into the sea at the Tomnop Rolok village (fish sauce handicraft area) at Points A<sub>1</sub>, A<sub>2</sub>, A<sub>3</sub>, A<sub>4</sub> as designated by Working Group of Sihanoukville City Hall, dated February 04, 2004 and at another location in Prek Traing Beach area (opposite the pumping station).

**Article 2:** With respect to the land in which there has already been filled as prescribed in Article 1 above, the Sihanoukville Municipal Authority shall manage that land and use it for the sake of the public interest.

**Article 3:** The Minister in charge of the Office of the Council of Ministers, the Co-Minister of Interior, the Minister of Environment, the Minister of Land Management, Urban Planning and Construction, the Minister of Tourism, the Ministers and Secretaries of State of relevant ministries-institutions, and Sihanoukville municipal Governor shall effectively cooperate and implement this Decision respectively from the date of signature.

Phnom Penh, February 27, 2004  
 Prime Minister  
 Sealed and Signed: **HUN SEN**

28. **Decision # 32 SSR (RGC) on the Establishment of Committee to Manage the Registration of Vessels/Ships with Cambodian Nationality (March 21, 2003)** .....2-120

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 32 SSR**

**SACH KDEY SAMRACH (DECISION)**  
**ON**

**THE ESTABLISHMENT OF COMMITTEE TO MANAGE THE REGISTRATION  
OF VESSELS/SHIPS WITH CAMBODIAN NATIONALITY**

March 21, 2003

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/1198/72 dated 30 November 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Pursuant to the need of the Royal Government in managing vessel/ship with Cambodian Nationality;

**IT IS HEREBY DECIDED:**

**Article 1:** To establish a committee for managing the registration of vessels/ships with Cambodian nationality with composition as follows:

1. H.E **SENG LIMNEOU**, the Under-Secretary of State of the Council of Ministers, as Chairman;
2. H.E **NHIEN LENG**, the Under Secretary of State of the Ministry of Economy and Finance, as Vice-Chairman;
3. H.E **LENG THORN YUTHEA**, Director General of the Transport of the Ministry of Public Works and Transport, as member;
4. Dr. **CHEA VANDETH**, an Assistant to H.E Senior Minister **SOK AN**, as member;
5. H.E **KHUY HEANG**, Deputy Director of the Department of Communication and Post, as member

**Article 2:** The committee shall have the duty to manage the registration of sea vessel and to improve status of vessels/ship hoisted Cambodian flag in order to restore the reputation/dignity of Cambodia.

**Article 3:** The committee shall implement in accordance with the spirit of the agreement, which was executed between the representative of the Royal Government of Cambodia and the company in charge of registering the high seas vessels/ships of Cambodia. The committee shall have the duty to follow up and to oversee the implementation of the Agreement of the high seas vessel registration Company of Cambodia.

**Article 4:** This committee has the right to use the seal of the Office of the Council of Ministers on its official letters.

**Article 5:** Any provisions, which are contrary to this decision, shall be deemed abrogated.

**Article 6:** The Minister in charge of the Office of the Council of Ministers, the Minister of the Economy and Finance, the Minister of Public Works and Transport, Their Excellencies as in article 1 shall effectively implement this decision from the date of signature onward.

Phnom Penh, 21 March 2003

Signed and stamped: **HUN SEN**

**Cc:**

- The Ministry of the Royal Palace
- The Secretariat General of the Senate
- The Secretariat General of the National Assembly
- The Cabinet of Samdach Prime Minister
- As in Article 6
- Document-Archive

29. **Decision # 50 SSR (RGC) on the Establishment of Bid Evaluation Commission in Selecting Company for Managing Vessels/ Ships with Cambodian Nationality**  
 (October 21, 2002) .....2-122

**THE ROYAL GOVERNMENT OF CAMBODIA**  
**No: 50 SSR**

**SACH KDEY SAMRACH (DECISION)**  
**ON**  
**THE ESTABLISHMENT OF BID EVALUATION COMMISSION**  
**IN SELECTING COMPANY FOR MANAGING**  
**VESSELS/SHIPS WITH CAMBODIAN NATIONALITY**

October 21, 2002

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/1198/72 dated November 30, 1998 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Sub-Decree No. 60 ANK/PK dated July 31, 1995 on Governing of Public Procurement;
- Pursuant to the need of the Royal Government in selecting company for managing vessels/ships with Cambodian nationality

**IT IS HEREBY DECIDED:**

**Article 1:** To establish Bid Evaluation Commission in selecting company for managing vessels/ships with Cambodian nationality.

1. H.E **SENG LIMNEOU**, the Under-Secretary of State of the Council of Ministers, as Chairman;
2. H.E **NHEAN LENG**, the Under-Secretary of the Ministry of Economy and Finance, as Vice-Chairman;
3. H.E **LENG THORN YUTHEA**, General Director of Transport of the Ministry of Public Works and Transport, as Member;
4. Dr. **CHEA VANDETH**, Assistant to H.E. Senior Minister Sok An, as Member;
5. Mr. **KHUY HEANG**, Deputy Chief of the Communication Department, as Member

**Article 2:** The commission shall have the duty to examine, research, and evaluate the bidding in selecting company, which has reliable experience and capacity in managing vessels/ships with Cambodian nationality.

**Article 3:** Their Excellencies as listed in Article 1 shall be in charge of implementing this Decision from date of signature.

Phnom Penh, October 21, 2002  
 Prime Minister  
 Sealed and signed: **HUN SEN**

Cc:

- The Cabinet of Samdech Prime Minister
- The Office of the Council of Ministers
- The Ministry of Economy and Finance
- The Ministry of Public Works and Transport
- Document-Archive

30. **Inter-Ministerial Prakas # 561 (MEF+MPWT) on Management of Rental Fees and Fees for Using Domestic Port, Passenger Terminal and Phnom Penh Port Center (September 6, 2002).....2-123**

**THE MINISTER OF PUBLIC WORKS AND TRANSPORT  
 THE SENIOR MINISTER,  
 MINISTER OF ECONOMY AND FINANCE  
 No: 561 IM/PK**

**PRAKAS ORN-TARAK KROSOUNG (INTER-MINISTERIAL PRAKAS)  
 ON  
 MANAGEMENT OF ROYALTIES AND FESS FOR USING DOMESTIC DOCK/PORT,  
 PASSENGER TERMINAL AND PHNOM PENH PORT CENTER**

Phnom Penh, September 06, 2002

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/ 1198 / 72 of November 30,1998 on the Appointment of the Royal Government;
- Having seen the Royal Kram No. NS/RKM/01/96/03 of January 24, 1996 on the Establishment of the Ministry of Public Works and Transport;
- Having seen Sub-Decree No. 14 ANK/PK of March 03, 1998 on the Organization and the Functioning of the Ministry of Public Works and Transport;
- Having seen Sub-Decree No. 02 ANK of January 31, 1986 on Determination of Business Center of Phnom Penh Port;
- Having seen Sub-Decree No. 51 ANK/PK of July 17, 1998 on the Establishment of Phnom Penh Autonomous Port;
- Having seen Sub-Decree No. 103 ANK/TT of March 12, 2001 on the Appointment of the Board of Directors of Phnom Penh Autonomous Port;
- Pursuant to the approval of the Board of Directors of Phnom Penh Autonomous Port in the 1<sup>st</sup> mandate of the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> sessions;
- Pursuant to the urgent need, royalties and fees for using domestic ports, passenger terminal and Phnom Penh Port Center shall be fixed /charged.

**IT IS HEREBY DECIDED:**

**Article 1:** The Phnom Penh Autonomous Port shall be authorized to apply the table of fees for carrying/lifting goods and using domestic ports/docks, passenger / tourist terminal and Phnom Penh Port Center to customers, who are the owners of goods and transportation means, passengers / tourists or persons operating business, service and other productions at Phnom Penh Port Centre and within the premises of domestic ports/docks.

This Prakas (Proclamation) shall not specify/cover service fees in terms of imported/exported goods, and the implementation of fees at the International Port of the Phnom Penh Autonomous Port.

**Article 2:** Phnom Penh Autonomous Port shall undertake/be responsible for services as requested and required by customers by using all its opportunities and means. If there are freelance laborers/porters and services are hired to work in the Phnom Penh Autonomous Port, those laborers/porters shall be classified into groups and be subject to a direct supervision / control of the Phnom Penh Autonomous Port.



The income received from services of the freelance laborers, which is under the direct management of the Phnom Penh Autonomous Port, shall be paid 40% to the port when unloading goods from ships and 50% when loading goods into ships in accordance with the basic rate chart.

**Article 3:** The customers, who are owners of goods and of those who use their own workers to lift/remove goods, shall be required to obtain permission from the Phnom Penh Autonomous Port and shall pay 20% of their income to the Port based on the basic rate chart.

**Article 4:** Phnom Penh Autonomous Port shall organize the port/dock to enable domestic water transportation means to orderly dock in the port center and collect fees of using port and wharfs fees (wharfage) imposed on all of those transportation means.

Any transportation means by water / ship found not to dock at the designated dockyard shall be subject to a fine with full amount of 100% of fees for loading and unloading goods and fees for using port (dues).

**Article 5:** Phnom Penh Autonomous Port shall be in charge of organizing buildings, warehouses, land areas/premises, and water surface in the business center of the Phnom Penh Port to have orderliness, beauty and sanitation, and shall charge fees from those who use the facilities or operate business within the Port Center.

**Article 6:** Fees of using port shall be exempted for:

- Boat of the Royal Palace
- Boats, motored boats, ships etc...of the State's entities with mission letter;
- Offices of the State entities monitoring traffic and protecting security;
- Boats, motored boats, ferry/ferry boats docking for a short time at the port to avoid storm or other natural disaster.

**Article 7:** Fees for lifting/carrying goods without using machineries, fees for stocking and maintaining goods, fees for using terminal and wharf, fees for using terminal and wharf outside the international port, fees for docking pass at domestic port and fees for billboard, royalties and fees for using passenger/tourist terminal and other fees imposed by the Phnom Penh port center Port shall be fixed as specified by the attached table.

**Article 8:** Fees which are not fixed above, the clients and the port itself shall discuss and arrange/determine appropriate fees to ensure the challenge work.

**Article 9:** Any previous provisions which are contrary to this Prakas shall be deemed null and void.

**Article 10:** The Director of Cabinet, the Accounting and Financial Department, The General Director of Transportation, the General Director of the Phnom Penh Autonomous Port shall be responsible for the implementation of this Prakas from the date of signature.

Senior Minister  
 Minister of Economy and Finance  
 Sealed and Signed: **KEAT CHHUN**

Minister  
 Minister of Public Works and Transport  
 Sealed and signed: **KHY TAING LIM**

**Cc:**

- The Office of the Council of Ministers
- The Ministry of Interior
- The Phnom Penh City Hall
- The Kandal Provincial Governor's Office "for information"

31. **Prakas # 234 (MPTC) on the Use of Transportation Logbook of Goods and Passengers by Land, by Water and by Sea (July 24, 2002)** .....2-125

**THE MINISTER OF PUBLIC WORKS AND TRANSPORT**  
**No: 234 PK**

**PRAKAS (DECLARATION)**  
**ON**  
**THE USE OF TRANSPORTATION LOGBOOK OF GOODS**  
**AND PASSENGERS BY LAND, BY WATER AND BY SEA**

Phnom Penh, July 24, 2002

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree of His Majesty Preah Bath Samdech Norodom Sihanouk, the King of the Kingdom of Cambodia, No. NS/RKT/ 1198/72 of November 30, 1998 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. NS/RKB/0196/03 of April 24, 1996 on the Establishment of the Ministry of Public Works and Transport;
- Having seen the Sub-Decree No. 14 ANK/PK of March 03, 1998 on the Organization and the Functioning of the Ministry of Public Works and Transport;
- Pursuant to the request of the General Department of Transportation;

**HEREBY DECIDES:**

**Article 1:** A transportation logbook of goods and passengers by land, water and sea shall be created in order to follow up/keep track quantity of transportation of goods and passengers throughout the Kingdom of Cambodia.

**Article 2:** The transportation logbook shall be characterized as follows:

**\* Overland:**

- The book size is recommended 25.5 cm by 18 cm with a caption written in a capital letters on the front cover reading as “Transportation Logbook of Goods or Passengers”
- Be composed of 26 pages, exclusive of covers of both sides;
- On the first page input is marked with: *Instruction on how to use the book*;
- From Pages 15 to 16, the inputs are listed as: Types of Goods, Outcomes of Annual Implementation, and Conclusion;
- From Pages 17 to 26, the inputs are listed as: Road Map Indicating the Distance of Driving and Transportation.

**\* By water:** (it is designed in accordance with respective specialized department)

**\* By Sea:**

- Size: 25cm x 18cm;
- Caption written on the front cover which reads as “Travel Visa Book” with logo of the Sea Trading Vessel Department with diameter of 9 cm in the middle, and followed by writings at the bottom line reading as: name of water vehicles / vehicles, license plate, total capacity and ownership;
- Consist of 32 pages, exclusive of covers of both sides. Each page consists of similar content and bears the shadow of the sign of the logo of the Department of Sea Trading Vessel with diameter of 10 cm drawn in the middle.

**Article 3:** The General Department of Transport shall instruct and publicize/disseminate to all owners of vehicles / water vehicles and drivers about formalities to record the transportation of goods and passengers and about advantages of the books before delivering/providing them for use.

**Article 4:** The owners of vehicle / water vehicles or drivers shall be required to return the transportation logbooks to the General Department of Transport after they have been recorded for one year, and shall be attached the expired former business license for renewal.

**Article 5:** The General Department of Transport shall take strict measures in conducting statistics and monitoring condition of transportation of goods and passengers by land, by water and by sea so as to reflect reasons of evolution in the transportation field, and shall be raised urgent request and submitted to the Head of the Ministry for review.

**Article 6:** The General Department of Transport shall be responsible for effectively implementing this Prakas from the date of signature.

Minister of Public Works and Transport  
Sealed and Signed: **KHY TAING LIM**

Cc:

- The Office of the Council of Ministers
- The Ministry of Interior
- All Provincial / Municipal Governors' Offices "for information"
- All provincial / municipal Departments of Public Works and Transport "for information and cooperation"
- Document - Archive

32. **Prakas # 319 (MPWT) on Boundary of Port for Ships (September 29, 2004)**.....2-127

**THE MINISTER OF PUBLIC WORKS AND TRANSPORT**  
**No: 319 PK**

**PRAKAS (DECLARATION)**  
**ON**  
**ON BOUNDARY FOR TERMINAL OF WATER VEHICLES**

Phnom Penh, September 29, 2004

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0704/124 of July 15, 2004 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. NS/RKM/0196/03 of January 24, 1996 on the Establishment of the Ministry of Public Works and Transport;
- Having seen the Sub-Decree No. 14 ANK/PK of March 03, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- Having seen the Sub-Decree No. 02 ANK/PK of January 31, 1986 on Determination of Business Center of the Phnom Penh Autonomous Port;
- Having seen the Sub-Decree No. 51 ANK/PK of July 17, 1998 on the Establishment of Phnom Penh Autonomous Port;
- Having seen the Sub-Decree No. 64 ANK/PK of July 09, 2001 on Determination and Management of Inspecting Office at the International gates, international border gates, bilateral border gates, border area gates and sea port gates across the Kingdom of Cambodia;
- International convention for the Safety of Life at Sea in 1974 and the Amendments of this Convention;
- To increase and strengthen management rules of security, safety of ships, port security and order of water vehicles;

**HEREBY DECIDES:**

- Article 1:** All commercial and tourism ships internationally transporting by water to the Kingdom of Cambodia shall be required to dock at the Phnom Penh International Port, where is the main/targeted port. Docking at other ports other than the targeted port shall be required to have prior authorization from the port.
- Article 2:** Domestic and international water vehicles operating business or using water surface, where located in the Business Center of the Phnom Penh Autonomous Port, shall be required to pay tax in accordance with the Inter-Ministerial Prakas No. 561 SHVTR, dated September 06, 2002, and the Decision No. 110 SSR, dated September 09, 1987, of the Office of the Council of Ministers, on Promulgation of the Determination of Tax and Fees of Port from Foreign Ships.
- Article 3:** The Phnom Penh International Port shall take measures and prevent against any offenses of the transportation means including avoidance of docking at port or docking at other ports without authorization, which would cause trouble of disorder, safety, security and tax revenues.
- Article 4:** The Director of Cabinet, the General Director of Administration, the General Director of Public, the General Inspector, the relevant units and the General Director of the Phnom Penh Autonomous Port shall effectively implement this Prakas.

Phnom Penh, September 29, 2004  
Minister

Sealed and signed: **SUN CHANTHOL**

Cc:

- The Office of the Council of Ministers
- The Ministry of Interior
- The Ministry of Economy and Finance “for information”
- The Phnom Penh City Hall
- The Kandal Provincial Governor’s Office
- The Prey Veng Provincial Governor’s Office
- The Kampong Cham Provincial Governor’s Office
- The Kampong Chhnai Provincial Governor’s Office
- The Siem Reap Provincial Governor’s Office
- The Phnom Penh Autonomous Port “for implementation”
- Document - Archive

33.	<b>Prakas # 003 (MPWT) on An Act for the Registration of Merchant Vessels</b> (January 10, 1994).....	2-129
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**THE SENIOR MINISTER  
AND MINISTER OF PUBLIC WORKS AND TRANSPORT  
No: 003 PK**

**PRAKAS (DECLARATION)  
ON  
AN ACT FOR THE REGISTRATION OF MERCHANT VESSELS**

Phnom Penh, January 10, 1994

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Law with regard to the Organization and Functioning of the Council of Ministers, promulgated by the Royal Code dated July, 20, 1994;
- Seen the Royal Code No. 901NS/902/NS dated September, 13, 1954;
- Seen the Royal Decree No. 683 PK dated December, 30, 1961;
- Seen the Royal Code No. 403/69 PK dated October, 4, 1969;
- Seen the Royal Decree of Samdech Norodom Sihanouk Varaman, the King of Cambodia, dated November, 1, 1993 on the Appointment of the Council of Ministers of the Kingdom of Cambodia;
- Upon the proposal of the Director General of Transport;

**IT IS HEREBY DECIDED:**

**Article 1:** To establish an Act regarding the supervision and registration of merchant vessels in the Kingdom of Cambodia.

**SECTION 1  
PRELIMINARY**

**Article 2:** This Act may be cited as the Merchant Shipping (Registration) Act 1994.

**Article 3:** In this Act, unless the context otherwise requires:  
“Agent” means any private organization designated to exercise any of the powers or functions as delegated by any appropriate department in this act.

“Appropriate Department” means the respective Ministry of Department of the Royal Government of the Kingdom of Cambodia that has direct jurisdiction in that particular subject or context.

“Department” means the Merchant Marine Department (MMD) of the Kingdom of Cambodia.  
“Cambodian Ship” means any vessel registered with the Department under the provision of this Act.

“*Consul or Consular Agent*” means an officer appointed by the Royal Government of the Kingdom of Cambodia, and he/she performs as a representative in a foreign country. This agent includes any person or organization appointed by the concerned department for exercising the functions of a Consul or Consular Agent under this Act.

“*Court*” is defined in relation to any proceeding means that any court in Cambodia hold jurisdiction in the matter to which the proceedings relates.

“*Director*” means the Director of Maritime Affairs. This includes all deputy directors appointed under the provision of this Act.

“*Dollar*” means the United States Dollar (Currency).

“*Foreign Trade*” means the trade between Cambodia and a foreign country or between one foreign country and another. This includes the transportation of goods between Cambodian ports and the ports of any foreign country and between the ports of one foreign country and another.

“*Minister*” means the Minister of Public Works and Transport.

“*Native Sailing Ship*” means any wooden ship of primitive build and not fitted with any mechanical means of propulsive of limited gross tonnage as may be determined by the concerned department from time to time.

“*Private Person or Persons*” means any person who is not directly under employment of the concerned department and a private organization may be included.

“*Tonnage*” means the net registered tonnage and shall be the tonnage denoted in the registry certificate.

## SECTION 2

### ADMINISTRATION

#### Article 4:

- (1) There is hereby created in the Kingdom of Cambodia a Merchant Marine Department (MMD), hereinafter referred to in this Act as the “Department”.
- (2) The Department shall be empowered to make a review, revise, promulgate and enforce rules, regulations, orders and other subordinate instruments which are necessary and proper to carry out the provisions of this Act.
- (3) No matter or thing done and no contract of any kind entered by the department or by any employees thereof or any person whomsoever acting under the direction of the department or as its agent shall, if the matter or thing was done or the contract was brought into bona fide for the purpose of carrying out the provisions of this Act, subject any such member of the department or employee or any person acting under the direction of the department or as its agent personally to any action, liability, claim or demand whatsoever in respect thereof.
- (4) Subject to the provisions of this Act, the department may carry on such activities as appearing to the department to be advantageous, necessary or convenient for it or carry on or in connection with the discharge of its duties under this Act.

- (5) Notwithstanding the provisions of paragraph (4) of this Article, the department may, with the approval of the Minister, carry on such activities, as the department may, from time to time, consider expedient.
- (6) The Minister may, after consultation with the department, give to the department directions of general character, not inconsistent with the provisions of this Act, as to the exercise and performance by the Department of its functions and the department shall give effect to any such direction.

**Article 5:**

- (1) The Minister shall appoint a person to exercise the powers and perform the duties of direction of Maritime Affairs under this Act.
- (2) The Director may appoint the Deputy Director of Maritime Affairs.

**Article 6:**

- (a) The department may delegate the Deputy Director or any designated private person or persons any of the functions to be carried out by the department under this Act;
- (b) The Director may delegate the Deputy Director or to any designated private person or persons or to any agent his powers and duties under the Act that may also be exercised in foreign ports;
- (c) The private person or persons or agent so delegated shall be construed as agent of the department and Director.

**Article 7:** There shall be maintained in the office of the Director in the Kingdom of Cambodia and in the office of the Deputy Director a central office where there shall be recorded or filed, in properly indexed public registers, all documents of the following nature:

- (a) Bill of sales and other instruments of conveyances of vessels;
- (b) Mortgages of vessels;
- (c) Assignment of mortgages;
- (d) Certificates of permanent and provisional registry and license;
- (e) Licenses and certificates of officers;
- (f) All other documents relating to vessels entitled to be recorded.

**Article 8:**

1. Any declaration of acknowledgment required to be made under this Act shall be proclaimed before:
  - (a) The Director or Deputy Director; or
  - (b) A Consul or Consular Agent of Cambodia; or
  - (c) A Diplomatic Officer of the Kingdom of Cambodia; or
  - (d) A Barrister or Solicitor; or
  - (e) A Notary Public or a Justice of the peace or a Commission of oaths or any other officers authorized competently by the laws of the place where the Declaration is made; or
  - (f) Any other fit and proper person authorized by the Minister or Director or Deputy Director for such purposes.
2. Any document purporting to have been affixed impressed or subscribed thereon or thereto the seal or signature of any person authorized under this Act to take a Declaration shall be



admissible in evidence without proof of the seal or signature of that person or of official or other status of that person.

**Article 9:**

1. The Director or Deputy Director is authorized to issue all such licenses, certificates or other documents for officers and ship's personnel on vessels registered under this Act, as are necessary or proper for carrying out the convention to which the Kingdom of Cambodia is or may become a party;
2. In carrying out the licensing, certification and upgrading of this ship's officers and personnel, the Minister upon the recommendation, the Director shall, from time to time, establish such standards, rules, and regulations as he deems necessary and appropriate.

**Article 10:** The Director or Deputy Director is authorized to issue the Ship Radio Station Licenses in respect of the radio transmitting apparatus located onboard vessels registered under this Act.

**Article 11:**

1. The Director or Deputy Director shall have power to suspend or to revoke any license, certificate, permit or document issued under the provisions of this Act.
2. The Ministry, on the Director's recommendation from time to time, may make such rules and regulations as deemed necessary and appropriate.

**Article 12:** Except where fees are stipulated under the provisions of this Act, the Ministry on the Director's recommendation by order may establish all necessary fees.

### SECTION 3

#### LAW AND JURISDICTION

**Article 13:**

1. Insofar as it does not conflict with any other provisions of this Act or any statutory law of the Kingdom of Cambodia, the non-statutory general maritime rules, regulations, standards, and conventions of the International Maritime Organization may be adopted by the department as the general maritime law in respect of all vessels registered under this Act.
2. Notwithstanding Paragraph (1) above, the Minister, on the Director's recommendation, may formally accede to any of the conventions of the International Maritime Organization. Such conventions, acceded by the Kingdom of Cambodia shall become statutory law and shall be applicable to all vessels registered under the provisions of this Act.

**Article 14:**

1. Except as expressly provided in this Act, any person who is convicted by a court of competent jurisdiction of a violation of any of the provisions of this Act or of rules and regulations shall upon conviction be liable to a fine not exceeding 5,000 dollars.
2. Notwithstanding Paragraph (1) above, the Minister on the Director's recommendation by order may establish all necessary and proper penalties for offenses committed under the provisions of this Act.

**Article 15:**

1. All causes of action arising out of, or under this Act, are hereby declared and shall be recognized before the High Court of the Kingdom of Cambodia.

2. Appeal from any decision of the Director or Deputy Director pursuant to any provision of this Act or any rules and regulations made there under, may be made to the Minister. Upon the exhaustion of administrative remedies, appeal may be taken to the High Court.

**Article 16:** The Director, Deputy Director and any agent appointed by the Director or Deputy Director under the provisions of this Act shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default by them in their capacity as Director or Deputy Director or agent.

## SECTION 4

### REGISTRATION OF VESSELS

**Article 17:**

1. No self-propelled or sailing vessel engaged in foreign trade shall fly the flag of the Kingdom of Cambodia or be accorded the rights and privileges as a Cambodian ship unless it is registered in accordance with the provisions of this Act.
2. Any vessel wherever built may be registered as a Cambodian ship under this Act.

**Article 18:** The Minister on the Director's recommendation may make regulations:

- a. to prescribe different classes of the Cambodian ship;
- b. to prescribe the conditions for the registration of a vessel as a Cambodian ship; and
- c. to require Cambodian ships to comply with such conditions as the Department may prescribe from time to time for vessels to continue to be registered as Cambodian ships under this Section.

**Article 19:** The following vessels shall not be required for registry, namely:

1. Any native sailing ships;
2. Any fishing vessels licensed by any appropriate department; and
3. Any naval vessels belonging to the Royal Cambodian Armed Forces (RCAF) or belonging to the naval, military of any other countries.

**Article 20:** Notwithstanding any of the regulations made under this section, the Minister on the Director's recommendation may subject to such conditions, as he thinks it's fit, waive any of the requirements for registration.

**Article 21:** The Minister on the Director's recommendation by order shall establish all necessary and proper registration fees and tonnage tax.

**Article 22:**

1. Except as herein otherwise provided, the tonnage tax on vessels shall be due on the first day in January of each year.
2. Upon the failure to pay the tonnage tax as provided in Paragraph (1) of this Article, the Director or Deputy Director may invalidate the certificate of registry of the vessel with respect to which such tax is payable.
3. No bareboat charter certificate of registry shall be issued for a vessel registered under this Act unless a sum equal to two years' annual tonnage tax as provided under Article 21 is paid upon registration.
4. The Director and Deputy Director are authorized to collect the tonnage tax and to issue receipt.

5. Unless otherwise provided, all fees payable under this Act shall be paid in advance, on or before 1 January or the year in respect of which such fees are due. If payment is not made before 31 March of such year, the certificate of registry of the vessel in question may be suspended until all outstanding fees and penalties for late payment thereof are paid.
6. No certificate of registry shall be returned to the Master of vessel (shipmaster) by the Director or Deputy Director with whom it may have been deposited until proof is furnished that the annual tonnage tax and annual fees for the current year and any penalties owing under this Act have been paid.

**Article 23:**

1. In order to register a vessel, the shipowner, shipmaster, partial owner or his agent authorized by the attorney power where such vessel is owned by individuals or, in case of corporate owned vessel, a director or secretary of the corporation or other officer or agent authorized in writing shall make a declaration declaring the name of the vessel, its net tonnage or tonnages; the place where it was built, the year of building, and the name and residence of the owner.
2. The application shall be made in the prescribed forms and shall be supported by the necessary documents specified under the regulations made under this Section.
3. The Director after consultation with the Minister may refuse to register any vessel as a Cambodian ship under this Section without assigning any reason therefore.

**Article 24:** Upon receipt of a written application from an owner of a vessel eligible for registration under the provisions of this Act requesting the issuance of a certificate of registry for the vessel, accompanied by the declaration required under Article 23 (1), the Director or Deputy Director, upon payment of the prescribed fees, may issue a permanent certificate of registry for the vessel provided that the issuing officer is satisfied:

- (a) as to the ownership of the vessel;
- (b) that the vessel is in a seaworthy condition;
- (c) that the owner has paid to the Director or Deputy Director the registration fees due in respect of the vessel;
- (d) that the markings of name, official number, net tonnage or tonnage home port and draft required under Article 33 have actually been made;
- (e) that a certificate of measurement as required under Article 25 has been issued.

**Article 25:**

1. A vessel shall not be permanently registered until measured by a person or a gent appointed by the Director or Deputy Director. A vessel registered under this Act shall not be required to be measured anew unless her burden has been changed.
2. The person or a gent appointed under Paragraph (1) of this Article to measure a vessel shall certify, specify the building of the vessel, the number of decks and masts, length, breadth, depth, tonnage or tonnages, and such other vessels, and that the marking required under Article 33 have actually been made.
3. The Minister on the Director's recommendation by order shall prescribe the method of measurement for all vessels registered under this Act.

**Article 26:** The Minister on the Director's recommendation shall prescribe and furnish forms of bareboat charter, provisional and permanent certificates of registry and other vessel documents; and may prescribe forms of endorsements that may be made on vessel documents from time without issuance of a new document or surrender of the old document to show liens and encumbrances.

**Article 27:** The Director or Deputy Director shall progressively number the licenses and certificate of registry, respectively, granted by him, beginning anew at the commencement of each year, and shall make a record thereof in a book kept for that purpose. Bareboat charter certificate of registry shall be assigned separate series of numbers. He shall also retain permanently copies of all such documents issued by or surrendered to him.

**Article 28:**

1. Upon the compliance with the provisions set forth in Article 29, a provisional certificate of registry may be issued by the Director or Deputy Director or an agent, upon direction by the Director or Deputy Director, to vessels abroad which are to be registered under the flag of the Kingdom of Cambodia.
2. Copies of the provisional certificates of registry issued by persons other than the Director or Deputy Director shall be furnished as soon as practicable by the issuing officer to the Director or Deputy Director.
3. Unless sooner invalidated, a provisional certificate of registry shall entitle the vessel to the privileges of a Cambodian ship until the expiration of six months from its date of issuance.
4. The Director or Deputy Director shall prescribe the conditions in accordance with which provisional certificate of registry shall be issued and renewed and the manner in which they shall be surrendered in exchange for permanent certificate of registry.

**Article 29:**

1. Upon the receipt of a written application from an owner of a vessel eligible for registration under the provisions of this Act requesting the issuance of a certificate of registry for the vessel, accompanied by the declaration required under Article 23 (1), and upon payment of the prescribed fees to the officer receiving such application, the Director or Deputy Director or an agent appointed under Article 28 (1) may issue a provisional certificate of registry for the vessel, provided the owner shall satisfy the officer receiving such applications:
  - (a) as to his ownership of the vessel;
  - (b) that the vessel is in a seaworthy condition;
  - (c) that owner has paid the registration fees due in respect of the vessel.
2. Unless the owner within 30 days after issuance of the provisional certificate of registry shall furnish satisfactory proof to the officer to whom the application for registration has been presented, showing that the vessel's outstanding foreign marine department has actually been surrendered for cancellation and that the markings required under Article 33 have actually been made or if before such 30-day period it is established that any obligations hereunder will not or cannot be complied with, such officer may declare the provisional certificate of registry to be null and void.
3. As soon as reasonably practicable after measurement of the vessel and the surrender for cancellation of any outstanding foreign marine document for the vessel and the process of the marking required under Article 33, a permanent certificate of registry shall be issued in place of any provisional certificate therefore issued, and such provisional certificate shall be surrendered as promptly as circumstances permit to the Director or Deputy Director. When the permanent certificate of registry is issued after charges originally paid shall be adjusted in accordance with the tonnage established by the certificate of measurement.
4. For good cause shown, the Director may from time to time renew a provisional certificate of registry for a period not exceeding six months.

**Article 30:**

1. Anything in this Act to the contrary notwithstanding, a bareboat charter of a vessel registered in a foreign registry may, where permitted by that foreign registry, obtain a bareboat charter certificate of registry for a period of not exceeding two years, on payment of a prescribed fee and upon presentation to the Director or Deputy Director of the followings:
  - (a) a written application;
  - (b) a copy of the charter party in a form satisfactory to the Director or Deputy Director and certificated as true and correct by any person permitted to take declarations and acknowledgement under Article 8 of this Act;
  - (c) proof of ownership, and consent of the registered owner of the vessel;
  - (d) consent of holders of all mortgages, hypothecation or similar charges against the vessel in foreign registry;
  - (e) written consent of the country of registry, or presentation of satisfactory evidence that such consent is not required;
  - (f) a certificate of ownership and encumbrances or transcript registry or other such document from the foreign registry showing all recorded liens and encumbrances.
2. During any period in which a vessel carries a bareboat charter certificate of registry, at no time shall a document indicating a transfer of ownership be recorded against the vessel in the record books maintained at the office of the Director or Deputy Director.
3. Any mortgage or similar charge related to any vessel in respect of which a bareboat charter certificate of registry is issued, may be created only by the owner of that vessel in accordance with the laws of the country where the vessel is registered.
4. When permitted by the foreign registry, a bareboat charter certificate of registry may be extended of a period of two years upon filing, prior to the expiration of the current certificate, an application, together with a copy of the charter party, a certificate of ownership and encumbrance or transcript of registry, and the written consent of all mortgages with the Director or Deputy Director and upon payment of the prescribed fee and taxes.
5. The bareboat charter of a Cambodian ship may register the vessel in a foreign jurisdiction where permitted by that jurisdiction, upon obtaining written consent of the Director or Deputy Director, which may be granted upon presentation of the followings:
  - (a) Written consent of the owner;
  - (b) Written consent of all holders of record of any mortgages or other charges recorded in the office of the Director or Deputy Director;
  - (c) A copy of the foreign document certified as true and correct, to be submitted by the bareboat charter within 30 days following registry in the foreign jurisdiction.

**Article 31:** In order for the first time to register a vessel newly built and previously unregistered under any flag, the builder by whom or under whose direction the vessel has been built shall certify as followings:

- (a) that it was built by him or under his direction;
- (b) the place where built;
- (c) the time when built
- (d) the person for whom built;
- (e) the number of decks and masts;
- (f) the length;
- (g) the breadth;

- (h) the depth;
- (i) the tonnage or tonnages; and
- (j) such other particulars as are usually descriptive of identity of a vessel

**Article 32:**

1. When a Cambodian ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the certificate of registry, the owner shall apply for the vessel to be registered anew.
2. The Director or Deputy Director shall on receipt of the application and on production of a certificate from a recognized surveyor stating the particulars of the alternation proceed as in case of the first registry and on the delivery up to him of the existing certificate of registry and on the other requisites as to registry being complied with, shall make such registry anew and grant a new certificate of registry containing a description of the vessel as altered.

**Article 33:**

1. Every registered vessel shall have her name marked upon each bow and upon the stern. The home port of the ship shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast Roman letters in light color on a dark background, secured in place and distinctly visible. The smallest letter used shall not be less than one hundred millimeters in height. If any such vessel is found without these names being so marked, the owner shall be liable to a fine of 100 dollars for each name omitted.
2. The Director or Deputy Director may prescribe a system of numbering registered vessels. The designated number and the net tonnage of each vessel shall be carved deeply or otherwise marked permanently on her main beam. In any time, such vessel ceases to be marked; she shall be liable for a fine of 100 dollars on every arrival in Cambodia.
3. The draft of every registered vessel shall be marked on each side of her stern and upon the stern post, in meters or in decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line.

**Article 34:** Upon the initial registration (either permanent or provision) of a vessel, the Director or Deputy Director shall assign to the vessel an official number.

**Article 35:**

1. The Director or Deputy Director may change the name of a Cambodian ship on application of the owner.
2. A fee shall be payable by the vessel owner for securing such changes of name.

**Article 36:** The certificate of registry shall be used only for the lawful navigation of the vessel and shall not be subject to detention by reason of any title, lien, and charge of interest whatsoever had or claimed by any owner, mortgaged or other person to, on or in the vessel.

**Article 37:**

1. The Director after consultation with the Minister cancel a Cambodian ship's certificate of registry or any other certificates held by the vessel or impose such conditions as may be required on the ground of failure to comply with the requirements of any international convention applicable to the Kingdom of Cambodia.

2. The Director after consultation with the Minister may cancel the certificate of registry of a vessel if he is satisfied that it is not in the public interest for the vessel to continue to be registered as a Cambodian ship.

**Article 38:**

1. A Cambodian ship or any share therein shall be transferred by a bill of sale.
2. The bill of sale shall be in the prescribed form and shall contain such description of the vessel as is contained in the certificate of registry and shall be executed by the transferor in the presence of and be attested by a witness or witnesses.
3. Where a Cambodian ship or any share therein has been transferred without a change of flag, that vessel shall be registered anew and the Director or Deputy Director shall proceed as in the case of the first registry and on the delivery up to him of the existing certificate of registry and on the other requisites as to registry being duly complied with, shall make such registry anew and grant a new certificate of registry thereof.

**Article 39:**

1. The owner of a Cambodian ship who wishes to transfer that vessel to a foreign registry may do so if there are no claims outstanding against the vessel in the Kingdom of Cambodia and on surrendering of the certificate of registry to the Director or Deputy Director.
2. The owner shall submit to the Director or Deputy Director a written application specifying the name of the vessel, the reasons for the proposed transfer, the name and nationality of the proposed new owner and the name of the country to whose registry transfer is desired.

**Article 40:** Where any court, whether under the preceding Article of this Act or otherwise, orders the sale of any vessel or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that vessel or share, and that person shall thereupon be entitled to transfer the vessel or share in the same manner and to the same extent as if he were the registered owner thereof; and the Director or Deputy Director shall respect of any such transfer to the same extent as if such person were the registered owner.

**Article 41:**

1. Where the property of a Cambodian ship is transmitted to a person on the bankruptcy or death of any registered owner, or by any lawful means other than by a transfer under this Section:
  - a. that person shall authenticate the transmission by making and signing a declaration (referring to in this Section as a declaration of transmission) identifying the vessel and containing several statements hereinbefore required to be made thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted;
  - b. If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in court of justice as proof of the title of person claiming under a bankruptcy; and
  - c. if the transmission is consequent on death, the declaration or an official extract therefrom.
2. The provision of this Section relating to the transfer of a Cambodian ship shall apply *mutatis mutandis* to the transmission shall be deemed to have the same effect as a bill of sale.

**Article 42:** The High Court may, if it thinks fit (without prejudice to the exercise of any other power of the court), on the application of any interested person make a prohibiting order for a specified time,

any dealing with a vessel or any share therein, and the court may make the order on any terms or conditions it thinks just, or may refuse to make the order or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and the Director, without being made a party to the proceeding, shall on being served with the order or an official copy thereof, obey the order.

## SECTION 5

### MORTGAGES

**Article 43:** A Cambodian ship or any share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (referring to in this Section as a mortgage) shall be in the prescribed form or as near thereto as circumstances permit, and on production of that instrument the Director or Deputy Director shall record it in the register book.

**Article 44:** Mortgages shall be recorded by the Director or Deputy Director in the order in time in which they are produced to him for that purpose, and the Director or Deputy Director shall endorse and sign a memorandum on each mortgages stating the date and time of that record.

**Article 45:**

1. Before executing any mortgage to be registered under this Act, the mortgage shall disclose in writing to the mortgager the existence of any maritime lien, prior mortgage or other liability in respect of the vessel to be mortgages, which is known to the mortgager.
2. Where the mortgage has failed to comply with this Article, the mortgage debt shall at the election of the mortgagee become immediately due and payable, notwithstanding anything to the contrary in the mortgage.

**Article 46:** Where a registered mortgage is discharged, the Director or Deputy Director shall, on production of the mortgage, with a receipt for the mortgage money endorsed thereon duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made, the estate if any, which passed to the mortgagee shall vest in the person in whom (having regard to any intervening acts and circumstances) it would have vested, if the mortgage had not been made.

**Article 47:** If there are more mortgages than one registered in respect of the same vessel of the same vessel or share, the mortgagee shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date and time of the record of each mortgage in the register book and not according to the date of each mortgage itself.

**Article 48:** Except as may be necessary for making a mortgage vessel or share available as a security for the mortgage debt, the mortgagee shall not, by reason of the mortgage, be deemed to be the owner of the vessel or share, nor shall the mortgagor be deemed to have ceased to be the owner thereof.

**Article 49:**

1. Every registered mortgagee shall have power absolutely to dispose of the vessel or share in respect of which he is registered, and to give effectual receipts for the purchase money, but where there are more persons than one registered as mortgagors of the same vessel or share, a subsequent shall not, except under the order of the High Court, sell the vessel or share without the concurrence of every prior mortgagor.
2. Every registered mortgagor shall be entitled to enforce his mortgage by an action in admiralty whenever any sum secured by the mortgage is unpaid when due or otherwise in accordance with the terms of any deed or instrument collateral to the mortgage.



**Article 50:** A registered mortgage of a vessel or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the vessel or share in his possession, order or disposition or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankruptcy or any trustee or assignee on their behalf.

**Article 51:**

1. A registered mortgage of a vessel or share may be transferred to any person and the instrument effecting the transfer shall be in the prescribed form or as near thereto as circumstances permit, and on production of such instrument, the Director or Deputy Director shall record the transfer by entering in the register book the name of the transferee as mortgager of the vessel or share and shall endorse and sign on the instrument of transfer a memorandum that the transfer by him stating the date and time of that record.
2. The person to whom any registered mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.

**Article 52:**

1. Where the interest of a mortgage in a Cambodian ship or any share therein is transmitted on the death or bankruptcy of the mortgager, or by any lawful means other than by a transfer under this Act, the transmission shall be authenticated by the declaration of the person to whom the interest is transmitted.
2. A declaration made under this Article shall contain a statement of the manner in which the person to whom the property has been transmitted, and shall be accompanied by same evidence as is by this Act required in the case of a corresponding transmission of the ownership off a Cambodian ship or share therein.
3. The Director or Deputy Director, on receipt of the declaration and production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgager of the vessel or share.

## SECTION 6

### GENERAL

**Article 53:**

1. The Minister shall prescribe an ensign, which shall be the proper national colors for registering the Cambodian ship.
2. If any distinctive national colors other than ensign are hoisted onboard any such vessel without consent of the Minister, the master of the vessel or the owner thereof if onboard the vessel, and every other person hoisting the colors shall be guilty of an offense and shall be liable for the conviction to a fine not exceeding 1,000 dollars.

**Article 54:**

1. A Cambodian ship shall hoist the proper national colors on entering or leaving any port.
2. If default is made onboard any such vessel in complying with this Article, the master of the ship shall be guilty of an offense and shall be liable for conviction to a fine not exceeding 1,000 dollars.

**Article 55:**

1. The master of every Cambodian ship engage in home-trade voyages shall be required to maintain on this crew list such percentage of seamen who are citizens of Cambodia as may be prescribed by the Minister.
2. The master of every foreign seagoing Cambodian ship shall be entitled to a certain amount of refund of the annual tonnage tax paid by him for any years if during the year he maintains on his crew list such percentage or more of seamen who are citizens of Cambodian, as may be prescribed by the Minister.

**Article 56:** The Minister on the Director's recommendation by order may from time to time establish the standards of seaworthiness required for the registration of vessels and may determine any questions involved.

**Article 57:**

1. The owners of Cambodian ships shall not be compelled under any circumstances, including the event of war or state of emergency in the Kingdom of Cambodia for any purposes or reasons.
2. The provision under Paragraph (1) above shall prevail at all times over any other Acts, Decrees, Rules and Regulations issued under any Departments of the Kingdom of Cambodia.

**Article 58:** The department may from time to time make regulations concerning:

1. The training, qualification, certification and discipline and master and seamen;
2. Navigation and safety at sea;
3. Carriage of goods by sea;
4. Liability of ship owners;
5. Wreck and salvages;
6. Legal proceeding; and
7. Matters related to shipping, which is not expressly mentioned above.

**SECTION 7****FINAL PROVISIONS**

**Article 59:** This Act supersedes all previous Acts, Decrees, Rules or Regulations relating to and pertaining to registration of vessels in the Kingdom of Cambodia and shall come into force on 1 October 1994, and shall remain in force unless repealed by the Royal Government of the Kingdom of Cambodia.

**Article 60:** The Director of Cabinet, the Director General and all Department Directors and Enterprises under the Ministry of Public Works and Transport shall undertake to implement this present Act.

Deputy Prime Minister  
Minister of Public Works and Transport  
Undersecretary of State  
Sealed and Signed: **NOU SAING KHAN**

Cc:

- The Cabinet of National Assembly
- The Cabinet of the Council of Ministers
- All Ministries and Secretariats of State
- As in Article 60 "for implementation"
- Archives – Chronicles

34. **Prakas # 393 (MPWT) on Defining the Agency Fees Tariff (October 21, 1996)**.....2-142

**DEPUTY PRIME MINISTER  
 MINISTER OF PUBLIC WORKS AND TRANSPORTS  
 No: 393 PK/SK**

**PRAKAS (DECLARATION)  
 ON  
 DEFINING THE AGENCY FEES TARIFF**

Phnom Penh, October 21, 1996

- On basic of the Constitution of the Kingdom of Cambodia;
- On basic of Preah Reachkret dated on November, 1, 1993 defining the Nomination of the Royal Government of Cambodia;
- On basic of the Preah Reachkret (Royal Code) NS/RKT No. 1094/90 dated on October, 31, 1994 defining the Amendment of the Composition of the Royal Government of Cambodia;
- Upon proposal of the Tariff amendment of the Kampuchea Shipping Agency and Brokers (KAMSAB);

**HEREBY DECIDES:**

**Article 1:** The Kampuchea Shipping Agency and Brokers (KAMSAB), acting as agent, in attending to procedure for foreign vessel’s entry into and departure from Cambodia, ports, to transportation, loading/discharging, delivery, receiving of import/export cargoes, formalities for passengers’ embarkation/disembarkation and to all other matters concerning Vessels’ activities in ports shall collect the following fees quoted in US Dollars.

**BASIC FEES**

1. On Tonnage:
  - (a) Basic for Calculation: Vessels’ GRT or DWT of Motor lighter, lighter with tug, boat.
  - (b) Scale of tonnage fee

VESSEL’ GRT	US Dollars
• Under 1000 GRT	400
• From 1000 to 3000 GRT	500
• From 3001 to 6000 GRT	600
• From 6001 to 10000 GRT	700
• From 10001 to 15000 GRT	850
• From 150001 GRT upwards	1000

- (c) Cases of reduction:
  - Vessels under repairs in dry-docks shall be rebated of 50%
  - Vessels staying in port no longer than 48 hours for cargoes be granted a rebate of 50%

2. On cargo
  - (a) Basic for calculation : B/L quantity of cargo discharge/loaded in metric tons
  - (b) Rates of cargo fee:

Commodities	US Dollars
• Liquid and bulk cargo	0.50
• Bagged cargo	0.06
• Light cargoes such as: Kapok, Cigarette, Rotten, jute, etc..... are	0.1

computed 100% fee on volume of cargo loaded.	
• Other cargo	0.10
• Cargo subjects to the minimum payable	100
• Passengers on passenger- vessels	200/person

- (c) For cargoes discharged/ loaded at anchorage, the above rate shall be increased by 25%;  
 (d) For survey of cargo, loading in containers, barges and discharging from containers, barges this above rate shall be increased by 50%.

#### ADDITIONAL FEES:

SERVICES RENDERED	US Dollars
1. Arranging transshipment	0.50/ t mini. 30
2. Arranging fumigation	1% on fumi. Cost
3. Attending to crew members:	
(a) Repatriation	40/ person
(b) Entry visa	50/ person
(c) Medical treatment in hospital	10/ person/ week
(d) Death	300/ person
(e) Law infringement	100-500 per case
(f) Vaccination	10/ person
4. Setting demurrage/ dispatch	5% on amnt. settled
5. Collecting freight	0.50% on freight call
6. Booking cargo, space	5% on freight/ fare
7. Brokering sale/ purchase of vessels/ canvassing dry-dock	1% on price
8. Attending to vessel and crew in dry-dock	100 per every 10 days
9. Agency fees payable by owners time-charged vessels	15% of basic fee payable
10. Procuring general average documents	300-800 per case
11. Arranging surveys, extension of vessel's certificates, loading sea-protest	20 per case 3% on amount invol.subj to mini. Payable 100
12. Attending to marine casualties and salvage	
13. Attending to delivery/ redelivery of vessel	200
14. Collecting or transferring payment	0.30% On payment amount
15. Arranging for supply of bunkers, materials, provisions	1% on total price
16. Petty fees	20
17. Interest on disbursement advanced	2% per month
18. Survey of cargoes by KAMSAB's cargo supervisor	100-250 per 0.50 t
19. Issuing delivery order	2 per bill
20. Issuing commercial exported cargo bill of lading	15 per bill

For matters other than those stated above handling fess to be subjected to a mutual agreement between the Agency and the Entrusting Party.

**Article 2:** Apart from the fees stated in article 1, such expanses incurred during the conduct of business on behalf of the Entrusting Party as cost of normal correspondence, telephone calls, postage, bank, charges ....etc to be for the account of the Entrusting Party, on the evidence of supporting vouchers.

**Article 3:** The Entrusting Party either under, single voyage agency or long-term agency shall remit in advance a minimum deposit to the Agency sufficient to cover all disbursements including port charges for one voyage. The above sum of deposit shall be estimated by the Agency who will inform the Entrusting Party. After remittance received, should unusual expenses incurred beyond the estimated items. The Entrusting Party shall remit additionally according to Agency may make advances for ship's disbursements and shall therefore be entitled to a monthly interest of

2% counting from the date of advances being made till the date of remittance received for reimbursement (For the purpose, on month is defined as a period of 30 days, after the expiration of which part of a month to be counted as a full month).

**Article 4:** The Agency is entitled to use the Entrusting Party's advances in usual disbursement and estimated items. For extraordinary or unexpected expense, except those over 100 US Dollars, the Agency shall ask the Entrusting Party for advice.

**Article 5:** The Entrusting Party shall settle directly with the Agency:

- All charges and dues collected according to the Kingdom of Cambodia's laws, and Decree for vessel's entry and departure;
- Other ship's expenses during stay port.

**Article 6:** Within 30 days from the date of receipt of the Statement of Account and vouchers, the Entrusting Party should intimate their claim if any, to the Agency, otherwise vouchers shall be considered as correct and accepted.

**Article 7:** Orders signed by Master or his Delegate and Invoices acknowledge by master or any accredited person shall be considered as valid supporting vouchers.

**Article 8:** Under single voyage agency, after ship's departure, the Agency shall make out the trip Account to be forwarded the Entrusting Party; any balance in favor of the letter shall be refunded. Likewise long term agency. The Trip Account shall be made out after each voyage, but the balance shall be computed at the end of each month only. The agency shall then ask the Entrusting Party's instruction as to the deposal of balance in their favor.

**Article 9:** The Agency fees above quoted in US Dollars shall be converted for collection into such foreign currencies as accepted by the foreign Trade Bank of the Kingdom of Cambodia at the current official exchange rate published by the said bank at the time of ship's arrival.

**Article 10:** Excellency, General Director, the Chief of Cabinet and the Director of the Kampuchea Shipping Agency and Brokers shall undertake to carry out respective, the present Declaration. All previous regulations inconsistent with the present Declaration are to be considered null and void. The present Declaration comes in force from its signing date.

Phnom Penh, 21 October 1996

**DEPUTY PRIME MINISTER**  
**Minister of Public Works and Transport**

Signed and Stamped: **ING KIET**

35. **Prakas # 141 MOC/M2003** on the Establishment of an Additional Office under Supervision of the Cambodia Import-Export Inspection and Fraud Repression Department (CAMCONTROL) (May 27, 2003).....2-145

**THE MINISTER OF COMMERCE**  
**No: 141 MOC/M2003**

**PRAKAS (DECLARATION)**  
**ON**  
**THE ESTABLISHMENT OF AN ADDITIONAL OFFICE UNDER SUPERVISION OF**  
**THE CAMBODIA IMPORT-EXPORT INSPECTION AND FRAUD REPRESSION**  
**DEPARTMENT (CAMCONTROL)**

Phnom Penh, May 27, 2003

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/1198/72 dated November 30, 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated July 20, 1994 on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/16 dated January 24, 1996 promulgating the Law on Establishment of the Ministry of Commerce;
- Having seen the Sub-Decree No. 54 ANK/PK dated September 22, 1997 on the Organization and Functioning of the Ministry of Commerce;
- Pursuant to No. 1093 SChN, dated July 26, 2002, of the Office of the Council of Ministers on the Establishment of Liaison Center for providing information in implementing the WTO Agreement;
- Pursuant to the need of the Ministry of Commerce;

**HEREBY DECIDES:**

- Article 1:** To create an additional office for “providing answers concerning the implementation on Hygiene Measures and Hygiene plant” under supervision of the Import-Export Inspection and Fraud Repression Department “CAMCONTROL”.
- Article 2:** An office for providing answer regarding the implementation of hygiene measures and hygiene plant shall have the following duties:
- To provide information in relation to the implementation of hygiene measures and hygiene plant in the international trade sector;
  - To facilitate, cooperate, collect information with the National CODEX and relevant ministries in providing answer to the Secretariat of WTO;
  - To follow up, collect new information relating to specific issue of hygiene measures and hygiene plant which has advantage in Cambodia for countries;
  - To give advise to the National Codex Committee Secretariat regarding impact in Cambodia on works in setting up food standards, inspecting food and hygiene plant;
  - To publicize information from countries in relation to the implementation of the measures on hygiene and hygiene plant;
  - To assist work of secretary and administration for Secretariat of National Codex Committee;
  - To perform work assigned by the National Codex Committee Secretariat and the CAMCONTROL Department.
- Article 3:** The Office for providing answer relating to the measures of hygiene and hygiene plant shall be led by an Office Chief and assisted by a number of Deputy Chiefs of Office.

**Article 4:** Any provisions which are contrary to this Prakas shall be deemed abrogated.

**Article 5:** The General Director of Administration and Finance, the General Director of the Technical Affairs, the Director of Cabinet, the Chief of Personnel Department, the Chief of CAMCONTROL Department, the Chairman of the National Codex Committee Secretariat shall implement this Prakas from the date of signature.

Phnom Penh, May 27, 2003

Minister of Commerce

Sealed and signed: **CHAM PRASIDH**

Cc:

- Office of the Council of Ministers
- All relevant ministries-institutions
- Provincial-municipal commercial Departments
- As Article 5
- Official Gazette
- Document-archive

36. **Prakas** # 510 PN.BL.PK (MOC) on the Authority and Responsibility of CAMCONTROL of the Ministry of Commerce (December 4, 1995) .....2-147

**THE MINISTER OF COMMERCE**  
**No: 510 PN.BL.PK**

**PRAKAS (DECLARATION)**  
**ON**  
**THE AUTHORITY AND RESPONSIBILITY OF CAMCONTROL**  
**OF THE MINISTRY OF COMMERCE**

Phnom Penh, December 4, 1995

- Considering the Constitution of the Kingdom of Cambodia;
- Considering the Royal Decree of Preah Bat Samdech Preah NORODOM SIHANOUK VARMAN, the King of Cambodia, dated November 1, 1993 on the appointment of the Royal government of Cambodia;
- Considering the Royal Decree of Preah Bat Samdech Preah NORODOM SIHANOUK VARMAN, the King of Cambodia, dated October 24, 1994 on the Modification of Composition of Royal Government of Cambodia;
- Considering the Sub-Decree No. 09 ANK dated April 28, 1992 on the Amendment of Article 2, Point 9, and Article 3, Points 7 and 8 of the Sub-Decree No. 13 ANK dated June 19, 1991 of Considering the Notice No. 335 PN.PK dated December 26, 1994 of the Ministry of Commerce;
- Considering the Sub-Decree No. 75 ANK dated October 05, 1995 on the Doing away with and Establishment of Control Posts at Border Passes and along Communication Lines throughout the Kingdom of Cambodia’;

**HEREBY DECIDES:**

- Article 1:** CAMCONTROL office has the necessary duty to check all imported and exported goods. This checking aims at the quantity, weight quality, specificity and wrapping so as to be appropriate to the sale-purchase contract.
- Article 2:** Camcontrol shall check out goods of poor quality and out dated goods.
- Article 3:** Camcontrol shall comply with the international transport units’ request to check the cleanliness of storing goods, damaged goods (if any).
- Article 4:** Camcontrol accept to be representatives of international goods control organizations in goods checking.
- Article 5:** Camcontrol agents have the right to enter airports, harbors, stations, national and international transport means and warehouses for checking.
- Article 6:** Giving reports and invoices of control tax to goods owners for basis to customs agents in tax collection. Control tax shall be collected according to the notice of Ministry of Commerce and Ministry of Economy and Finance.
- Article 7:** Taking goods samples for expert appraisal (laboratory analysis) according to proportion fixed in control conditions. When taking goods samples Camcontrol will implement in accordance with principles in issuing cards of taking samples to goods owners. After analysis, the samples shall be kept for 3-6 months for fear of complaint from any party.
- Article 8:** When carrying out goods checking duties CAMCONTROL agents shall wear uniforms:



- blue-black pants
- sky blue shirts with CAMCONTROL sign on the upper part of shirt pocket

- Article 9:** Goods owners shall make goods statements and give documents concerning goods such as contract, license, bill of lading, etc., to CAMCONTROL.
- Article 10:** Goods shall be checked with facility conditions and sufficient possibility provided by goods owners to CAMCONTROL such as workers, means and tools for checking, so as to enable this job to be done easily and quickly (if necessary)
- Article 11:** For imported goods, the owner shall import only the ones with labels and production and expiry dates.
- Article 12:** For exported goods having contracts, if CAMCONTROL finds they do not match the contracts in the wrapping-up, brands, quantity, weight, quality, specification, the goods owners shall be notified for correction. After correction, CAMCONTROL shall check again. However, after correction, the goods are still inappropriate but the sale and purchase parties have officially agreed in writing, CAMCONTROL will manifestly examine and give reports or certificates to goods owners.
- Article 13:** Goods owners shall pay control tax to CAMCONTROL after receiving the reports or certificates and control tax invoices.
- Article 14:** Shall be sentenced according to the law in force:
- Any CAMCONTROL agent lacking responsibility spirit when performing his duty,
  - Any person who falsifies control certificates or other documents of CAMCONTROL
- Article 15:** Import-Export business units shall clearly comprehend the aforesaid content and implement it in accordance with the present notice.
- Article 16:** The chief of cabinet, the director of department of external commerce shall implement the content of this notice from the date of its signing onward.

Phnom Penh, December 4, 1995  
Minister of Commerce  
Sealed and signed: **CHAM PRASIDH**

37. **Prakas # 012 PN.BL.PK (MOC)** on the Organization and Functioning of the Cambodian Department of Control of Imported and Exported Goods and Repression of Falsification (January 13, 1998).....2-149

**THE MINISTER OF COMMERCE**  
**No: 012 PN.BL.PK**

**PRAKAS (DECLARATION)**  
**ON**  
**THE ORGANIZATION AND FUNCTIONING OF THE CAMBODIAN DEPARTMENT**  
**OF CONTROL OF IMPORTED AND EXPORTED GOODS**  
**AND REPRESSION OF FALSIFICATION**

Phnom Penh, January 13, 1998

- Considering the constitution of the Kingdom of Cambodia;
- Considering the royal decree dated September 24, 1993, on the appointment of the 1st and 2nd Prime Ministers;
- Considering the royal decree dated November 1, 1993, on the appointment of the Royal Government of Cambodia;
- Considering the royal decree No. NS/RKT/1094/83 dated October 24, 1994, and the royal decree No. NS/RKT/1094/90 dated October 31, 1994, on the modification of the composition of Royal Government of the Kingdom of Cambodia;
- Considering the royal code No. NS/RKT/0196/16 dated January 24, 1996, on the establishment of the Ministry of Commerce;
- Considering the royal decree No. Chs/RKT/0897/147 dated August 7, 1997, on the modification of composition of the Royal Government of Cambodia;
- Considering the sub-decree No. 54 ANKr-BK dated September 22, 1997, on the organization and functioning of the Ministry of Commerce;
- Referring to the Ministry's necessity;

**HEREBY DECIDES:**

**Article 1:** The Cambodian Department of Control of Imported and Exported Goods and Repression of Falsification briefly called "CAMCONTROL", is under the management and direct leadership of the General Department of Technique with the following roles and duties:

- Checking imported and exported goods;
- Checking and repressing the falsification of quality of goods circulating in market places;
- Analyzing the quality of goods of consumption and use;
- Checking and confirming the appropriateness to the national standards of quality and safety of goods of consumption and use, except for pharmaceutical products, medical equipments and cosmetics

**Article 2:** CAMCONTROL Department is run by a director and assistant directors

**Article 3:** CAMCONTROL Department has 5 subordinate offices and branches for control in provinces and towns.

- I. The 5 offices are:
  1. Office of general principles;
  2. Technical Office;
  3. Investigation Office;
  4. Laboratory and;

5. Administrative Office;

Each office is run by a chief and deputy chiefs;

- II. A number of control branches have rank equal to Ministry offices, especially:
1. CAMCONTROL branch of international port of commerce of Sihanouk City
  2. CAMCONTROL branch of international port of commerce of Phnom Penh-Pochentong
  3. CAMCONTROL branch of the furthest dry port
  4. CAMCONTROL branches of Banteay Mean Chey, Oudor Mean Chey, Preah Vihear and Siem Reap provinces
  5. CAMCONTROL branches of Battambang and Pursat provinces
  6. CAMCONTROL branch of Takeo province
  7. CAMCONTROL branch of Svay Rieng province
  8. CAMCONTROL branches of Kandal and Prey Veng provinces
  9. CAMCONTROL branch of Koh Kong province
  10. CAMCONTROL branch of Kompong Cham province
  11. CAMCONTROL branch of Kampot province
  12. CAMCONTROL branches of Kratie and Mondol Kiri provinces
  13. CAMCONTROL branches of Stung Treng and Rattanakiri provinces

Each branch is run by a director and assistant director(s).

**Article 4:** The Office of General Principles is in charge of:

- Determining the national principles on the matter of quality and safety of products and services in collaborating with the institutions of other relevant ministries;
- Examining and settling the matters of law and complaints regarding the quality and safety of products and services;
- Adding up statistics;
- Receiving and checking the formalities;
- Examining and providing the certificates and reports;
- Managing the typing and computerizing work;
- Making relationship with organizations and institutions outside the department

**Article 5:** The Technical Office is in charge of:

- Examining and settling every issue having general characters of science and technique relating to the quality and safety of foodstuffs;
- Examining and settling every issue having characters of science, technique, economy and commerce related to different categories of foodstuffs and non-foodstuffs

**Article 6:** The Investigation Office is in charge of:

- Working out programs, following up, concluding and assessing the national control and investigation in the framework of the department's competence;
- Leading, coordinating and checking the commercial work on goods importation and exportation;
- Working out the investigation procedure;
- Providing additional forces to provincial and municipal control units for carrying out special investigations

**Article 7:** The laboratory is in charge of:

1. Receiving, maintaining, dividing and taking samples,
2. Getting in touch with foreign laboratories,
3. Preparing proper procedure for analysis and sample taking,
4. Developing the guarantee of quality in laboratory,
5. Being responsible for examining the goods quality, notably:

- the physical and chemical analysis of foodstuffs;
- the microscopic and biologic analysis of foodstuffs;
- the fuel analysis;
- the analysis of consumables and agricultural products;
- the analysis of usable products and other ones

**Article 8:** The Administrative Office is in charge of:

- managing the officials in request for rank promotion or lowering, facilitating the transfer duty, work suspension and discipline;
- managing the officials' files and biographies;
- coordinating the department's work with subordinate branches;
- managing and circulating administrative documents of department;
- financing accountancy;
- checking the revenue reports from offices and branches;
- protecting the order and security;
- managing the library;
- managing the inventories;
- repair and maintenance.

**Article 9:** The control branches of provinces and towns come under the direct management authority of department.

They are in charge of implementing the department's directives and making reports on their jobs for the department. The branches of control and necessary investigation shall excellently carry out missions entrusted to them by the department.

The control branches send request to the Director to get good quality and safety of products and services.

The control branch chief represents the department before provincial and municipal authorities.

**Article 10:** Any provision contrary to the present Prakas is deemed null and void.

**Article 11:** The Director General of the Department General of Administration and Finance, the Director General of the Department General of Technique, the Inspector General of the Inspectorate General, the Chief of Cabinet shall implement this Prakas.

**Article 12:** This Prakas has judicial effect from the day of its public announcement onward.

Phnom Penh, January 13, 1998.

The Minister of Commerce

**CHAM PRASIDH**

38. **Inter-Ministerial Prakas #648 IM/PK (MEF+MPWT) on the Toll Payment for Types of Motor Vehicles Moving along National Road 4 ((October 11, 2002).....2-152**

**THE SENIOR MINISTER AND MINISTER OF ECONOMY AND FINANCE**  
**THE MINISTER OF PUBLIC WORKS AND TRANSPORT**  
**No: 648 IM/PK**

**PRAKAS ORN-TARAK KROSOUNG (INTER-MINISTERIAL PRAKAS)**  
**ON**  
**THE TOLL PAYMENT FOR TYPES OF MOTOR VEHICLES**  
**MOVING ALONG NATIONAL ROAD NO. 4**

Phnom Penh, October 11, 2002

- Considering the Constitution of the Kingdom of Cambodia;
- Considering Royal Decree No. NS/RKT/1198/69 dated November 25, 1998 on the Appointment of the Prime Minister of the Kingdom of Cambodia;
- Considering Royal Decree No. NS/1198/72 dated November 30, 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Considering Royal Kram No. 02/NS/RKT/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Considering Royal Kram No. SN/RKM/0196/18 dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- Considering Sub-decree No. ANK/PK dated January 20, 2000 on the Organization and Functioning of the Ministry of Economy and Finance;
- Considering Royal Kram No. 01/NS/93 dated December 28, 1993 promulgating the Law on the Financial System;
- Considering Royal Kram No. NS/RKM/0199/01 dated December 31, 1998 promulgating the Financial Law for the Management Year 1999;
- Considering Royal Kram No. NS/RKM/1299/15 dated December 25, 1999 promulgating the Financial Law for the Management Year 2000;
- Considering Royal Kram No. NS/RKM/1200/12 dated December 30, 2000 promulgating the Financial Law for the Management Year 2001;
- Considering Royal Kram No. NS KM 0196-03 dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Public Works and Transport;
- Considering Sub-decree No. 14 ANK/PK dated March 03, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- Considering the Concession Agreement on Maintenance and Repair of National Road No. 4 dated March 28, 2001 between the Royal Government of Cambodia and AZ Distribution Co., Ltd.;
- Considering the Annotation of Samdech Prime Minister dated October 01, 2002 on Letter No. 1894 SK dated September 20, 2002 of the Ministry of Public Works and Transport;
- Considering Letter No. 1568 SChN dated October 03, 2002 of the Council of Ministers;
- Considering Letter No. 1569 SChN dated October 03, 2002 of the Council of Ministers;
- Considering Decision of the Royal Government No. 44 SSR dated August 03, 2001 on the Establishment of Sectoral Working Groups for Dialogue with the Private Sectors;
- According to the necessity of the Ministry of Economy and Finance and the Ministry of Public Works and Transport

**HEREBY DECIDES:**

**Article 1:** All types of motor vehicles, as described in Article 2, moving along the National Road No. 4 shall be required to pay road tolls in Riel or Dollar for maintenance and repair service of this road.

**Article 2:** The road tolls to be paid for all types of motor vehicles shall be set (one-tollbooth payment) as follows:

1- A heavy lorry with its trailer of not more than 40 feet long	US\$6.30
2- A heavy lorry with its body of not more than 20 feet long	US\$4.90
3- Other heavy trucks:	
+ A vehicle tanker	US\$6.00
+ A platform truck, transporting agricultural and agro-industrial products (transporting soil, stones, gravel, and sand)	US\$4,20+ A dump truck
+ A lorry of from 3-6 tone goods	US\$2.50 4- Light lorries:
+ A lorry of from 2 to less than 3 tone goods	US\$2.50
+ A lorry of from 1 to less than 2 tone goods	US\$2.00
5-A bus	US\$1.50
6-A mini bus (with 12 seats)	US\$2.50
7-A taxi	US\$1.50
8-A motor car	US\$1.00
	(not yet required to pay)
	US\$1.00
	(not yet required to pay)

**Article 3:** All types of motor vehicles moving along the National Road No. 4 shall be fined in compliance with law and Sub-decree without exception if loaded more than limited weight.

**Article 4:** The Ministry of Economy and Finance, the Ministry of Public Works and Transport, and all relevant ministries and provincial-municipal institutions shall implement this *Prakas* effectively starting from the official commencement of business transaction.

**Article 5:** Any *Prakas* contrary to the present *Prakas* shall be deemed null and void.

Senior Minister  
 Minister of Economy and Finance  
 Facilitator of the working group of the  
 Royal Government and Private Sector

Minister  
 Ministry of Public Work and Transport  
 Secretariat of State

Sealed and signed:  
**KEAT CHHON**

Sealed and signed:  
**TRAM IV TEK**

39.	<b>Circular # 006 (MPWT) on Management of Sea Navigation (October 1, 1999)</b> .....	2-154	
	CHAPTER I	VESSEL LICENSE .....	2-155
	CHAPTER II	VESSEL CONSTRUCTION AND REPAIRS.....	2-158
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**THE MINISTRY OF PUBLIC WORKS AND TRANSPORT**  
**No: 006 SRC/ MPWT**

**SARACHOR (CIRCULAR)**  
**ON**  
**MANAGEMENT OF SEA NAVIGATION**

Phnom Penh, October 1, 1999

- Referring to Anukret 76/ANK/PK of October 2, 1995 On the Amendment and Supplement to the Anukret on the Collection of Fiscal Tax Stamps;
- Referring to Prakas 189/PK of April 5, 1999 on the Organization and Functioning of the Department of Commercial Vessel;
- Referring to Prakas 852/PK/MEF of December 19, 1995 on the Determination of Fees for License plates, Driving Licenses, Business Licenses, Vehicle, Vessels, and Ferries Specification Inspections;

Further to the need to effectively regulate maritime circulation to ensure public order and ship safety, and human lives while utilizing sea vessels, and to contribute to the protection of sea environment.

To Ministry of Public Works and Transport

**IT IS HEREBY DECLARED:**

**CHAPTER I**  
**VESSEL LICENSE**

**I. Issuance of License**

All kinds of vessels, except for vessels of the Royal Armed Forces and Police units, navigation the sea, including the fishing vessel, commercial; vessel, pleasure vessel, and research and exploration vessel with a capacity of one tone or more or all kind of powered boats, whether belonging to the state, private semi-public or foreign, which are temporarily or permanently operating in the Kingdom of Cambodia shall have their vessel license issued by the following situations:

1. The Ministry of Public Works and Transport (Commercial Vessel Department)
  - (a) Any vessel with a capacity of over 20 tons or more than 30 passenger seats;
  - (b) Any vessel navigation from one provincial/municipal waterway to another;
  - (c) Any fishing vessel with an engine of 75 horse power or more;
  - (d) Any vessel sailing across country regardless of capacity or engine power, or number of passengers seats;
  - (e) All kinds of vessels of belonging to foreign nationals who temporarily or permanently stay in the Kingdom of Cambodia;
  - (f) All kinds of powerboats regardless of engine powers

2. The provincial/municipal office of public works and transport
  - (a) All kinds of vessel with a capacity less than 20 tons or 12 to 30 passengers seats;
  - (b) All fishing vessel with engine power less than 75 horse power;
  - (c) Regular inspection of vessel the province/municipality level shall be carried at that MPWT provincial/municipal office expect for any special case.

## II. Application for Vessel License

The vessel owner shall apply their vessel license at the place and during the period specified below:

1. At the commercial department:
  - (a) for vessel purchased or built in Sihanoukville, Kampot, Kep, Koh Kong within one month from the date of purchase or building completion date;
  - (b) for vessel purchased or built in other provinces/municipalities within two months from the date of purchase or built completion date;
  - (c) for imported vessel within three months from the date custom duties payment.
2. At MPWT provincial/municipal office:
  - (a) for vessel purchased or built in that province/municipality within one month from the date of purchase or building completion date;
  - (b) for vessel purchased or built in other province/municipality within two months from the date of purchase or building completion date;
  - (c) for imported vessel within three months from the date custom duties payment.

## III. Documents Required for the Application of Vessel License

The application form shall include:

1. Application form affixed with proper stamps;
2. The agreement of sale or vessel building. The sale agreement shall include the seller and purchaser addresses witnessed and certified by the local authority. The license for new vessel building from January 1, 2000 shall be obtained from the construction director or shipyard director.
3. The license of residence of the applicant and family book, or identity card, or other identification document;
4. For vessels belonging to the state or a public entity, a certified letter from the head of such entity;
5. The construction blueprint and vessel specifications;
6. A receipt of tax payment.

## IV. Determination of License Plate

### 1. Category:

License plate for vessel navigation on Cambodian sea shall be divided into the following categories:

Category number:

- |                      |                                   |
|----------------------|-----------------------------------|
| 1. Passenger vessel  | 7. Research and expiration vessel |
| 2. Commercial vessel | 8. Public vessel                  |
| 3. Oil tanker        | 9. Semi-public vessel             |
| 4. Trailing vessel   | 10. Foreign vessel                |
| 5. Tourist vessel    | 11. Rescue vessel                 |
| 6. Fishing vessel    |                                   |

### 2. Initial letters:

The initial letter on the license plate for vessels navigation on Cambodian sea which are required to be registered at the commercial vessel Department shall be identified as PP (Phnom Penh) whereas the initial letter of the license plate registered at the provincial/municipal public works and transport office shall be determined according to paragraph IV-3 below. In this case, the license plate shall not have the ending letter.



3. **Ending letter:**

The following letter of license plate for all vessels navigating on Cambodian sea shall be determined as follows:

- |                          |                        |
|--------------------------|------------------------|
| a. Sihanouk Municipality | Krs (in Khmer Kra Sar) |
| b. Kampot Province       | KP (in Khmer Kar Por)  |
| c. Kep Municipality      | KrK                    |
| d. Koh Kong province     | KK (in Khmer Kar Kar)  |

4. **Color, size of letters and number**

The letters and number of vessel's license plate shall be in black. The size of letter and number regardless of the size of the vessel shall be determined as follows:

Height	24cm	Thickness	4cm
Width	12cm	Space	3.5cm

5. **Location of license plate**

The license plate for all vessels navigating on Cambodian sea shall be placed on both sides of the external front sides of the vessel. The license plate shall be painted directly on the surface of the front sides.

6. **Ordinal number:**

There shall be the serial number of four digits in between the initial letter, category number, and ending number of the license plate.

7. **Form of license plate:**

The vessel license plate shall have black letters and number painted on both sides of external wall of the front sides of the vessel or on the white number plate on the external wall:

Example:      PP1-0001 KK              KK1-0001

For commercial vessel regularly navigating across borders, such as flag, vessel name, and name of port where the vessel was registered and flag location, shall comply with international laws.

8. **Destination Sign:**

Passenger vessels, commercial vessel, and trailing vessels shall have a destination sign placed at the front and the same level of the pilot of the vessel.

The destination sign shall include:

- Type of vessel: "transportation of passenger, cargo, towing";
- Destination "Sre Ambel-Koh Kong";
- Loading capacity or number of passenger seats;
- Total tonnage;

The destination sign shall comply with the type and size of the vessel as specified below:

- (a) For vessel measuring 30 meters long or more, the destination sign size shall be 1.10 meter wide and 2.20 meters long.
- (b) For vessel measuring 18 meters to 29 meters long, the destination sign size shall be 0.70 meter wide and 1.20 meters long.
- (c) For private or semi-public vessel conducting public transportation, the destination sign shall be in white and the letters and numbers shall be in black.
- (d) For private vessel transporting personal cargo, the destination sign shall be in black and the letter and numbers shall be in white.
- (e) For public vessel, the destination sign shall be in red and the letters and numbers shall be in white.

**9. Vessel name:**

- (a) The vessel name shall be determined by the owner and approved by the institution issuing the registration license;
- (b) Vessel names shall not be similar within the same business areas unless the vessels belong to the same owner. In this event, the serial number shall be placed after the name of the vessel;
- (c) The vessel name shall be written in black on the top and in the middle of the license plate.

**CHAPTER II****VESSEL CONSTRUCTION AND REPAIRS****I. Vessel Construction**

1. The construction or establishment of any shipyard stipulated in chapter 1 may be made only when there is an authorization letter.
2. The authorization shall be issued by the Ministry of Public Works and Transport (Department of Commercial Vessel).
3. A legal entity or natural person intending to start a shipyard or vessel repair yard shall apply to the department through the office of commercial vessel.

The application form shall include:

- (a) One application form affixed with proper stamps;
  - (b) The location of shipyard or repair site with authentic ownership title of land or lease contract certified by the local authority. The lease contract shall be provided if the shipyard or repair site was leased;
  - (c) A certificate of environment impact assessment or initial environment impact assessment;
  - (d) The certificate of residence, family book, identity card or identification document;
  - (e) The construction plan approved by the provincial/municipal public works and transport office;
  - (f) A receipt of tax payment.
4. The shipyard owner shall apply for the construction of the vessel with the institutions stated in chapter 1 paragraph 1.1 and 1.2 the application form shall include:
    - (a) One copy of application form affixed with proper stamps;
    - (b) One copy of the materials list;
    - (c) One copy of vessel design;
    - (d) The residential certificate, family book, identity card or identification document;
    - (e) Name and place of construction site.
  5. Upon receipt of the construction license the Department of Commercial Vessel or the provincial/municipal office shall deliver the vessel records to the owner. There shall be only one book per vessel affixed with the signature of the contractor or the shipyard director after the completion of the construction.

**II. Repairs**

1. All vessel owner, the shipyard shall be authorized the institutions stated in chapter 1 paragraph 1.1 and 1.2 above.
2. The vessel owner, the shipyard director, or the repair site owner shall apply for the vessel construction with the institutions stated in chapter 1 paragraph 1.1 and 1.2.

The application form shall include:

- (a) One copy of application form with proper stamps;
- (b) One copy of the materials list;
- (c) The specification book and records book of the vessel;
- (d) The residential certificate, family book, identity card or identification document;

- (e) Name and place of repair site;
- 3. Any vessel engine repair in compliance with the inspection requirement or random inspection maybe made without application as stated paragraph II.2 above.
- 3. Upon the completion of the repairs, the repair site owner shall issue a statement of repairs to the vessel owner. In this case, the vessel's specification shall be inspected prior to the issuance of the business license.

### **III. Replacement of Vessel's Engine**

Any vessel engine replacement shall be authorized by the institution issuing the registration license for such vessel. The vessel owner shall apply for the new registration license with a proper stamp. In this event, the license plat shall remain the same, except that the alteration shall be recorded into the vessel registry.

## **CHAPTER III**

### **VESSEL INSPECTION**

#### **I. Inspection book**

All vessels shall have their inspection book issued by the Department of Commercial Vessel or the Provincial/municipal public works and transport office before conducting its business or being granted the business license. The vessel owner shall apply for the inspection book at the Department of Commercial vessel or at the provincial/municipal public works and transport office. Such application form shall be properly stamped and enclosed with a copy of the registration license.

The condition for the inspection book shall include the following:

1. One inspection book per vessel;
2. The result of inspection shall be recorded in this book;
3. The vessel owner, captain, or vessel pilot shall properly keep the book for inspection by the competent authority at every inspection;
4. The principal/municipal public works and transport office shall send a copy of the inspection report to the department of commercial vessel after the completion of each inspection with comment arising from the inspection and any fines for offences from the date of initial inspection. Such files shall be maintained as records for each vessel at the Department of Commercial vessel for regular inspection;
5. An exception to the inspection shall be authorized for vessel prohibited from circulation and the vessel documents (registration license and business license) shall be keep at the department of commercial vessel and the provincial/municipal public works and transport office;
6. If the book is lost, the vessel owner, captain, or pilot shall immediately report to the local authority and then submit an affidavit of loss to the department of commercial vessel and the provincial/municipal public works and transport office and request for a duplicate; and
7. If all page of the book are used, scratched, or its contents unreadable, the owner shall request for the issuance of a new book at the institution in charge of issuing the registration license.

#### **II. The Vessel Engine Logbook**

1. The mechanic shall keep the engine logbook for purpose of monitoring of engine history, maintenance, and repairs made to the engine;
2. The mechanic shall maintain the engine logbook properly without missing of any page and shall present to the competent authority at the time of inspection;
3. If the logbook is lost, the vessel owner, captain or pilot shall immediately report to the local authority and then summit an affidavit of loss to the department of commercial vessel and the provincial/municipal public works and transport office by request for a duplicate;

4. If all page of the book are used, stretched, or its contents unreadable, the owner shall request for the issuance of a new logbook at the institution in charge of issuing the registration license.

### III. The Inspection of Vessel Specifications

Specifications:

- (a) **Body:** any vessel body whether made of wood or iron shall have a quality that ensures the seaworthiness of the vessel, safety of property or lives, and environment;
- (b) **Engine system:** each part of the engine shall be installed in a manner, which is free from risk of fire or explosion. The engine shall be properly operating with no defective parts. The engine shall be insulated by a shield to protect from danger passengers, person on duty, or other persons who may touch the engine or its system;
- (c) **Steering system and piloting:** The steering system shall be maintain in an active manner, which allows an effective left, or right steering. The pilot's seat shall have enough space and in a position that allows the pilot to see clearly everything from every side.
- (d) **Roof:** The roof shall be designed in a manner to reduce wind pressure or maintain the vessel's balance:
  - Any vessel measuring 25 meters long or more shall be cover by the roof;
  - Any vessel which has a front length 21 to 24 meters shall leave 3 meters uncovered at the back;
  - Any vessel which has a front length 18 to 20 meters shall leave uncovered half to the back;
- (e) **Horn:** all vessel s shall have a horn. It is used in the necessary case.  
 For example: when the vessel is ready to be anchored and discharged the cargo, passenger, or when she is ready to leave the port or jetty or when she passing by another vessel;
- (f) **Signal lights:**
  1. A passenger vessel, tourist vessel, cargo vessel, oil tanker, and training vessel shall have the following lights:
    - ▶ One green light at the right hand side and one red light at the left hand side on the top front of the roof. Both lights shall be seen from a distance of 1,000 meters under normal weather conditions. The red and green light shall be flashed from 112.30 degree straight ahead. These two lights shall be blinked so that they cannot be seen from the back.
    - ▶ One headlight shall be installed at the tail, flashed 135 degree to the back, and can be seen from a distance of 1,500 meters.
    - ▶ A passenger vessel and tourist vessel shall have headlights on the mast located in the middle and along the median line of the vessel and at a height of at least three meters above the roof. These headlights shall be seen from a distance of 1,500 meters under normal weather conditions and shall be flashed 225 degree straight ahead. The floating ring with a diameter of 0.3 meter shall be used to replace these headlights during the daytime.
    - ▶ A cargo vessel shall have one additional headlight and one red light. The headlight shall be placed above the red light in a distance of 01 meter. The white triangle sign shall be used instead of the headlights and the black floating ring shall be used instead of the red light during the daytime.

- ▶ A vessel loaded with inflammable substance, dangerous cargo, and explosive substances shall have another colored light placing at the same level as the headlight stated above. The red letter B shall be used instead of the red light during the daytime.
  - ▶ A trailing vessel measuring at least 100 meters long shall have two headlights placing 01 meter between each other from the top down. The black floating ring shall be used instead of the red light during the daytime.
2. A ferryboat with a capacity of 25 tons or more shall have:
- ▶ Two lights affixed to the roof. The red light shall be placed on the left and the green light shall be placed on the right hand side, shall be seen from a distance of 900 meters, and shall be flashed 112.30 degree ahead and on both sides.
  - ▶ One colored light shall be placed on the tail flashing 35 degree ahead and can be seen from a distance of 1,500 meters.
3. A ferryboat with a capacity of 25 tons or less shall have colored lights for all directions placed at least at a height of 2 meters above the roof.
- (g) Safety equipment:
1. **Floating ring and life vests:**  
A vessel shall have a floating rings and life vests for use in case of emergency. There shall be a number of lifeboats set in accordance with the number of passenger. There shall be a number of floating rings to use as a life rescue. In addition, the life rescue equipment for the crews, passenger, or tourist, or everyone on board of the vessel there shall be life vests to be used in case of emergency. The vessel's name, number and name of port shall be written on the lifeboat, floating ring, and life vests. The lifeboat, floating rings, and life vests shall be properly kept and in a condition that is accessible by everyone on time.
  2. **Bridge:**  
A vessel shall have a bridge made of wood or light and firm iron with at least 0.50 meter wide to be used by the passengers. This bridge shall have hand bar on both sided and safety net underneath.
  3. **Fire equipment:**  
A vessel shall equip with all kinds of fire-extinguished equipment to be used in case of emergency.
  4. **Water pump:**  
A vessel shall equip with water pump for pumping out the water is leaking in to the vessel.
  5. **Safety buffer:**  
A vessel shall have a safety buffer made of wood or rubber wheel placed on both sides to protect the vessel against an unexpected collision.
  6. **Emergency exit:**  
A vessel shall have a safety adequate emergency exit to protect the passengers live in case of emergency.

7. **Emergency signal:**  
All vessels, in particular passenger vessels and tourist vessels shall be equipped with an emergency sound signal to alert the emergency, which may occur to the vessel.
  8. **Anchor:**  
All vessels shall have an anchor connected to a firm and durable rope to protect the vessel from moving away. In addition, a vessel shall have a rope to tie when the vessel along side the port.
  9. **Reserved medicines and toilet:**  
A passenger vessel and tourist vessel shall have a medical boxes and a number of reserved medicines to be used for unexpected illness. The dosage of the medicine shall be of low effect and cause no injury to the health but may relieve illness before the vessel dock alongside the port. A passenger vessel and tourist vessel shall have a good toilet.
  10. **Communication radio:**  
A vessel shall have a radio with which it can send information to relevant authority when encountering natural disaster, pirates or other force major.
  11. **Depth indicator:**  
A vessel shall have a depth indicator to protect the vessel from standing.
  12. **Waste bin:**  
A vessel shall have a waste bin to store waste such as plastics or any waste, which is insoluble in seawater, and dispose them of at a specified location.
- (h) **Loading scale:**  
A vessel shall have a loading scale to indicate the maximum loading capacity and the weight of the vessel. The loading scale shall be marked in white in both front sides and at the middle of the vessel. The loading scale shall measure 0.50 meter long and 5 centimeters wide. The loading scale, which indicates the maximum load and weight of the vessel, shall appear on the same axis, which is located in the middle of the vessel.
- (i) **Vessel color:**  
The vessel color shall be determined by the owner. Any change of vessel color shall be authorized by the department of commercial vessel or the principal/municipal public works and transport office.
2. Type of technical inspection:  
There are three types of technical inspection:
- (a) A compulsory inspection is the initial inspection prior to the application for transport license;
  - (b) A specified inspection shall be made to the vessel which has been operated and such inspection shall be made on the date fixed by the department of commercial vessel or the provincial/municipal public works and transport office. Such inspection shall be made every six months for vessel with wooden body and once a year for vessel with iron body. For special case, a shorter period may be set at the discretion of the technical inspector.
  - (c) A random inspection is an inspection without prior notice to the vessel owner. The purpose of this inspection is to ensure the respect of commercial laws and other regulations as set by the State or by the business operator. Random inspections shall be made at any time and place on the Cambodian sea.

3. Powers and rights to conduct inspection:
  - (a) Compulsory inspection and specified inspection:
    - Such inspection shall be made by the Department of Commercial Vessel.
    - Such inspection shall be made by the provincial/municipal public works and transport office.
  - (b) Random inspection:

At the ministerial level, a competent random authority chaired by a representative of the Ministry of Public Works and Transport shall make a random inspection. Such inspection shall be made at a request of the chairperson when deemed necessary.
  - (c) Inspection report:

The competent authority shall prepare an inspection report and record all defects in the specification book of the vessel during the course of inspection.

If a defect or inadequate seaworthiness is detected on any vessels, the competent authority shall order an immediate suspension of its operation. The inspection authority shall withhold the registration license and the business license, maintain them at the Department of Commercial Vessel or provincial/municipal public works, and transport office by issuing the receipt to vessel owner.

These documents shall be returned to the owner who shall be allowed to resume his/her business if all the above affects were rectified.
  - (d) Specified date of inspection:
    - A vessel owner shall cause his/her vessel to be inspected at the location specified by the Department of Commercial Vessel or the provincial/municipal public works and transport office.
    - If the vessel owner failed to comply by the specified date, he/she shall be fined for Reil 5,000 per day from the date of expiration.

## CHAPTER IV

### CREW BOOK, LICENSE AND VISA BOOKS

#### I. Professional Crew Book

1. All crew, including the captain, assistant to captain, mechanic, and workers engaging in shipping services on Cambodia sea or high sea shall have their crew book presented to the competent authority for inspection.
2. The crew book shall be issued by the Department of Commercial Vessel for a period of three years. It may be renewed twice each time for a period of two years.
3. A vessel owner shall ensure that all crew defined in paragraph 1.1 above obtained their crew books before engaging them to work for his/her vessel.
4. The crew shall apply for a crew book and the application form shall include the following documents:
  - (a) One copy of application form with proper stamp;
  - (b) One copy of the certificate of residence, family book, identity card, or identification documents;
  - (c) One copy of the personal background, including education and experiences in shipping and three (4\*6) photographs; and
  - (d) One copy of the current medical examination.

The crew shall maintain the crew book properly without any missing of any page. If the book is lost, scratched, or its contents unreadable the crew shall request for a new one from the Department of Commercial Vessel.

**II. License Qualifications**

The license shall be issued to a crew in accordance with his/her qualifications by the Department of Commercial Vessel.

Any vessel with a loading capacity of 20 tons or more shall have a captain assistant or mechanic if the vessel's engine is 30 horse power or more.

1. Captain assistant license:

- (a) **Assistant License Class 1:** a bearer of class 1 assistant license shall be qualified to pilot a vessel with a capacity of 301 tons or more or a trailer vessel with a capacity of 301 tons or more and shall be at least 25 years of age.
- (b) **Assistant License Class 2:** a bearer of class 2 assistant license shall be qualified to pilot a vessel with a capacity of 51 to 300 tons or a trailer vessel with a capacity of 25 to 300 tons and shall be at least 25 years of age.
- (c) **Assistant License Class 3:** a bearer of class 3 assistant license shall be qualified to pilot a vessel with a capacity of 50 tons or below or a trailer vessel with a capacity of 50 tons or below and shall be at least 22 years of age.

2. Mechanic license:

Every vessel shall have a mechanic responsible for maintaining the engine. Each mechanic shall make such license available all times:

- (a) **Mechanic License Class 1:** a bearer of a class 1 mechanic license shall be qualified to serve on board a vessel with a capacity of 151-horsepower or more and shall be at least 22 years of age.
- (b) **Mechanic License Class 2:** a bearer of a class 2-mechanic license shall be qualified to serve on board a vessel with a capacity from 91 to 150-horsepower and shall be at least 22 years of age.
- (c) **Mechanic License Class 3:** a bearer of a class 3-mechanic license shall be qualified to serve on board a vessel with a capacity of 30 to 90-horsepower or more and shall be at least 20 years of age.

**III. Captain License:**

Any vessel with capacity of 30-horsepower or more shall have a captain. A captain license shall be issued by the Department of Commercial Vessel to a crew meeting the following criteria:

1. A license valid for three years for a crew serving on board of a vessel for at least five years with a license of qualification issued by a supervising captain.
2. A license valid for five years for a crew has completed captain training as evidenced by a degree or training certificate.
3. A crew shall be at least 25 years of age and be in good health.

**IV. Visa Logbook:**

1. Every vessel shall maintain their travel visa books. Such book shall be issued by the Department of Commercial Vessel or the provincial/municipal public works and transport upon submission of a transport business license or a fishing business license.
2. The visa logbook shall be used to present to the competent authority at all maritime checkpoint.



3. If the book lost, captain shall immediately report to the local authority and submit an affidavit of loss to the Department of Commercial Vessel or provincial/municipal public works and transport in order to obtain another book.
4. If all pages of the book were used, scratched, or its contents was unreadable, the owner shall request for the issuance of a new book.

## **CHAPTER V**

### **CONDUCT OF BUSINESS**

#### **I. Business License:**

Every vessel described in chapter 1, paragraph I shall have a business license issued by the institutions as provided in paragraph I. 1 and I.2 of this chapter before conducting its business.

Any businessperson, vessel owner, or shipping company headquartered in Cambodia and conducting foreign or cross border shipping business shall have a business license issued by the Department of Commercial Vessel.

The business license shall be valid for 1 year and can be used for one single purpose irrespective of the location in the same provincial/municipality.

#### **II. Application for Business License:**

The vessel owner shall apply for a business license with the institution prescribed in chapter 1, Paragraph I.1 and I.2 above and shall include the followings:

1. One copy of the application with proper stamps;
2. One copy of the registration license;
3. One copy of the specification inspection book.

Any businessman, vessel owner, or shipping company shall apply for a second business license, whenever there is:

1. a change of the destination;
2. a change of business objectives.

Any businessman, vessel owner, or shipping company headquartered in Cambodia and regularly conducting their business across border shall comply with the following requirements:

1. One copy of application with proper stamps;
2. Certificate of registration;
3. Certificate of registration issued by the Ministry of Commerce;
4. Certificate of insurance;
5. Other certificate in conformance with international conventions; and
6. Receipt of tax payment.

## **CHAPTER VI**

### **TRANSFER OF VESSEL OWNERSHIP**

The vessel owner shall transfer the ownership title in accordance with the law whenever the vessels change hands. Whenever a person takes possession of a vessel without there being an ownership title transfer to the new owner, the legal liability for the vessel shall remained born by the original owner.

#### **I. Place of Transfer**

The new owner shall arrange the ownership transfer at the institution as prescribed in Chapter I.1 Paragraph I.1 and I.2 above.

After the transfer, the provincial/municipal office of public works and transport shall send a report to the Commercial Vessel Department no later than seven days thereafter.

## **II. Document Required for Ownership Transfer**

The application of ownership transfer shall consist of the following documents:

1. One copy of the application affixed with proper stamps;
2. Certificate of registration;
3. One copy of the sale agreement signed by the seller and one copy signed by the purchaser; and
4. One copy each of the seller and purchaser's residential certificate attached together with family books, identity cards, or identification document.

## **III. Period of Transfer**

The ownership of transfer shall be completely consumed no later than fifteen (15) days from the sale contract signature date.

The Director of Cabinet, the Director General of Transport, the Director General of Administration, The Inspector General, and the provincial/municipal office of public works and transport shall immediately disseminate this instructional SARACHOR (Circular) to the general public and public institutions and enforce it in an effective manner.

Phnom Penh, October 1, 1999  
Ministry of Public Works and Transport

Signature and Seal: **LIM KHY TAING LIM**

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**THE MINISTRY OF PUBLIC WORKS AND TRANSPORT**  
**No: 003 SRC/ MPWT**

**SARACHOR (CIRCULAR)**  
**ON**  
**MEANS OF WATERWAY TRANSPORT MANAGEMENT**

Phnom Penh, June 27, 2000

- Referring to Anukret 141/ANK/PK of March 3, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- Referring to Prakas 852/PK of December 19, 1995 on the Determination of Fees for License Plates, Driving Licenses, Business Licenses, Vehicles, Vessels, and Ferries Specification Inspections;
- Referring to Prakas No. 403/PK/MPWT of August 4, 1999 on the Organization and Functioning of the Department of Waterway Transport;

Further to the need to effectively regulate maritime circulation to ensure public order and ship safety, and human lives while utilizing sea vessels, and to contribute to the protection of sea environment.

To Ministry of Public Works and Transport

In order to ensure proper management of all vessels and/or boat navigation on the waterways within the Kingdom of Cambodia and to ensure the safety, comfort, security, hygiene, traffic order, and to protect the lives of crew, passenger, tourists, properties, means of transport, and environment, the Ministry of Public Works and Transport here by declares:

**CHAPTER I**  
**VESSEL/BOAT IDENTITY CARD**

**I. Issuance of Identity Card:**

All boats navigation on the waterways of the Kingdom of Cambodia with a load capacity of 500 kilograms or more, including vessel/boats transporting goods, oil tankers, passenger boats, tourists boats, fishing boats, ferry boats, dredges, gravel/sand dredges, surveillance/craning ships, poling boats, trailer boats, power boats, ferries, pontoon boats, floating house, and rescue boats whether belonging to the state or privately owned, or owned by foreign nationals residing temporally or preeminently in the Kingdom of Cambodia shall have a vessel/boat identity card issued by the Ministry of Public Works and Transport.

1. General Department of Transport (Department of Water Transport)
  - (a) Any vessel/boat with a load capacity of 40 tons or more an engine capacity of 90-HP or more;

- (b) Any oil tanker;
  - (c) Any passenger boat with a load capacity of 50 tons or more;
  - (d) Any tourist boat;
  - (e) Any boat or vehicle ferry;
  - (f) Any boat navigation across provincial/municipal boundaries;
  - (g) Any boat trailer with an engine capacity of 90-HP or more;
  - (h) Any fishing boat;
  - (i) Any boat used for conducting business across borders;
  - (j) All owned by foreign nationals residing temporarily or permanently in the Kingdom of Cambodia;
  - (k) Any power boat regardless of engine power;
2. Provincial/Municipal Public Works and Transport Office
- (a) Any boat with a load capacity below 40 tons or with an engine capacity less than 90 HP;
  - (b) Any passenger boat National Police boats belonging to the Ministry of National Defense or the Ministry of Interior shall have operating license issued by the respective institution.

## **II. Application or Boat Identity Card**

A boat owner shall apply for a boat identity card at the place and specified below:

1. General Department of Transport (Department of Water Transport)
  - (a) Within one month for a boat located in Phnom Penh and no later than two months from the date of complete construction and commissioning.
  - (b) Within two months from the date of payment of duty for an imported boat
2. Provincial/Municipal Public Works and Transport Office
  - (a) Within one month for a boat located in the respective province/municipality and two months for boat imported from the date of the sale;
  - (b) Within no later than three months from the date of payment of duty for an imported boat

## **III. Documents Required for Application for a Vessel/Boat Identity Card**

The application form shall include the following documents:

1. The application form affixed with proper stamps;
2. Contract of sale recognized by the competent authority;
3. Applicant's certified letter of residence or identity card and photocopied family book;
4. Administrative letter certifying that the boat does not belong to the state if the applicant is a civil servant;
5. A certified letter from the director of the department if such boat belongs to the state;
6. A proper import invoice, if it is an imported boat;
7. A certified letter from the Ministry of Public Works and Transport of the boat is constructed or modified
8. A construction schematic approved by the Ministry of Public Works and Transport; and
9. A records book of the boat certified by a shipyard manager

## **IV. Determination of numerals, initial letters on license plate, and boat name**

### **1. Category of vessel/boat:**

The number plates for vessel/boats navigating on the Cambodian waterways shall be divided into the following categories:

- Category 1: Dry goods boat
- Category 2: Passenger boat
- Category 3: Oil tanker
- Category 4: Trailer boat
- Category 5: Non-motor boat
- Category 6: Boat, ferryboat, ferry, dredge, gravel/sand dredge, poling boat

- Category 7: Specialized or personal boat
- Category 8: Fishing boat
- Category 9: Foreigner's boat
- Category 10: Tourist boat or powerboat
- Category 11: Rescue boat.

## 2. Initial letters:

The initial letters on license plates of vessels/boats navigating on the Cambodian waterways in Phnom Penh or province/municipality shall be as follows:

- PP for Phnom Penh
- KD for Kandal Povince
- SR for Siem Reap
- BB for Battambang
- PS for Porsat
- KCHH for Kompong Chhnang
- KTO for Kompong Thom
- KCH for Kompong Cham
- KT for Kratie
- ST for Stung Treng
- PV for Prey Veng

## 3. Table of number of allocation for boats navigating in Kingdom of Cambodia

No	Name of Province/Municipality	Initial Ending	Total Number	Other
1	Kampong Chhnang	2501	3000	500
2	Kampong Thom	3001	3500	500
3	Kampong Cham	3501	4000	500
4	Kratie	4001	4500	500
5	Stung Treng	4501	5000	500
6	Battambang	5001	5500	500
7	Siem Reap	5501	6000	500
8	Pursat	6001	6500	500
9	Prey Veng	6501	7000	500
10	Kandal Province	7001	7500	500
11	Phnom Penh	7501	8000	500
12	Ministry of Public Works and Transport	8001	9000	1000

Example:

- a. Phnom Penh City
  - Dry-cargo boat                      PP1 7501
  - Passenger boat                        PP2 7501
  - Trailing boat                            PP4 7501
- b. Kandal Province
  - Dry-cargo boat                        KD1 7001
  - Passenger boat                        KD2 7001
  - Trailing boat                            KD4 7001

## 4. Size of Letter and Number

The boat's license plate shall be placed on the lower part of the front side 0.20 centimeters below the edge. The letter and numbers of the vessel/boat shall be written in the black on the white background.

- Height                      24 cm                      - Thickness                      4 cm
- Width                        12 cm                      - Space                            3.5 cm

### **5. License Plate**

The plate shall be written on a white background, for example PP2-8004. For commercial vessel/boat navigating regularly across water boundaries, the Khmer letter script PP shall be replaced by PP and – IF added at the end, e.g. PP1-8001-IF.

### **6. Destination Sign**

Passenger boats shall have destination sign placed at the first level of both front sides next to the pilot cabin.

The destination sign shall include:

- Type of boat “Passenger boat”;
- Destination “Phnom Penh- Kampong Cham or Phnom Penh-Kratie”;
- Number of passenger seats;
- Number of tourist seats;
- Total loading capacity

The size of a destination sign shall comply with the type of boat as specified below:

- (a) A destination sign shall be 1.10 meter wide and 2.20 meters long for a boat measuring 30 meter long or more.
- (b) A destination sign shall be 0.7 meter wide and 1.20 meters long for boat measuring 18 to 29 meters long.
  - A destination sign shall have a white background with black letters and number for private boat used for conducting public transport business.
  - A destination sign shall have a black background with white letters and number of boats transporting personnel goods.
  - A destination sign shall have a green background with white letters and number for public boats.

### **7. Name of vessel/boat**

- (a) The name of a vessel/boat shall be determined by the owner and approved by the institution issuing the certificate of registration;
- (b) Boat names shall not be similar for the same business areas unless they belong to the same owner. In this case, the serial number shall be placed after such name. For Example, Gold series 1, Gold series 2, Morning star 1, Morning star 2, etc.
- (c) The boat name shall be written in black on the top middle of the license plate on a white background.

## **CHAPTER II**

### **TRANSFER OF VESSEL/BOAT OWNERSHIP**

In order to comply with the legal requirements, a transfer of ownership shall be made for every change of ownership. The original owner (seller) shall remain legally liable for failure o transfer ownership to the new owner.

#### **I. Place of Transfer**

The new owner shall arrange a transfer of ownership at the institution described in Chapter 1.1, 1.2 on the application for boat identify card, and both seller and buyer shall be present and affix their thumbprints before the competent authority.

If the transfer of ownership falls under the jurisdiction of the Department of Transport (Chapter 1.1), the provincial/municipal Public Works and Transport Office shall describe whether such sale is proper and if necessary relevant documents shall be sent to the General Department of Transport (Department of Water Transport) for approval.

#### **II. Documents Required for the Transfer of Ownership**

An application for ownership transfer shall include the following documents:

1. A copy of an application affixed with proper stamps;

2. A certificate of registration (original copy);
3. A copy of contract for sale with proper addresses of the seller and buyer certified by local authority; and
4. A copy of identity card or family book

### **III. Period of Transfer**

The ownership transfer shall be complete no later than fifteen (15) days from the date that the seller and buyer affix the stamp duty on the sale contract.

### **IV. Replacement of Boat's Engine**

If the boat owner replaces an engine or modifies the boat size, he/she shall submit a new application for a new boat identity affixed with proper stamps. In this case, the license plate shall remain the same; however, the alteration shall be registered in to the boat registry. The approval for the engine replacement or size modification shall be made in the accordance with he provisions states in CHAPTER 1 (1) and 1 (2).

## **CHAPTER III**

### **BOAT PILOT LICENSE AND MECHANIC LICENSE**

#### **I. There Are Three Types of Pilot Licenses:**

1. Pilot License Class 1: a bearer of a class 1 pilot license shall be at least twenty-five years of age and shall be entitled to pilot a vessel/ boat with a capacity of 301 tons or more or trailer boat with a capacity of 301 tons or more;
2. Pilot License Class 2: a bearer of a class 2 pilot license shall be at least twenty five years of age and shall be entitled to pilot a vessel/ boat with a capacity from 51 to 300 tons or trailer boat with a capacity of 25 to 300 tons;
3. Pilot License Class 3: a bearer of a class 3 pilot license shall be at least twenty-two years of age and shall be entitled to pilot a boat with a capacity from 50 tons or below or a trailer boat with a capacity of 50 tons or below.

#### **II. Mechanic License**

There are three types of Mechanic Licenses. Every vessel shall have a mechanic responsibility for maintaining the engine. Each mechanic shall make such license available at all times.

- a. Mechanic License Class 1: a bearer of a class 1 mechanic license shall be qualified to work on board a vessel/boat with a capacity of 151 HP or more and shall be at least 22 years of age.
- b. Mechanic License Class 2: a bearer of a class 2 mechanic license shall be qualified to work on board a vessel with a capacity of 91 to 150 HP and shall be at least 22 years of age.
- c. Mechanic License Class 3: a bearer of a class 3 mechanic license shall be qualified to work on board a vessel with a capacity of 30 to 90 HP or more and shall be at least 20 years of age.

#### **III. Department Responsible for Issuing the Pilot License and the Mechanic License**

Any boat with an engine capacity of 15 HP or more shall be a navigator, a pilot and a mechanic who can bear their respective license.

Class 1, 2 and 3 Pilot License and Class 1, 2 and 3 Mechanic Licenses shall be issued by the Ministry of Public Works and Transport (Department of Waterway Transport of the General Department of Transport).

#### **IV. Application for Pilot and Mechanic Examination**

A candidate wishing to take an examination for the pilot of mechanic license shall submit an application as follows:

1. One copy of Application Form affixed with proper stamp;
2. One copy of Medical Examination Certificate issued by a hospital specified by the Ministry of Health;
3. Three photos of 3 x 4 cm size;

4. Receipt of Examination Tax;
5. One copy of Certificate of Qualification from the boat owner and the port authority;
6. One copy of Academic Certificate from school (if any)

#### **V. Examination Committee and Subjects**

1. Examination Committee  
The examination shall be organized at the Department of Waterway Transport and under the management of a committee appointed by the Director General of Transport.
2. Subjects  
The subjects for examination for pilot and mechanic license shall include:
  - a. Pilot License  
Waterway Traffic Law, including oral questions, practices, and rescue measures
  - b. Mechanic License
    - Knowledge of mechanics and maintenance;
    - Waterway traffic law (oral questions on theory);
    - Certificate from a school of mechanic repairs

#### **VI. Issuance of Pilot or Mechanic Licenses**

1. A license shall be issued to a candidate who has passed the examination organized at the Department of Waterway Transport. The Department shall issue a temporary license, which is valid for 45 days. The temporary license holder shall pick up his/her license within 2 or 3 days prior to the expiration of the temporary license.
2. In the even of a loss of license, the licensee shall report to the local police authority and shall bring statement of such loss certified by such the local police authority to the Department of Waterway Transport for a duplicated license. If the license is torn, scratched, or its contents unreadable, the licensee shall request for a new license.
3. A candidate who failed the examination shall re-apply for the next examination when it becomes available later.

### **CHAPTER IV**

#### **CONSTRUCTION AND REPAIRS OF THE VESSEL/BOAT**

##### **I. Boat Construction**

The construction of any kind of vessel/boat shall be authorized by the institution stated in Paragraph 1 (1) and 1 (2) of Chapter 1. A boat owner shall apply for the boat construction with the institutions stated above.

The application form shall include:

1. One copy of application form affixed with proper stamp
2. One copy of the materials list
3. One copy of vessel/ boat design
4. One copy of residential certificate

Decision for construction shall be at the discretion of the General Department of Transport of the Ministry of Public Works and Transports and of the Director of Provincial/Municipal Public and Transport depending on the type of vessel/boat stated in Paragraph 1 (1) and 1 (2) above.

Upon receipt of a construction license, the Department of Waterway Transport shall provide boat records book to the owner. At the completion of construction, the construction manager shall sign on the record book.



## **II. Vessel/ Boat Repairs**

Any kind of vessel/boat repair shall be authorized by the Department of Waterway Transport. A boat owner shall submit an application for boat repair with the following documents:

1. One copy of application form affixed with proper stamp
2. One copy of the material list
3. One copy of the vessel/boat design
4. One copy of the residential certificate

## **III. Upon the completion of repairing, the owner shall report to the Department of Waterway Transport for Technical Re-inspection.**

## **IV. Any construction or repair shipyard of any type shall receive the authorization from the Ministry of Public Works and Transport.**

The application form shall include:

1. One copy of Application Form affixed with proper stamp;
2. One copy of the Land Title certified by the local authority;
3. One copy of the construction blueprint;
4. The residential certificate;
5. The Tax Payment Receipt

## **CHAPTER V**

### **TECHNICAL INSPECTION OF VESSELS/BOATS**

The purpose of technical inspection is to guarantee that a vessel or boat meets adequate technical conditions to provide security and traffic order; protect properties, and to ensure the safety and comfort of, and to protect the lives of crew and passengers traveling on the waterway within the Kingdom of Cambodia.

The vessel shall meet the following technical conditions:

1. Technical conditions of vessels/ boats authorized to engaged in commercial operations:
  - a. Body: the body, whether constructed iron, wood or fiber glass/ plastic, shall be of sufficient quality to ensure the safety;
  - b. Engine system: each part of the engine shall be installed in a well-running manner with a metal casing to protect passengers or other persons from the danger from touching the engine;
  - c. Steering system and piloting: the pilot's seat shall have enough space and be in proper order to allow the pilot full visibility;
  - d. Roof:
    - any boat measuring 25 meters long or more maybe fully covered by a roof;
    - any boat measuring 21 to 24 meters long shall have 3 meters at the stern left uncovered;
    - any boat measuring 8 to 20 meters long shall have half of the stern left uncovered.
  - e. Horn and bell: every vessel/boat shall be equipped with a horn for sending emergency blasts when necessary. The horn's sound shall be audible for a distance of at least 1,500 meters. In addition to a horn, every boat shall have bells with a 0.20m bottom diameter for use in emergency or bad weather.
  - f. Lights and Signals:
    1. **Boats and trailer boats:**  
 Every boat including trailer boat, passenger boat, cargo boat, and oil tanker shall have the following lights:
      - One light bulb installed on the mast in the middle and on median line of the boat, which shall be at least 3 meters above the roof. Such light shall be visible from a distance of 1,500 meters under the normal weather conditions and shall be flashed from 225 degree

straight ahead. During the daytime, a daylight bulb shall be replaced by a black ring buoy with ad diameter of 0.30m.

- The cargo boats shall have one additional daylight and red light bulb. The daylight bulb shall be placed above the red light in a distance of 1 meter. A white triangle sign shall be used instead of the daylight bulb and a black ring buoy shall be used instead of the red light during the daytime.
  - A boat loading inflammable or explosive substance shall have another red light placed at the same level of the daylight bulb mentioned above. A red letter “B” shall be used instead of this red light during the daytime.
  - A trailer boat measuring at least 100 meters long shall have two daylights placed 1 meter from each other (in top down order). A trailer boat measuring more than 100 meters long shall have three daylights placed 1 meter from each other. The black ring buoy with a diameter of 0.30m shall be used instead of these daylight bulbs during the daytime.
  - There shall be one green light on the right hand side and one green light on the left hand side installed on the top of the roof and these shall be visible from the distance of 1,000 meters under the good weather conditions. The red light shall flash 112.30 degree and be placed on the left hand side. The green lights shall flash 112.30 degree ahead and on the right hand side. The shade shall be affixed to protect the light reflection from the back.
  - One flashlight shall be installed at the stern, flashed 135 degree backward, and can be seen from the distance of 1,500 meters.
2. **The barges with a capacity of 25 tons or more shall have:**
- Two lights shall be placed on the roof, one red light on the left and one green light on the right and may be seen from the distance of 900 meters and flashing 112.30 degree ahead on both sides;
  - One flashlight shall be placed at the stern of the boat and flashing 135 degree backward.
3. **The barges with a capacity of or below 25 tons shall have one daylight flashing in all directors placed at least at a height of 2 meters above the roof.**
4. **Safety Equipments:**
- i. Buoy, ring buoy, and life vest**
- The boats shall have ring buoys and life vests for use in emergency;
  - The small buoys shall be of diameter 0.25m and 0.60m long;
  - The large buoy shall be of diameter 0.30m and 1.30m.

At least five or more buoys are on board of each boat. There shall be four red buoys with white color rims. The name and license number of the boat shall be written on a slate measuring 0.15m placed on the front of the buoys, i.e. Gold series PP2-8000. They buoys shall be placed on the roof without any fastening.

- The right buoys shall have a diameter of 0.60m to 0.80m and a thickness of 0.15m to 0.20m. They shall be painted in alternative stripes of red and white color with the name and license number of the boat, i.e. Gold series PP2-8000. There shall be more than 5 ring buoys per boats.
- Life vests: the passenger or tourist boats shall carry an adequate number of life vests for every passenger or tourist.

**ii. Bridge:**

Every boat shall have a wooden bridge measuring at least 0.40 meters wide to be used by the passengers or tourists.

**iii. Fire Equipment and Water Pump:**

Every boat shall be equipped with the fire extinguishing equipment and water pump to be used in case of fire or leakage.

**iv. Reversed medicines and toilets:**

Every passenger or tourist boat shall have a number of reserved medicines for use in case of emergency or illness. It shall be equipped with a clean and functioning toilet.

**v. Tarpaulin or used tires, woods, pushing poles, ropes and anchor:**

Every boat shall have a tarpaulin to protect the sunlight and rain. The used tires and woods shall be placed on both sides to protect the boat against any accidental crash. It shall have a pushing pole for use when the boat gets alongside or berth.

**vi. Water depth device:**

Every boat shall have a depth surveillance device to protect the boat for standing.

**vii. Cargo loading scale:**

At the time of technical inspection, every boat shall have a depth line on the external body or loading line to indicate maximum loading capacity as instructed by the committee for boat technical inspection.

**viii. Communication Radio:**

Every boat traveling on long voyage shall be equipped with a communication radio.

**2. Type of Technical Inspection:**

There are three types of technical inspections:

- a. A compulsory inspection is the initial inspection prior to the application for a transport license;
- b. A specified inspection shall be made to the vessel, which has been operated, and such inspection shall be made on the date fixed by the Department of Waterway Transport, or Provincial/Municipal Public Works and Transport Office. Such inspection shall be made every six months for the vessel of wooden body and once a year for the vessel of iron or fiberglass body. For the special case, a shorter period may be set at the discretion of the specification inspector.
- c. A random inspection is an inspection without prior notice to the vessel owner. The purpose of this inspection is to ensure the respect of commercial laws and other regulations as set forth by the State or by the business operator. The random inspection shall be made at any time and place on Cambodian waterways.

**3. Powers and rights to conduct inspection:****a. Compulsory inspection and specified inspection:**

- Such inspection shall be made by the Department of Waterway Transport;
- The Provincial/Municipal Public Works and Transport Office shall make such inspection.

**b. Random inspection:**

At the ministerial level, a competent random authority chaired by the representative of the Ministry of Public Works and Transport shall make a random inspection. Such inspection shall be made at a request of the chairman when deemed necessary.

At the Provincial/Municipal level, a joint committee organized by the Provincial/Municipal Governor and chaired by a representative of the Provincial/Municipal Public Works and Transport Office shall make a random inspection. Such inspection shall be made at an invitation of the chairman when deemed necessary.

c. Inspection Report:

The competent authority shall prepare an inspection report and record all defects in the specification book of the vessel during the course of inspection.

If a defect or inadequate seaworthiness is detected on any vessel, the competent authority shall order an immediate suspension of its operation. The inspection authority shall withhold the registration license and the business license and maintain them at the Department of Waterway Transport or the Provincial/Municipal Public Works and Transport Office by issuing a receipt to the vessel owner.

The documents withheld by the joint committee shall be maintained at the Department of Waterway Transport or the Provincial/Municipal Public Works and Transport Office at the completion of each inspection.

4. Procedures required before and after the periodic inspection:

A boat owner shall file his/her traffic document with the Department of Waterway Transport or the Provincial/ Municipal Public Works and Transport Office on the date of inspection.

The documents shall include:

1. Boat Identity Card
2. Boat Pilot License
3. Technical Inspection Book
4. Boat Long Book
5. Business License
6. Traffic Visa Book
7. Receipt of Tax Payment

If it is declared that the boat meets technical conditions as seaworthy, the owner shall request the return of these seven business operation documents.

If it is declared that the boat does not meet technical conditions, these business operation documents shall be temporarily filed with the Department of Waterway Transport or the Provincial/Municipal Public Works and Transport Office and the owner shall be required to come back for re-inspection within 7 after the first inspection.

At the expiration of such period, if he/she fails to bring the boat for inspection, he/she shall apply for the first withholding of these business operation documents.

If the period for first renewal elapses and the owner is unable to bring the boat for inspection, he/she shall apply for the second withholding. The period of such withholding shall not exceed 4 months from the date the boat fails the technical inspection. After 4-month period elapsed, the Business License shall be deemed void.

The failure to comply with the date of the specified inspection:

- (a) If the boat owner fails to file the business operation documents by the specified date of inspection, he/she shall be fined an amount calculated based on the number of days delayed;

- (b) If the 7-day period after the first inspection elapses as stated in Paragraph 4 (c), and the boat owner fails to bring his/her boat for re-inspection and fails to file the business operation documents he/she shall be deemed in default of the technical inspection;
- (c) If the first period elapses and the boat owner fails to bring his/her boat for technical inspection and fails to file for the second withholding of the business operation documents he/she shall be deemed in default of the technical inspection;
- (d) If the owner fails within 4 months from the date the committee declared that the boat failed the technical inspection and the boat owner remained unable to bring his/her boat for inspection, the business license shall be deemed void. Each filing for business operation documents shall be supported with the proper reasons.

## CHAPTER VI

### **BOAT TECHNICAL INSPECTION BOOK BOAT LOGBOOK, TRAFFIC VISA BOOK**

#### **(a) Technical Inspection Book:**

1. The results of the inspection shall be recorded in this book. There shall be one technical inspection book kept for one boat;
2. The boat pilot shall properly keep the book to present to the competent authority at any time for inspection. The pilot shall be fined for causing any tearing or loss of pages;
3. The book shall be issued by the Department of Waterway Transport, or the Provincial/Municipal Public Works and Transport Office;
4. After each inspection, the Provincial/Municipal Public Works and Transport Office shall send to the Department of Waterway Transport a copy of observation and comments arising from the inspection and fines for offenses committed since the first inspection;
5. An exception of the inspection shall be authorized for the vessel that is prohibited from circulation and the vessel's documents (Identity Card, Pilot License, Business License, Technical Inspection Book, and Tax Payment Book) shall be kept at the Department of Waterway Transport and the Provincial/Municipal Public Works and Transport Office;
6. If the book is lost, the vessel owner, captain, or pilot shall immediately report to the local authority and submit an affidavit of loss to the Department of Waterway Transport, or the Provincial/Municipal Public Works and Transport Office and request for a duplicate; and
7. If all pages of the book are used, scratched, or its contents are unreadable, the owner shall request for the insurance of a new book at the institution in charge of issuing the Registration License.

#### **(b) Activity Logbook:**

1. All boats shall maintain an Activity Log Book to record daily activity;
2. The navigator or pilot shall keep an activity log book in a proper manner and present it to the competent authority at any time of inspection;
3. If the book is lost, the navigator or pilot shall immediately report to the local police and present the affidavit of loss to the Department of Waterway Transport, or the Provincial/Municipal Public Works and Transport in order to buy another book;
4. If all pages of the book are used, scratched, or its contents are unreadable, the owner shall request a new book to replace the original book.

#### **(c) Travel Visa Book:**

1. Every boat shall maintain its Travel Visa Book. Such book shall be issued by..... If the book is lost, the navigator or pilot shall immediately report to the local police and present the affidavit of loss to the office upon the issuance of the Business License;
2. The Visa Log Book shall be used to present to the competent authority at every Waterway Checkpoint and Port of Transit;

3. The navigator or pilot shall maintain and keep the Travel Visa Book in a proper manner and present it to the competent authority at any time of inspection. He/she shall be fined for any missing page;
4. If the book is lost, the navigator or pilot shall immediately report to the local police and present the affidavit of loss by such local police authority to the Department of Waterway Transport or the Provincial/Municipal Public Works and Transport to obtain another book;
5. If all pages of the book are used, scratched, or its contents unreadable, the owner shall request for the new book from the Department of Waterway Transport, or the Provincial/Municipal Public Works and Transport.

## **CHAPTER VII**

### **BUSINESS LICENSE FOR WATERWAY TRANSPORT**

#### **A. Business License**

Except for the passenger and fishing boats, every vessel described in Chapter 1, Paragraph I shall have a Business License issued by the institutions as provided in Paragraph I (1) and I (2) of this Chapter before conducting its business.

An application for the Business License shall include the following documents:

1. One copy of Application Form affixed with proper stamps;
2. Boat Identity Card;
3. Technical Inspection Book;
4. Pilot and Mechanic License;
5. Travel Visa Book;
6. Boat Activity Log Book;
7. Receipt of Tax Payment

#### **B. Obligation of Boat Owner:**

The boat owner shall respect the traffic hours, destination, and transport objectives as authorized by the law;

The boat owner may change its business destination or business objective only after he/she has been in business for months;

After obtaining the business license, the owner shall commission the boat no later than 3 days, and for any reason the boat cannot be commissioned, he/she shall apply for a suspension of business, as stated in Paragraph A above at the Ministry of Public Works and Transport (Department of Waterway Transport) or the Provincial/Municipal Public Works and Transport Office. The owner shall specify the reason for such impossibility and indicate the duration for such suspension. The owner shall apply for a suspension renewal when such duration lapses. If the boat cannot be commissioned within 4 months, the business license shall be deemed void;

The owner shall regularly pay tax the state;

The owner shall comply with the instructions of the Ministry of Public Works and Transport (Department of Waterway Transport) or at the Provincial/Municipal Public Works and Transport Office or with the competent authority specified in the technical inspection book;

The owner shall not load any goods and passengers on the top of the roof and the cargoes shall not exceed the load capacity of the vessel/boat; and

In order to avoid the environment pollution, the boat shall be equipped with rubbish bin or waste bin.

#### **C. Revocation of Business License:**

Any failure to comply with the above provisions shall result in the revocation of the Business License; The decision to revoke a Business License shall rest with the Ministry of Public Works and Transport (Department of Waterway Transport) or the Provincial/Municipal Public Works and Transport Office.

## CHAPTER VIII

### INSPECTION OF LOCAL PORTS AND FERRY PORTS

1. Inspection of local ports and ferry port shall be under the jurisdiction of the Department of Waterway Transport who shall cooperation with the Provincial/Municipal Public Works and Transport Office.
  - Such inspection shall be arranged by the Ministry of Public Works and Transport and chaired by a representative of the Department of Waterway Transport.
  - The purpose of such inspection is to regulate the transit and berthing by the boat owner and to eliminate illegal port and ferry port and to improve safety of boats in transit or at berth/dock, in particularly, to protect the lives and passengers and to ensure the respect of law by the boat owners, the navigators or ports.
  
2. The Business License for the Local Port and Ferry Ports:  
Every owner of port and ferry port wishing to conduct the port or ferry port business shall obtain a business license at the Ministry of Public Works and Transport (Department of Waterway Transport). The Application Form shall include the following documents:
  1. One copy of Application Form affixed with proper stamps;
  2. One copy of construction license;
  3. One copy of residential certificate;
  4. One copy of material/equipment list; and
  5. One copy of the receipt of tax payment

In addition to the above, the following documents shall be included:

1. One copy of the Boat Identity Card;
2. One copy of the Pilot and Mechanic License;
3. One copy of the Technical Inspection Book;
4. One copy of the Specification Book issued by the Ministry of Economy and Finance

The General Department of Administration and the Provincial/Municipal Public Works and Transport Office immediately disseminate this instructional SARACHOR to the General Public and Public Institutions and enforce it in effective manner.

Phnom Penh, June 27, 2000  
Minister of Public Works and Transport

Signature and Seal: **KHY TAING LIM**

41. **Notice # 20** (MOE) on Stopping Activities from Clearing Land, Breaking Stones, Covering Stones and Building Anarchic Constructions along the Rights of Beach and Sea of Sihanoukville (January 20, 2004).....2-179

**THE OFFICE OF THE COUNCIL OF MINISTERS**  
**No: 020 SchN/ MOE**

**SACH KDEY CHHUN DOM NENG (NOTICE)**  
**ON**

**STOPPING ACTIVITIES FROM CLEARING LAND, BREAKING STONES,  
 FILLING UP LAND, COVERING STONES AND BUILDING ANARCHIC/ILLEGAL  
 CONSTRUCTIONS ALONG THE RIGHTS OF BEACH AND SEA OF SIHANOUKVILLE**

Phnom Penh, January 20, 2004

The people involving with clearing/filling up land, covering stones, building business stall and constructing disorderly houses along the land of beach and sea at Sihanoukville are informed by the Beach Environmental Coordinating Committee that such activities, which have been done and being done, have strongly affected the sustainability of beach development both in present and future. The impact would cause to disappear, particularly, the original status of shape in the beach areas and negatively affect the ecological system and the decrease/fall of bio-diversity, fishes, water birth, mammals...etc. Other pollutions may be caused from constructing small stall and illegal residences as well as disorderliness, and may increase illegal activities along beaches and erode/destroy natural shelters, place for fish eggs, fish food and sea birth within the sea ecological system, and would damage both water quality and beauty of natural tourism city.

According to:

- the Constitution of the Kingdom of Cambodia;
- the Law on Protecting Environment and Natural Resource Management;
- the Law on Land;
- the Law on Land Management, Urbanization and Construction;
- the Sub-Decree on Environmental Impact Evaluation;
- the Sub-Decree on Inspection of Water Pollution
- the Sub-Decree on Construction Permit;
- the Sub-Decree on Solution of Cadastral Problem;

These actions are anarchic/illegal and completely breached the State Laws, these acts are considered as illegal activities, and have been completely breached the State laws.

Pursuant to the spirit of meeting of the National Committee for Facilitating Beach Areas, on January 06, 2004, it has been unanimously approved that those illegal activities and constructions such as filling up land, filling up stones, clearing land and breaking stones along rights of beaches and sea areas of Tomnop Rolo, Prek Traing, O'Tres, Motel Sokha, O'Chheur Teal, Otel Praimpi Chuon, Tek Sap, resort beach, and Ream beach shall be removed immediately.

The Beach Environmental Coordinating Committee has given time for them to remove the above-mentioned anarchic/illegal constructions, commencing from the date of notice until February 20, 2004. During the given time, Sihanoukville Authority shall direct Khan and Sangkat authority and competent forces to inform those who committed the illegal activities above to stop and to remove those illegal constructions in accordance with the spirit of the Notice. If not doing so, the competent authority and authority of Sihanoukville Municipality will take legal actions and file a complaint to the court.



Minister of Environment and Chairman of  
National Committee for Facilitating Beach Areas

Sealed and Signed: **MOK MARETH**

Cc:

- The Office of the Council of Ministers
- The Cabinet of Samdech Prime Minister
- The Cabinet of Deputy Prime Minister Sar Kheng
- The Members of the National Committee for Facilitating Beach Areas
- Document-Archive

42. **Notice # 042 SchN/KSS/RB (MPWT) on Eliminating the Unofficial Expenses (Handling Charge at PAS) (August 12, 2002)** .....2-181

**THE PRESIDENT OF DIRECTOR GENERAL  
 OF SIHANOUKVILLE AUTONOMOUS PORT  
 No: 042 SchN/KSS/RB**

**SACH KDEY CHHUN DOM NENG (NOTICE)  
 ON  
 ELIMINATION OF UNOFFICIAL EXPENSES (HANDLING CHARGE)  
 AT SIHANOUKVILLE AUTONOMOUS PORT**

Sihanoukville, August 12, 2002

- Reference:**
- The recommendation of Samdech Hun Sen, Prime Minister of the Royal Government of Cambodia;
  - The Private Sector Forum held on August 07, 2002 at the Royal Palace;
  - Letter No. 1909/02 KRK of July 03, 2002 from the Council for the Development of Cambodia;
  - The spirit of the internal meeting of Sihanoukville Autonomous Port of August 09, 2002;

Excellencies, Madams, Neak Oknha, customers, and directors of goods transport companies are informed that pursuant to the substance of the internal meeting of Sihanoukville Autonomous Port of August 09, 2002, all workers-employees of Sihanoukville Autonomous Port have expressed their sincere support in terms of policy and recommendation of Samdech Hun Sen, the Prime Minister of the Royal Government of Cambodia, on the elimination of payment of fees without invoice to the competent agents and personnel staffs in relation to delivery and receipt of goods at Sihanoukville Autonomous Port, which have made the cost of loading and unloading goods increase. Workers-employees have agreed to stop receiving any fees, and try to actively and promptly perform duties for customers and to ensure safety.

Sihanoukville Autonomous Port hopes to receive good cooperation from all of you. Please kindly understand and support the measure for eliminating the payment without invoice at Sihanoukville Autonomous Port from the date of signature.

If you have any difficulty in relation to the port's services, please contact by phones or send fax immediately to any of the following numbers:

<b>Hand phone &amp; Fax</b>	<b>Office Telephone</b>	<b>Name of Department</b>
012 831784	034 933 542	President of Director General
012 900 032	034 933 735	Director of Business Department
016 345 555	034 933 739	Director of Administration and Management
016 345 228	034 320 087	Director of Technical Department
015 343 499	034 933 416	Chief of Office of Administration and Staff
012 340 621	034 933 421	Chief of Loading Office
012 931 116	034 933 507	Chief of Navigation
016 326 697	034 934 015	Chief of Marketing Office
012 899 831		Chief of Warehouse Office
012 938 568		Chief of Machinery Office
<b>Fax: 034 933 693</b>		

President of General Director  
Sealed and signed: **LU KIMCHHON**

Cc:

- The Office of the Council of Ministers
- The Ministry of Economy and Finance
- The Ministry of Public Works and Transport
- The Ministry of Interior
- The Ministry of Commerce
- The Council for the Development of Cambodia
- The Sihanoukville City Hall
- The Members of the Board of Directors of Sihanoukville
- Phnom Penh Autonomous Port “For information”
- Document-Archive

43. **Letter # 652 (COM): Request of the Petroleum Authority of Thailand (P.T.T.) To Use Temporarily The Seaport Oil Station (June 3, 1998)** .....2-183

**The Office of Council of Ministers**

No: 652 SchN

Phnom Penh, June 3, 1998

**The Co-Ministers in Charge of the Office of Council of Ministers  
 To  
 To His Excellency State Minister and Minister of Economy and Finance**

- Subject:** Request of PETROLEUM AUTHORITY OF THAILAND (PTT) to get:
1. Authorization to temporarily use fuel barges at Ream Naval Base until the construction of PTT's fuel station is finished in the end of 1998;
  2. Authorization to use PTT's fuel port-station (it's a port for pumping fuel and buoys containing fuel of OKAY PHNOM PENH Co. Pte., Ltd.) located 2 Km far from Ream Naval Base, in accordance with BOT Contract decided by the Royal Government of Cambodia, when the station construction is finished in the future.

- Ref:**
- Approval inscription authorizing in principles of His Excellency the First Prime Minister dated 28-5-98;
  - Inscription of approval in principles of Samdech 2nd Prime Minister dated 21-5-98;
  - Proposal of Royal Government of Thailand raised by Prime Minister CHHUON LIPAY in discussion with Second Prime Minister in Bangkok on May 6, 1998;
  - Letter of the Director of Customs Office No.110 K.R. dated 6-2-98;
  - Letter of Continental Indochine Import Export Co., Ltd;\_No. CIL 013/98 which receives the pursuit right from OKAY PHNOM PENH Co. Pte., Ltd;

As per the above subject and references, we have the honor to inform Your Excellency State Minister and Minister of Economy and Finance that the Royal Government has decided to authorize PTT represented in Phnom Penh by OKAY PHNOM PENH Co. Pte., Ltd., to import fuel temporarily according to initial formalities, i.e. using barges floating at Ream Naval Base until 31-12-98 at the latest.

At the same time, PTT Company shall urge the construction of fuel port station to be finished at the fixed time.

When this station is completely achieved in the end of 1998, the Ministry of Economy and Finance and competent authorities shall take proper measures to prevent tax evasion and effectively manage fuel importation.

As reported above, please, Your Excellency the State Minister and Minister of Economy and Finance, be informed and execute in accordance with the aforesaid content accordingly.

Yours truly,

The Co-Ministers in Charge of the Office of Council of Ministers

Signed and Sealed:

**SOK AN**

**NADY TAN**

**Copies to:**

- The Ministry of National Defense
- The Ministry of Commerce
- The Ministry of Public Works and Transport
- The Ministry of Environment
- The General Staff of Royal Khmer Armed Forces
- The Council for the Development of Cambodia
- The Cabinet of 1st Prime Minister
- The Cabinet of Samdech Second Prime Minister
- The Phnom Penh Customs Office
- OKAY PHNOM PENH Co., PTT Co.Ltd.;
- Continental Indochine Import Export Co., Ltd.
- Archives-Records

44. **Letter # 886 (COM)** on Land Reservation For Road Site, Sea Site, Forestry, Fishery, Center For National Historic Culture Property, Natural Resource Protection Areas And National Park...etc. (August 12, 1997).....2-185

**The Office of Council of Ministers**

Phnom Penh, August 12, 1997

**No: 886 SchN**.....

**The Co-Ministers in Charge of the Office of Council of Ministers**

**To**

- His Excellency the Minister of Public Works and Transport,
- His Excellency the Minister of Agriculture, Forestry , Hunting and Fishing ,
- His Excellency the Minister of Culture and Fine Art and
- His Excellency the Minister of Environmental Management

**Subject:** Limitation of land reserved for sidewalk, bank, coast, forestry, fishing, national historic cultural patrimonial center, protected natural resource area, national park, etc.

**Ref.** Letter No. 2021 SK of August 7, 1996 from the Ministry of Public Works and Transport;

As per the above subject and reference, in order to have precise basic and easiness in issuing land title deeds and to avoid affecting or abusing public service land or area where private occupation is prohibited, the office of the Council of Ministers requests your Excellencies to settle the following 4 points:

1. Precisely limiting the land reserved for forestry and fishing;
2. Limiting river bank and sea coast, and making out list of classification of village , provincial and national roads, and limiting land for sidewalk in town , city which usually is not the same as in rural area;
3. Going and driving in posts to limit the borders and putting signs in areas already limited, such as protected natural areas , coasts, humid ground , national parks, ect.;
4. Limiting the boundaries of national historic cultural patrimonial centers and putting accurate signs.

Yours truly,

Phnom Penh , August 12, 1997  
The Co-Minister in charge of the office of the Council of Ministers  
Signed and sealed: **SOK AN**

45.	<b>Agreement</b> on the Cooperation for the Sustainable Development of the Mekong River Basin (April 5, 1995) .....	2-186
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## AGREEMENT

### ON

### THE COOPERATION FOR THE SUSTAINABLE DEVELOPMENT

### OF THE MEKONG RIVER BASIN

5 APRIL 1995

### MEKONG RIVER COMMISSION

### AGREEMENT ON THE COOPERATION FOR THE SUSTAINABLE DEVELOPMENT OF THE MEKONG RIVER BASIN

The Governments of The Kingdom of Cambodia, The Lao People's Democratic Republic, The Kingdom of Thailand, and The Socialist Republic of Viet Nam, being equally desirous of continuing to cooperate in a constructive and mutually beneficial manner for sustainable development, utilization, conservation and management of the Mekong River Basin water and related resources, have resolved to conclude this Agreement setting forth the framework for cooperation acceptable to all parties hereto to accomplish these ends, and for that purpose have appointed as their respective plenipotentiaries:

**The Kingdom of Cambodia:**

**H.E. Mr. Ing Kieth**

*Deputy Prime Minister and Minister of Public Works and Transport*

**The Lao People's Democratic Republic:**

**H.E.Mr. Somsavat Lengsavad**

*Minister of Foreign Affairs*

**The Kingdom of Thailand:**

**H.E.Dr. Krasae Channawongse**

*Minister of Foreign Affairs*

**The Socialist Republic of Viet Nam:**

**H.E. Mr. Nguyen Manh Cam**

*Minister of Foreign Affairs*

Who, having communicated to each other their respective full powers and having found them in good and due form, have agreed to the following:

**CHAPTER I****PREAMBLE**

**RECALLING** the establishment of the Committee for the coordination of Investigations of the Lower Mekong Basin on 17 September 1957 by the governments of these countries by Statute endorsed by the United Nations,

**NOTING** the unique spirit of cooperation and mutual assistance that inspired the work of the committee for the Coordination of Investigations of the Lower Mekong Basin and the many accomplishments that have been achieved through its efforts,

**ACKNOWLEDGING** the great political, economic and social changes that have taken place in these countries of the region during this period which necessitate these efforts to re-assess, re-define and establish the future framework for cooperation.

**RECOGNIZING** that the Mekong River Basin and the related natural resources and environment are natural assets of immense value to all the riparian countries for the economic and social well-being and living standards of their people,

**REAFFIRMING** the determination to continue to cooperate and promote in a constructive and mutually beneficial manner in the sustainable development, utilization, conservation and management of the Mekong River Basin water and related resources for navigational and non-navigational purposes, for social and economic development and the well-being of all riparian States, consistent with the needs to protect, preserve, enhance and manage the environmental and aquatic conditions and maintenance of the ecological balance exceptional to this river basin,

**AFFIRMING** to promote or assist in the promotion of interdependent sub-regional growth and cooperation among the community of Mekong nations, taking into account the regional benefits that could be derived and /or detriments that could be avoided or mitigated from activities within the Mekong River Basin undertaken by this framework of cooperation,

**REALIZING** the necessity to provide an adequate, efficient and functional joint organizational structure to implement this Agreement and the projects, programs and activities taken hereunder in cooperation and coordination with each member and the international community, and to address and resolve issues and problems that may arise from the use and development of the Mekong River Basin water and related resources in an amicable, timely and good neighborly manner.

**PROCLAIMING** further the following specific objectives, principles, institutional framework and ancillary provisions in conformity with the objectives and principles of the Charter of the United Nations and international law:

**CHAPTER II****DEFINITIONS OF TERMS**

For the purposes of this Agreement, it shall be understood that the following meanings to the underlined terms shall apply except where otherwise inconsistent with the context:

**Agreement** under **Article 5**: A decision of the Joint Committee resulting from prior consultation and evaluation on any proposed use for inter-basin diversions during the wet season from the mainstream as well as for intra-basin use or inter-basin diversions of these waters during the dry season. The objective of this Agreement is to achieve an optimum use and prevention of waste of the waters through a dynamic and practical consensus in conformity with the Rule for Water Utilization and Inter-Basin Diversions set forth in Article 26.



**Acceptable minimum monthly natural flow:** The acceptable minimum monthly natural flow during each month of the dry season.

**Acceptable natural reverse flow:** The wet seasons flow level in the Mekong River at Kratie that allows the reverse flow of the Tonle Sap to an agree upon optimum level of the Great Lake.

**Basin Development Plan:** The general planning tool and process that the Joint Committee would use as a blueprint to identify, categorize and prioritize the projects and programs to seek assistance for and to implement the plan at the basin level.

**Environment:** The conditions of water and land resources, air, flora, and fauna that exists in a particular region.

**Notification:** Timely providing information by a riparian to the Joint Committee on its proposed use of water according to the format, content and procedures set forth in the Rules for Water Utilization and Inter-Basin Diversions under Article 26.

**Prior consultation:** Timely notification plus additional data and information to the Joint Committee as provided in the Rules for Water Utilization and Inter-Basin Diversion under Article 26, that would allow the other member riparian to discuss and evaluate the impact of the proposed use upon their uses of water and any other affects, which is the basis for arriving at an agreement. Prior consultation is neither a right to veto the use nor unilateral right to use water by any riparian without taking into account other riparian's rights.

**Proposed use:** Any proposal for a definite use of the waters of the Mekong River System by any riparian, excluding domestic and minor use of water not having a significant impact on mainstream flows.

### CHAPTER III

#### OBJECTIVES AND PRINCIPLES OF COOPERATION

The parties agree:

**Article 1: Areas of Cooperation**

To cooperate in all fields of sustainable development, utilization, management and conservation of the water and related resources of the Mekong River Basin including, but not limited to irrigation, hydro-power, navigation, flood control, fisheries, timber floating, recreation and tourism, in a manner to optimize the multiple-use and mutual benefits of all riparian and to minimize the harmful effects that might result from natural occurrence and man-made activities.

**Article 2: Projects, Programs and Planning**

To promote, support, cooperate and coordinate in the development of the full potential of sustainable benefits to all riparian States and the prevention of wasteful use of Mekong River Basin waters, with emphasis and preference on Joint and/or basin-wide development projects and basin programs through the formulation of a basin development plan, that would be used to identify, categorize and prioritize the projects and programs to seek assistance for and to implement at the basin level.

**Article 3: Protection of the Environment and Ecological Balance**

To protect the environment, natural resources aquatic life and conditions, and ecological balance of the Mekong River Basin from pollution or other harmful effects resulting from any development plans and uses of water and related resources in the Basin.

**Article 4: Sovereign Equality and Territorial Integrity**

To cooperate on the basis of sovereign equality and territorial integrity in the utilization and protection of the water resources of the Mekong River Basin.

**Article 5: Reasonable and Equitable Utilization**

To utilize the waters of the Mekong River system in a reasonable and equitable manner in their respective territories, pursuant to all relevant factors and circumstances, the Rules of Water Utilization and Inter-basin Diversion provided for under Article 26 and the provisions of A and B below:

- A. On tributaries of the Mekong River, including Tonle Sap, intra-basin uses and inter-basin diversions shall be subject to notification to the Joint Committee.
- B. On the mainstream of the Mekong River:
  - 1. During the wet season:
    - a. Intra-basin use shall be subject to notification to the Joint Committee.
    - b. Inter-basin diversion shall be subject to prior consultation, which aims at arriving at an agreement by the Joint Committee.
  - 2. During the dry season:
    - a. Intra-basin use shall be subject to prior consultation, which aims at arriving at an agreement by the Joint Committee.
    - b. The Joint Committee shall agree upon any inter-basin diversion project though a specific agreement for each project prior to any proposed diversion. However, should there be a surplus quantity of water available in excess of the proposed uses of all parties in any dry season, verified and unanimously confirmed as such by the Joint Committee, an inter-basin diversions of the surplus could be made subject to prior consultation.

**Article 6: Maintenance of Flows on the Mainstream**

To cooperate in the maintenance of the flows on the mainstream from diversions, storage releases, or other actions of a permanent nature; except in the cases of historically severe droughts and/or floods:

- A. Of not less than the acceptable minimum monthly natural flow during each month of the dry season; and;
- B. To enable the acceptable natural reverse flow of the Tonle Sap to take place during the wet season; and;
- C. To prevent average daily peak flows greater than what naturally occur on the average during the flood season.

The Joint Committee shall adopt guidelines for the locations and levels of the flows, and monitor and take action necessary for their maintenance as provided in Article 26.

**Article 7: Prevention and Cessation of Harmful Effects**

To make every effort to avoid, minimize and mitigate harmful effects that might occur to the environment especially the water quantity and quality, the aquatic (eco-system) conditions, and ecological balance of the river system, from the development and use of the Mekong River Basin water resources or discharge of wastes and return flows. Where one or more States is notified with proper and valid evidence that it is causing substantial damage to one or more riparian from the use of and /or discharge to water of the Mekong River, that State or States shall cease immediately the alleged cause of harm until such cause of harm is determined in accordance with Article 8.

**Article 8: State Responsibility for Damages**

Where harmful effects cause substantial damage to one or more riparians from the use of and/or discharge to waters of the Mekong River by any riparian State, the party(ies) concerned shall determine all relative factors, the cause, extent of damage and responsibility for damages caused

by that State in conformity with the principles of international law relating to state responsibility, and to address and resolve all issues, differences and disputes in an amicable and timely manner by peaceful means as provided in Article 34 and 35 of this Agreement, and in conformity with the Charter of the United Nations.

**Article 9: Freedom of Navigation**

On the basis of equality of right, freedom of navigation shall be accorded throughout the mainstream of the Mekong River without regard to the territorial boundaries, for transportation and communication to promote regional cooperation and to satisfactorily implement projects under this Agreement. The Mekong River shall be kept free from obstructions, measures and actions that might directly or indirectly impair navigability, interfere with this right or permanently make it more difficult. Navigational uses are not assured any priority over other uses, but will be incorporated into any mainstream project. Riparians may issue regulations for the portions of the Mekong River within their territories, particularly in sanitary, customs and immigration matters, police and general security.

**Article 10: Emergency Situations**

Whenever a Party becomes aware of any special water quantity or quality problems constituting an emergency that requires an immediate response, it shall notify and consult directly with the party (ies) concerned and the Joint Committee without delay in order to take appropriate remedial action.

## CHAPTER IV

### INSTITUTIONAL FRAMEWORK

#### A. MEKONG RIVER COMMISSION

**Article 11: Status**

The institutional framework for the cooperation in the Mekong River Basin under this Agreement shall be called the **Mekong River Commission** and shall, for the purpose of the exercise of its functions, enjoy the status of an international body, including entering into agreements and obligations with the donor or international community.

**Article 12: Structure of Mekong River Commission**

The Commission shall consist of three permanent bodies:

- Council
- Joint Committee, and
- Secretariat

**Article 13: Assumption of Assets, Obligations and Rights**

The Commission shall assume all the assets, rights and obligations of the Committee for the Coordination of Investigations of the Lower Mekong Basin (Mekong Committee/Interim Mekong Committee) and Mekong Secretariat.

**Article 14: Budget of the Mekong River Commission**

The budget of the Commission shall be drawn up by the Joint Committee and approved by the Council and shall consist of contributions from the member countries on an equal basis unless otherwise decided by the Council, from the international community (donor countries), and from other sources.

**B. COUNCIL****Article 15: Composition of Council**

The Council shall be composed of one member from each participating riparian State at the Ministerial and Cabinet level, (no less than Vice-Minister Level shall) who would be empowered to make policy decisions on behalf of his /her government.

**Article 16: Chairmanship of Council**

The Chairmanship of the Council shall be for a term of one year and rotate according to the alphabetical listing of the participating countries.

**Article 17: Sessions of Council**

The Council shall convene at least one regular session every year and may convene special sessions whenever it considers it necessary or upon the request of a member State. It may invite observers to its sessions, as it deems appropriate.

**Article 18: Functions of Council**

The functions of the Council are:

- A. to make policies and decisions and provide other necessary guidance concerning the promotion, support, cooperation and coordination in joint activities and projects in a constructive and mutually beneficial manner for the sustainable development, utilization, conservation and management of the Mekong River Basin waters and related resources, and protection of the environment and aquatic conditions in the Basin as provided for under this Agreement;
- B. to decide any other policy-making matters and make decisions necessary to successfully implement this Agreement, including but not limited to approval of the Rules of Procedures of the Joint Committee under Article 25, Rules of Water Utilization and Inter-Basin Diversions proposed by the Joint Committee under Article 26, and the basin development plan and major component projects/programs; to establish guidelines for financial and technical assistance of development projects and programs; and if considered necessary, to invite the donors to coordinate their support through a Donor Consultative Group; and,
- C. to entertain, address and resolve issues, differences and disputes referred to it by any Council member, the Joint Committee, or any member State on matters arising under this Agreement.

**Article 19: Rules of Procedures**

The Council shall adopt its own Rules of Procedures, and may seek technical advisory services, as it deems necessary.

**Article 20: Decisions of Council**

Decisions of the Council shall be by unanimous vote except as otherwise provided for in its Rules of Procedures.

**C. JOINT COMMITTEE****Article 21: Composition of Joint Committee**

The Joint Committee shall be composed of one member from each participating riparian State at no less than Head of Department level.

**Article 22: Chairmanship of Joint Committee**

The chairmanship of the Joint Committee will rotate according to the reverse alphabetical listing of the member countries and the Chairperson shall serve a term of one year.

**Article 23: Sessions of Joint Committee**

The Joint Committee shall convene at least two regular sessions every year and may convene special sessions whenever it considers it necessary or upon the request of a member State. It may invite observers to its sessions, as it deems appropriate.

**Article 24: Functions of Joint Committee**

The functions of the Joint Committee are:

- A. To implement the policies and decisions of the Council and such other tasks as may be assigned by the Council.
- B. To formulate a basin development plan, which would be periodically reviewed and revised as necessary; to submit to the Council for approval the basin development plan and joint development projects/programs to be implemented in connection with it; and to confer with donors, directly or through their consultative group, to obtain the financial and technical support necessary for project/program implementation.
- C. To regularly obtain, update and exchange information and data necessary to implement this Agreement.
- D. To conduct appropriate studies and assessments for the protection of the environment and maintenance of the ecological balance of the Mekong River Basin.
- E. To assist tasks and supervise the activities of the Secretariat as is required to implement this Agreement and the policies, decisions, projects and programs adopted hereunder, including the maintenance of databases and information necessary for the Council and Joint Committee to perform their functions, and approval of the annual work program prepared by the Secretariat.
- F. To address and make every effort to resolve issues and differences that may arise between regular sessions of the Council, referred to it by any Joint Committee member or member state on matters arising under this Agreement, and when necessary to refer the matter to the Council.
- G. To review and approve studies and training for the personnel of the riparian member countries involved in Mekong River Basin activities as appropriate and necessary to strengthen the capability to implement this Agreement.
- H. To make recommendations to the Council for approval on the organizational structure, modifications and restructuring of the Secretariat.

**Article 25: Rules of Procedures**

The Joint Committee shall propose its own Rules of Procedures to be approved by the Council. It may form ad hoc and/or permanent sub-committee or working groups as considered necessary, and may seek technical advisory services except as may be provided for in the Council's Rules of Procedures or decisions.

**Article 26: Rules for Water Utilization and Inter-Basin Diversions**

The Joint Committee shall prepare and propose for approval of the Council, inter alias, Rules of Water Utilization and Inter-basin Diversions pursuant to Article 5 and 6, including but not limited to : 1) establishment the time frame for the wet and dry seasons; 2) establishing the

location of hydrological stations, and determining and maintaining the flow level requirements at each station; 3) setting out criteria for determining surplus quantities of water during the dry season on the mainstream; 4) improving upon the mechanism to monitor intra-basin use; and 5) setting up a mechanism to monitor inter-basin diversions from the mainstream.

**Article 27: Decisions of the Joint Committee**

Decisions of the Joint Committee shall be by unanimous vote except as otherwise provided for in its Rules of Procedures.

**D. SECRETARIAT**

**Article 28: Purpose of Secretariat**

The Secretariat shall render technical and administrative services to the Council and Joint Committee, and be under the supervision of the Joint Committee.

**Article 29: Location of Secretariat**

The Location and structure of the permanent office of the Secretariat shall be decided by the Council, and if necessary, a headquarters agreement shall be negotiated and entered into with the host government.

**Article 30: Functions of the Secretariat**

The functions and duties of the Secretariat will be to:

- A. Carry out the decisions and tasks assigned by the Council and Joint Committee under the direction of and directly responsible to the Joint Committee;
- B. Provide technical services and financial administration and advise as requested by the Council and Joint Committee;
- C. Formulating the annual work program, and prepare all other plans, project and program documents, studies and assessments as may be required;
- D. Assist the Joint Committee in the implementation and management of projects and program as requested;
- E. Maintain databases of information as directed;
- F. Make preparations for sessions for the Council and Joint Committee; and ,
- G. Carry out all other assignments as may be requested.

**Article 31: Chief Executive Officer**

The Secretariat shall be under the direction of a Chief Executive Officer (CEO), who shall be appointed by the Council from a short-list of qualified candidates selected by the Joint Committee. The Term of Reference of the CEO shall be prepared by the Joint Committee and approved by the Council.

**Article 32: Assistant Chief Executive Officer**

There will be one Assistant to the CEO, nominated by the CEO and approved by the Chairman of the Joint Committee. Such assistant will be of the same nationality as the Chairman of the Joint Committee and shall serve for a co-terminus one-year term.

**Article 33: Riparian Staff**

Riparian technical staffs of the Secretariat are to be recruited on a basis of technical competence, and the number of posts shall be assigned on an equal basis among the members. Riparian technical staff shall be assigned to the Secretariat for no more than two three-year terms, accepts as otherwise decided by the Joint Committee.

**CHAPTER V****ADDRESSING DIFFERENCES AND DISPUTES****Article 34: Resolution by Mekong River Commission**

Whenever any difference or dispute may arise between two or more parties to this Agreement regarding any matters covered by this Agreement and/or actions taken by the implementing organization through various bodies, particularly as to the interpretations of the Agreement and the legal rights of the parties, the Commission shall first make every effort to resolve the issue as provided in Article 18 .C and 24.F.

**Article 35: Resolution by Government**

In the event the Commission is unable to resolve the difference or dispute within a timely manner, the issue shall be referred to the Governments to take cognizance of the matter for resolution by negotiation through diplomatic channels within a timely manner, and may communicate their decision to the Council for further proceedings as may be necessary to carry out such decision. Should the Government find it necessary or beneficial to facilitate the resolution of the matter, they may, by mutual agreement, request the assistance of mediation through an entity or party mutually agreed upon, and thereafter to proceed according to the principles of International Law.

**CHAPTER VI****FINAL PROVISIONS****Article 36: Entry into Force and Prior Agreements**

This Agreement shall:

- A. Enter into force among all parties, with no retroactive effect upon activities and projects previously existing, on the date of signature by the appointed plenipotentiaries.
- B. Replace the Statute of the Committee for Coordination of Investigations of the Lower Mekong Basin of 1957 as amended, the Joint Declaration of Principles for Utilization of the Waters of the Lower Mekong Basin of 1975, the Declaration of Concerning the Interim Committee for Coordination of Investigations of the Lower Mekong Basin of 1978, and all Rules of Procedures adopted under such agreements. This Agreement shall not replace or take precedence over any other treaties, acts or agreements entered into by and among any of the parties hereto, except that where a conflict in terms, areas of jurisdiction of subject matter or operation of any entities created under existing agreements occurs with any provisions of this Agreement, the issues shall be submitted to the respective government to address and resolve.

**Article 37: Amendments, Modification, Suppression and Termination**

This Agreement may be amended, modified, superseded or terminated by the mutual agreement of all parties hereto at the time of such action.

**Article 38: Scope of Agreement**

This Agreement shall consist of the Preamble and all provisions thereafter and amendments thereto, the Annexes, and all other agreement entered into by the Parties under this Agreement. Parties may enter into bi- or multi-lateral special agreements or arrangements for implementation and management of any programs and projects to be undertaken within the framework of this Agreement, which agreements shall not be in conflict with this Agreement and shall not confer any rights or obligations upon the parties not signatories thereto, except as otherwise conferred under this Agreement.

**Article 39: Additional Parties to Agreement**

Any other riparian State, accepting the rights and obligations under this Agreement, may become a party with the consent of the parties.

**Article 40: Suspension and Withdrawal**

Any party to this Agreement may withdraw or suspend their participation under present Agreement by giving written notice to the Chairman of the Council of the Mekong River Commission, who shall acknowledge receipt thereof and immediately communicate it to the Council representatives of all remaining parties. Such notice of withdrawal or suspension shall take effect one year after the date of acknowledgement or receipt unless such notice is withdrawn beforehand or the parties mutually agree otherwise. Unless mutually agreed upon to the contrary by all remaining parties to this Agreement, such notice shall not be prejudicial to nor relieve the noticing party of any commitments entered into concerning programs, projects, studies or other recognized rights and interests of any riparian, or under international Law.

**Article 41: United Nations and International Community Involvement**

The member countries to this Agreement acknowledge the important contribution in the assistance and guidance of the United Nations, donors and the international community and wish to continue the relationship under the Agreement.

**Article 42: Registration of Agreement**

This Agreement shall be registered and deposited in English and French, with the Secretary General of the United Nations.

**IN WITNESS WHEREOF**, the undersigned, duly authorized by their respective governments have signed this Agreement.

**DONE** on 5 April 1995 at Chiang Rai, Thailand, in English and French, both texts being equally authentic. In the case of any inconsistency, the text in the English Language, in which language the Agreement was drawn up, shall prevail.

For the Kingdom of Cambodia:  
Signed: **ING KIETH**  
Deputy Prime Minister and  
Minister of Public Works and Transport

For the Lao People's Democratic Republic:  
Signed: **SOMSAVAT LENGSAVAD**  
Minister of Foreign Affairs

For the Kingdom of Thailand:  
Signed: **KRASAE CHANAWONGSE**  
Minister of Foreign Affairs

For the Socialist Republic of Vietnam:  
Signed: **NGUYEN MANH CAM**  
Minister of Foreign Affairs



**PROTOCOL  
TO  
THE AGREEMENT ON THE COOPERATION FOR THE SUSTAINABLE DEVELOPMENT OF  
THE MEKONG RIVER BASIN FOR THE ESTABLISHMENT AND COMMENCEMENT OF THE  
MEKONG RIVER COMMISSION**

The Government of the Kingdom of Cambodia, Lao People's Democratic Republic, Kingdom of Thailand, and Socialist Republic of Viet Nam, has signed on this day the AGREEMENT ON THE COOPERATION FOR THE SUSTAINABLE DEVELOPMENT OF THE MEKONG RIVER BASIN.

Said AGREEMENT provides for in Chapter IV the establishment of the Mekong River Commission as the institutional framework through which the AGREEMENT will be implemented.

BY THIS PROTOCOL, the signatory parties to the AGREEMENT do hereby declare the establishment and commencement of the MEKONG RIVER COMMISSION, consisting of three permanent bodies, the COUNCIL, JOINT COMMITTEE and SECRETARIAT, effective on this date with the full authority and responsibility set forth under the AGREEMENT.

**IN WITNESS WHEREOF**, the undersigned, duly authorized by their respective governments have signed this Protocol.

**DONE** on 5 April 1995 at Chiang Rai, Thailand.

46. **Agreement** between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on the Waterway Transport (December 13, 1993).....2-197

**AGREEMENT  
BETWEEN  
THE ROYAL GOVERNMENT OF CAMBODIA  
AND  
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM  
ON THE WATERWAY TRANSPORTATION**

HANOI, December 13, 1998

The Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam hereinafter referred to as the “Contracting Parties;”

With the aim of strengthening the friendly relationship between the people in both countries based on the principle of quality and mutual interest and promoting the cooperation in the field of waterway transportation of goods and passengers between in transit through their countries:

Desiring to facilitate waterway transportation of goods and passengers between and I transit through either Contracting Party’s territory;

Have agreed as follows:

**ARTICLE 1**

**PURPOSE OF THE AGREEMENT**

The purpose of the present Agreement is to establish the new regulations on maritime and inland waterway navigation on the Mekong River confirming the principles of navigation, which are recognized by the contracting Parties in Article 9 of the agreement on the cooperation for the Sustainable Development of the Mekong River, done at Chiang Rai, Thailand, on April 5, 1995.

**ARTICLE 2**

**GENERAL PROVISION**

1. The Contracting Parties hereby agree to perform the waterway transportation of goods and passengers between the two countries and the transit transportation through either Contracting Party’s territory.
2. The Contracting Parties hereby agree to further negotiation on rules and regulations governing the maritime and inland waterway transportation of goods and passengers between the two countries, and the transit of maritime traffic through Vietnam to promote the cooperation between both countries and strengthen the mutually beneficial development.
3. The Contracting Parties shall have equal rights and opportunities in the performance of the inland waterway transportation and transit of maritime transportation.
4. The Contracting Parties shall refrain from adopting any measures or regulations that might directly or indirectly impair navigability or make it permanently more difficult, shall take, as promptly as possible, the necessary measures to remove all obstacles and hazards to commercial navigation.

**ARTICLE 3****DEFINITION**

For the purpose of this Agreement, unless the context otherwise requires:

1. The term “Competent Authority” means, in that case of:
  - The Royal Government of Cambodia, the Ministry of Public Works and Transport and anybody authorized by the said Ministry; and
  - The Government of the Socialist Republic of Vietnam, the Ministry of Transport and anybody authorized by the said Ministry.
2. The term “Crew Member” means those who are working on board of the vessel, and perform duties or services connected with the operation of the vessel and hold identity documents issued by the Competent Authority of either Contracting Party as stipulated in Article 13 of this Agreement and whose name are include in the vessel’s crew list. Crew Members include the masters, officers and other persons of the crew staffing of the vessel.
3. The term “vessel” various types of merchant vessels: ships, boats and barges registered in accordance with the laws of the Kingdom of Cambodia or the Socialist Republic of Vietnam.
4. The term “Passengers” means those persons carried in the vessel of either Contracting Party, who are not employed or engaged in any capacity on board of the vessel and whose name are included in the passenger list of the vessel.
5. “Maritime Vessel or Sea-going Vessel” means any commercial vessel that can ply the seas. This is also including in maritime vessels of the other than Cambodia or Vietnamese nationalities, which are permitted to sail in the water route of both Contracting Parties.
6. The term “transit route” means the navigational channel from Vung tau through Cua Tieu and along the Tien River to Vinh Xuong-Ka-om Samanor border gate (the boundary between Vietnam and Cambodia) opened for maritime vessels.

**ARTICLE 4****NAVIGATION OF VESSELS**

1. On the basis of the equality of treatment, vessels of the Contracting Parties which transport goods and passengers between the two countries shall be permitted to operate on the nominated waterway routs mutually agreed by both Contracting Parties.
2. Maritime vessels transporting transit goods and passengers shall be allowed to sail on the transit rout as mentioned in paragraph 6, Article 3 of this Agreement.
3. For purpose of the customs laws and regulation of each Contracting Party, navigation between Phnom Penh city and the sea by way of the mainstream of Mekong River, shall be considered as maritime navigation.
4. Vessels (including maritime vessels) sail within the territory of either Contracting Party shall be in conformity with the existing laws and regulations of that Contracting Party.

**ARTICLE 5****TRANSPORT PERMIT**

1. The transportation of goods and passengers as mentioned in this Agreement shall be undertaken by transport enterprises established in accordance with the laws of either Contracting Parties.
2. The competent Authority of either Contracting Party shall issue transport permit for each vessel of the Contracting Party in the formats mutually agreed by both Contracting Parties.
3. Other matters relating to transport arrangement, freight forwarding, cargo handling at ports, warehouses, transport agencies etc... shall be negotiated and agreed upon by the Competent Authorities.

**ARTICLE 6**

**TRANSPORTATION OF TRANSIT GOODS AND PASSENGERS**

1. Both Contracting Parties shall create favorable conditions for waterway transportation of goods and passengers in transit through the transit route.
2. All matters relating to transportation of goods and passengers on maritime vessel in transit through the transit route shall be regulated in the Protocol.

**ARTICLE 7**

**DOCUMENTS OF VESSELS**

The contracting Parties shall mutually acknowledge and recognize the legal documents of vessels duly issued by the Competent Authority of either Contracting Party or by the internationally recognized practices for maritime vessels.

**ARTICLE 8**

**BORDER GATE, ROUTES, PORT AND TIME LIMIT**

1. Vessels of Contracting Parties for the purpose of transportation of goods and passengers between in and transit through the two countries shall be permitted to sail through the nominated border gates and ports to be mutually agreed by the two Contracting Parties.

Should there be a need to open more border gates or to change the agreed ports; the Contracting Parties shall negotiate to reach agreement.

2. Vessels shall be allowed only to sail on the designated routes, to call at the nominate port and to be within the period specified in the relevant transport permits.

**ARTICLE 9**

**VESSEL IN DISTRESS**

1. Should a vessel of either Contracting Party be involved in distress which cannot be overcome by itself or by whatever reasons the said vessel promptly has to stay somewhere outside the permitted locations, the master shall notify this fact to the local and competent authorities of the country where the vessel stays.
2. Should vessels of either Contracting Party be involved in distress or encounter danger in the territorial water or ports of the other Contracting Party, the Competent Authority of the latter shall endeavor to give all possible assistance to crew members, passengers and cargoes of the vessel in distress and also inform the diplomatic representatives and the Competent Authority of the concerned Contracting Party as soon as possible.
3. In the event that the country has not sufficient capability of salvage and rescue for the vessels in distress of the other Contracting Party, the Competent Authority of this country shall provide all possible favorable conditions to the other Contracting Party to bring into the said country its equipments and facilities for salvage and rescue of the said vessels.

**ARTICLE 10****THIRD PARTY LIABILITY INSURANCE**

Vessel owners of either Contracting Party and foreign vessel owner shall have each of their vessels insured to cover their liabilities to the third party.

**ARTICLE 11****EXCLUSION OF CABOTAGE**

Vessel of either Contracting Party shall not be allowed to transport goods and/or passengers between two points or two ports within the territory of the other Contracting Party, unless the Competent Authority of that Contracting Party allows the said vessel to carry goods and/or passengers in its territory.

**ARTICLE 12****NON-DISCRIMINATION ON VESSELS****SIMPLIFICATION OF PORT FORMALITIES**

1. Either Contracting Party shall refrain from any discriminatory measures against the vessel of the other Contracting Party involving in the transportation between the two countries.
2. The Contracting Parties shall adopt, within the limit of their laws and regulations and within their capability, all necessary measures to facilitate the turn-round of vessel of the other Contracting Party to prevent unnecessary delays, and to expedite and simplify all formalities required at ports.

**ARTICLE 13****CREW MEMBERS**

1. Crew Member of either Contracting Party shall possess passports or equivalent travel documents in accordance with the laws and regulations in force of each country. Crew Members of maritime vessels can use their international recognized seamen's books or seamen's passports.
2. Crew Members of either Contracting Party shall, during their presence in the territory of other Contracting Party, comply with the laws and regulations of that Contracting Party. Every offence against the laws and regulations shall be charged in accordance with the laws in force in the said country.
3. Crew Members of either Contracting Party shall be permitted to contact their consular officials or their diplomatic representatives for settling any formalities.
4. Crew Members of either Contracting Party shall be permitted to go ashore during the period of stay of their vessels in the port of the other Contracting Party in accordance with its laws and regulations.
5. In the case of sickness, Crew Members of either Contracting Party shall be allowed to remain on the territory of the other Contracting Party for the time necessary for such treatment, in accordance with the laws and regulations of that Contracting Party.
6. Crew Members of either Contracting Party may enter the territory of the other Contracting Party for joining vessels, repatriation or any other reason acceptable to the Competent Authority of the other Contracting Party, after completing all necessary formalities in accordance with the laws and regulations of that Contracting Party.

**ARTICLE 14****BILLS OF LADING**

The transportation of goods set forth in this Agreement shall be performed through bills of lading or bills of lading used for multimodal transport (in this case the Through Bills of Ladings should not be subjected to any change) uniformly applied in each country with reference to the international used formats of bills of lading.

**ARTICLE 15****EXEMPTION OF TAXES AND DUTIES**

The following goods shall be exemption from import taxes and duties when brought into the territory of the other Contracting Party:

1. Fuel and lubricating oil necessary for inland waterway and maritime vessel's engine stored in tanks as per technical design with the quality within the content index of the technical standards of the country of the vessels.
2. Spare parts, being declare upon entry, serving as replacements or damaged part taken out of vessel and other necessary tools for the purpose of vessel repair during the transportation.
3. Luggage, personal effects, belongings and supplies of crewmembers in accordance with the national regulations of that Contracting Party

**ARTICLE 16****TRANSIT FEES AND CHARGES**

The Competent Authority of the Contracting Parties shall negotiate and agree on the types and level of charges and fees, and other costs arising from the operations of vessels specialized in this Agreement.

**ARTICLE 17****CONVERTIBLE CURRENCIES**

The proceeds accruing from shipping services or other related services rendered by one Contracting Party to the other Contracting Party shall be affected in freely convertible currencies mutually accepted by both Contracting Parties. Such proceeds can be used for making payments in, or be freely remitted from the country of either Contracting Party.

**ARTICLE 18****MOST FAVORED-NATION TREATMENT**

The Contracting Parties shall mutually grant to each other's vessels the most favored-nation treatment with regard to formalities in vessel entry and departure, customs clearance and other formalities, utilization of docks and warehouses and other port facilities, material supplies.

**ARTICLE 19****EXEMPTION OF PILOTAGE**

1. Vessels of the Contracting Parties, carrying goods and passengers between the two countries shall be exemption from pilotage requirement under normal conditions (except vessels carrying dangerous goods). However, should the master or owner of the vessels ask for pilotage assistance, it would be provided by the concerned Contracting Party provided that the request has been made in advance.
2. In terms of transit vessels, pilotage is required.

**ARTICLE 20****SETTLEMENT OF DISPUTES**

1. Contracting Party shall settle all differences, which may arise in connection with the interpretation or implementation of this Agreement, by negotiations and consultations through the diplomatic channels.
2. Any deposes that cannot be settled under the provision of this Agreement, bilateral agreements or international militarily conventions acceded by both Contracting Party. Should disputes arise in the application of the laws of either Country, they shall be settled by negotiations in accordance with the consent between the Contracting Parties.
3. Any disputes, which cannot be settled between the waterways, transport enterprises or related organization shall be referred to arbitration or court to be agreed by the Contracting Parties.

**ARTICLE 21****MISCELLANEOUS PROVISION**

1. All formalities on immigration, customs, sanitation, and veterinary and phytosanitary control shall be observed in accordance with the applicable laws and regulations of the entry country, unless otherwise determined in bilateral agreements or multilateral conventions acceded by the Contracting Parties.
2. The provisions for this Agreement shall not limit the measures taken by either Contracting Party for ensuring safety, public sanitary, public order, national security, anti-environmental pollution, ecological balance, smuggling prevention or epidemic prevention for men and animals.

**ARTICLE 22****IMPLEMENTING BODY**

1. The two Governments of Contracting Parties assign the Ministry of Public Works and Transport of Cambodia and the Ministry of Transport of Vietnam to set up more in detail the regulations of the implementation of this Agreement.
2. The Ministry of Public Works and transports of Cambodia and the Ministry of Transport of Vietnam duly authorize a respective body to be responsible for instructions, checking the implementation of the Agreement, issuing Transport Permit and dealing with all related matters arising during the implementation of this Agreement.

**ARTICLE 23****ENTRY INTO FORCE AND VALIDITY**

1. This Agreement shall entry into force on the date of acknowledgment of the final notification issued by Contracting Parties that legal procedures required for this Agreement are fully completed and remain in force initially for a period of three years. This Agreement shall be automatically renewed thereafter for

every subsequent period of three years, unless either Contracting Party notifies the other Contracting Party its intention to terminate this Agreement in writing through the diplomatic channels six months before the expiration of the Agreement.

2. Whilst the present Agreement remains in force if either Contracting Party notifies the other in writing through the diplomatic channels its intention for modifications or amendments to the Agreement, the Contracting Parties shall carry out negotiation for the above said intention not later than six months from the date of receipt of such notice.
3. This Agreement may be terminated before the expiration date, if either Contracting Party notifies the other writing through the diplomatic channels of its intention to terminate it or Agreement shall be terminate six months after the date of acknowledgement of receipt of the notice by the other Contracting Party.
4. The provisions of the present Agreement shall not affect the rights and obligations of the Contracting Parties setting forth in the international conventions, which has been accepted and acceded by the two Contracting Parties.

IN WITNESS WHEREOF, the undersigned duly authorized thereto by their respective Governments have signed this Agreement.

Done at Hanoi on 13<sup>th</sup> of December 1998 in two originals in Khmer, Vietnamese and English languages, all texts being equally authentic. In case of any divergence in interpenetration, the English text shall prevail.

For the Royal Government  
of Cambodia

For the Government of the  
Socialist Republic of Vietnam

**VAR KIM HONG**

**NGUYEN DON**



47. **Agreement** between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Road Transportation (June 01, 1998).....2-204

**AGREEMENT  
 BETWEEN  
 THE ROYAL GOVERNMENT OF CAMBODIA  
 AND  
 THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM  
 ON  
 ROAD TRANSPORTATION**

Hanoi, June 01, 1998

The Royal Government of Cambodia and the Government of the Social Republic of Vietnam (hereinafter called the “Contracting Parties”):

With the aim of strengthening relations between the people in both territories based on the principle of equality and mutual interests;

Desiring to facilitate the road transportation of goods and passengers (including tourists) between their countries;

Have agreed as follows:

**ARTICLE 1  
 GENERAL PROVISIONS**

1. The Contracting Parties hereby agree to perform bilateral road transportation of goods and passengers (including tourists) between the two countries through the border gates opened and agreed by the Contracting Parties;
2. The Contracting Parties have equal rights and opportunities in conducting the bilateral road transportation of goods and passengers (including tourists) between the two countries;
3. Other matters concerning the road transportation between the two countries such as organization and forms of transport, identification of transportation routes, forwarding, storage, transport fees and other charges shall be agreed by the competent authorities of the Contracting Parties.

**ARTICLE 2  
 DEFINITIONS**

For the purposes of this Agreement:

1. The term “*Territories*” shall be comprised of the Cambodia and Vietnam;
2. The term “*Competent Authority*” shall mean:
  - On the Cambodian side, the Ministry of Public Works and Transport and any Body authorized by the said Ministry;
  - On the Vietnamese side, the Ministry of Transport and any Body authorized by the said Ministry;
3. The term “*Carrier*” shall mean any legal person who, in either the territory of the Kingdom of Cambodia (hereinafter called Cambodia) or the territory of the Social Republic of Vietnam (hereafter

called “Vietnam”) is authorized in accordance with relevant national laws and regulations to engage in the carriage of passengers (including tourists) and goods by road.

4. The term “*Passenger vehicle*” shall mean any mechanically propelled road vehicle which:
  - a. is constructed or adapted for use on the road for carriage of passengers;
  - b. has 10 seats or more including that of the driver;
  - c. is registered in the territory of one Contracting Party and is owned by a carrier authorized in that territory to carry passengers (including tourists);
5. The term “*Taxi*” shall mean any mechanically propelled road vehicle which:
  - a. is constructed for use on the road for carriage of passengers;
  - b. has 5 seats including that of the driver and has a sign “Taxi” on the vehicle roof;
  - c. is registered in the territory of one Contracting Party;
6. The term “*Non-commercial vehicle*” shall mean any mechanically propelled road vehicle which:
  - a. is constructed for use on the road for carriage of passengers;
  - b. has 9 seats or less, including that of the driver;
  - c. is registered in the territory of one Contracting Party;
  - d. is not used for the commercial transport services
7. The term “*Goods vehicle*” shall mean any mechanically propelled road vehicle which:
  - a. is constructed or adapted for use on the road for carriage of goods;
  - b. is registered in the territory of one Contracting Party and is owned by a carrier authorized in that territory to carry goods;
8. The term “*Trailer or semi-trailer*” shall mean any vehicle designed to be drawn by a power-driven vehicle, which:
  - a. is constructed or adapted for use on the road for carriage of goods;
  - b. is registered in the territory of one Contracting Party and is owned by a carrier authorized in that territory to carry goods;
  - c. the combination of the trailer or semi-trailer with the power-driven vehicle shall be considered as one vehicle.

### **ARTICLE 3**

#### **AUTHORIZATIONS**

1. The Competent Authorities of each Contracting Party shall issue the transport permit for each of the road transport vehicles of their respective countries to perform the cross-border transportation of goods and passengers between the two countries in conformity with the permit format mutually agreed by the Contracting Parties;
2. The following vehicles, registered in the territory of Vietnam or Cambodia, shall be permitted to pass through the designed border gates, either between the territories of the Contracting Parties, or in transit through the territory of either Contracting Party: diplomatic vehicles, vehicles owned by the international organization, government vehicles, official mission vehicles, vehicles driven by overseas businessmen and ambulances.

### **ARTICLE 4**

#### **NUMBER PLATE, DRIVER’S LICENSE, OPERATION LICENSES THIRD PARTY LIABILITY INSURANCE**

1. Goods vehicles, passenger vehicles (including tourists) and taxi of one Contracting Party, when in other Contracting Party’s territory, shall:

- a. Bear a registered number plate issued by the Competent Authority of either Contracting Party;
  - b. Possess the pass-border permit with special plate issued by the Competent Authority of either Contracting Party. The form of the pass-border permit and the design of the special plate shall be agreed upon by the Competent Authorities of the Contracting Parties;
  - c. Possess the operating license issued by the Competent Authority of the Contracting Party in which they operate;
  - d. Be covered by third party liability insurance of vehicle's owner
2. "Non-commercial vehicles" shall require all documents agreed by both Competent Authorities;
  3. All drivers shall possess the local or international, unexpired, driver's license that is in correspondence with the category of vehicles they are driving and allowed to use in the territory of the other Contracting Party.

#### **ARTICLE 5**

##### **MOVEMENT OF PEOPLE, VALID PASSPORT AND VISA**

1. The cross-border movement of people living along the border area of the Contracting Parties shall be subject to another agreement;
2. All other people's including drivers need both a valid passport with an appropriate visa stamps when crossing by road into the territory of the other Contracting Party;
3. Those drivers and persons who perform frequent cross-border transport by road shall be granted with multiple – entry/ exit visa;
4. The types of passport and visa shall be regulated by the Government of either Contracting Party

#### **ARTICLE 6**

##### **PRODUCTION OF DOCUMENTS**

Permits and any other documents required in accordance with the provisions of this Agreement shall be carried on the passengers, goods or transport vehicles to which they relate and be produced upon the request of the Competent Authority of either Contracting Party.

#### **ARTICLE 7**

##### **EXCLUSION OF CABOTAGE**

Goods vehicles, passenger vehicles (including tourists) and taxi of one Contracting Party, when operating in the territory of the other Contracting Party, shall be prohibited to pick-up goods, passengers (including tourists) from any point for setting down or delivery at any point in latter Contracting Party's territory (except for those authorized by the Government of one Contracting Party to operate in its territory).

#### **ARTICLE 8**

##### **SPECIFICATION OF OPERATING ROUTES**

All transport vehicles, except non-commercial vehicles set forth in Article 3, Paragraph 2, operating under the Provisions of this Agreement shall follow the border gates and the specified routes defined in the transport permit.

**ARTICLE 9****FUEL AND MATERIALS FOR THE VEHICLES  
AND PROTECTION OF ENVIRONMENT**

1. The following items brought into the territory of other Contracting Party shall be declared to the Customs Office and exempted from import-export taxes and duties:
  - a. Fuel held in the tanks fitted to each type of road transport vehicle and which are installed technically and structurally in accordance with the international manufacturer's design;
  - b. Lubricants in quantity necessary for use during transport operation;
  - c. Spare parts and necessary tools for the vehicles;
  - d. Unused spare parts or defective components dismantled from the vehicles shall be subject to being taken back out of the country
2. Road transport vehicles of each Contracting Party when carrying goods or passengers in the territory of the Contracting Party shall not leave behind any substances that may damage the environment of the other Contracting Party.

**ARTICLE 10****CUSTOMS FORMALITY PRIORITY**

Priority for completing Customs formalities for crossing the trans-border between the Contracting Parties' territories shall be in this order:

1. First priority: transport of patients who are seriously sick, tourists, passengers, corpses;
2. Second priority: transport of perishable goods, fresh vegetables
3. Third priority: transport of livestock and dangerous goods

**ARTICLE 11****TRANSIT FEES AND CHARGES**

The owners of commercial transport vehicles and non-commercial vehicles, which are registered in the territory of one Contracting Party when entering into the territory of other Contracting Party shall undertake to pay the transit fees and other charges such as for use of toll roads, bridges, ferries, etc. All transit fees and other charges such as for use of toll roads, bridges, ferries, etc. All transit fees and other said charges shall be determined by either Contracting Party through mutual consultation.

**ARTICLE 12****COMPLIANCE WITH NATIONAL LAWS  
NON-DISCRIMINATION ON PASSENGERS, TOURISTS AND  
TRANSPORT VEHICLES**

1. Carriers who are permitted to operate transport services using passenger vehicles, taxi and goods vehicles, either between the territories of the Contracting Party or in transit through the territory of either Contracting Party shall comply with national laws and regulations in force in that territory;
2. Non-commercial vehicles, passenger vehicles (including tourists one), taxi and goods vehicles of one Contracting Party, when entering, or performing transport operation in the territory of the other Contracting Party, shall comply with national laws and regulations in force in that territory;
3. One Contracting Party shall not impose on passenger vehicles, taxi or goods vehicles of the other Contracting Party requirements which are more restrictive than those applied by its national laws and regulations upon its own vehicles.

**ARTICLE 13****ACCIDENTS – DANGERS**

In case of any transport vehicle of one Contracting Party is faced with an accident or danger while operating in the territory of the other Contracting Party, the Competent Authority where the accident or danger occurred shall resolve the accident or danger according to its local applicable law and shall inform the Competent Authority of the other Contracting Party of the action taken and solutions.

**ARTICLE 14****DISPUTE SETTLEMENT**

1. All disputes arising from wrong-application or miss-interpretation of this Agreement in the process of its implementation shall be negotiated and resolved by the Competent Authority of Contracting Parties through the diplomatic channels.
2. All disputes arising between the carriers relating to their contract execution shall be settled by the carriers themselves through negotiations. In case of disagreement, dispute shall be settled by national laws or regulations in force in the Contracting Party's territory in which the dispute has taken place and finally; if they cannot reach any consent, by the international arbitration.

**ARTICLE 15****REVISION – AMENDMENT**

1. During the process of the implementation of this Agreement, either Contracting Party may propose in writing revision thereof or amendment thereto and to which the other Contracting Party will reply in writing within 30 days upon the receipt of such notice;
2. The provisions revised or amended by mutual consent shall be an integral and authentic part of this Agreement.

**ARTICLE 16****EFFECTIVENESS OF RELEVANT TREATIES**

All the provisions stipulated herein shall not affect the interests and obligations of each Contracting party as clearly defined in the existing international treaties to which either Contracting Party has acceded to.

**ARTICLE 17****NON-APPLICATION ON VEHICLES OF NON-CONTRACTING PARTY**

This Agreement shall not be applied to road transport vehicles registered in a third country using roads of one Contracting Party to enter the territory of other Contracting Party and shall not be applied to the involvement of road transport vehicles registered in the third country in the transportation of goods and passengers of one Contracting Party in to the territory of other Contracting Party.

**ARTICLE 18****IMPLEMENTING BODY OF THE AGREEMENT**

1. The two governments of the Contracting Parties assign the Ministry of Transport of Vietnam and the Ministry of Public Works and Transport of Cambodia to stipulate in details for the implementation of this Road Transportation Agreement;

2. The Ministry of Transport of Vietnam and the Ministry of Public Works and Transport of Cambodia duly authorized a body to be responsible for instructions, checking the implementation of the Agreement, issuing the transport permits to vehicles involved in this Agreement and dealing with all related matters occurred during the implementation of this Agreement.

## ARTICLE 19

### ENTRY INTO FORCE AND VALIDITY

1. This Agreement shall enter into force for a period of three years from the date of signing by both Contracting Parties;
2. This Agreement shall be thereafter automatically be renewed for three-year period unless it is terminated by either Contracting Party, by giving a written notice of termination of the said Agreement to the other Contracting Party through diplomatic channels, six months prior to the autonomic renewal date.

#### *Amendments during the validity of this Agreement:*

- This Agreement may be amended or modified by mutual consent of the Contracting Parties in writing. Such amendments and modifications shall become effective on the date of exchanging the notes of acceptance;
  - This Agreement may be terminated before the expiration of any validity period, if either Contracting Party notifies its intention in writing to the other Contracting Party through diplomatic channels to terminate this Agreement, and this Agreement shall cease to be valid within 6 months after the date on which the other Contracting Party notifies the receipt of the said notification.
3. This Agreement is done in Hanoi on this First June in the One Thousand Nine Hundred and Ninety-Eight in two originals in Khmer, Vietnamese and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE ROYAL GOVERNMENT  
OF CAMBODIA

**H.E. Dr. SOK MATHOEUNG**  
Under-Secretary of State  
Ministry of Public Works and Transport

FOR THE GOVERNMENT OF  
SOCIAL REPUBLIC OF VIETNAM

**H.E. Dr. DAO DINH BINH**  
First Vice-Minister  
Ministry of Transport

48. **Joint Statement** of Cambodia, Thailand and Vietnam on Partnership in Oil Spill Preparedness and Response in the Gulf of Thailand (January 12, 2006, Hanoi, Vietnam) .....2-210

**JOINT STATEMENT  
OF  
CAMBODIA, THAILAND AND VIETNAM  
ON  
PARTNERSHIP IN OIL SPILL PREPAREDNESS AND RESPONSE  
IN THE GULF OF THAILAND**

January 12, 2006

Cambodia, Thailand and Vietnam ( the Participating countries) join in the Partnership to protect coastal and marine environment and natural resources in the Gulf of Thailand against serious threats posed by oil pollution incidents involving ships, offshore units including oil and gas exploration and exploitation units, seaport and oil handling facilities, as emphasized in the relevant provisions of the international Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC) , the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (Fund Convention).

**Vision**

The three Participating Countries and other stakeholders working together, and committed to a Partnership aimed at enhancing national and regional capacities to prevent, control, combat and mitigate marine pollution and to promote technical cooperation and collaboration to safeguard the resource base of the Gulf of Thailand.

**Mission**

The mission of Partnership is to enhance national and regional capability concerning oil pollution prevention, preparedness and response through a Gulf-wide exchange of information, joint research and development projects, training, oil spill response exercises, and mutual assistance in response, collaborative arrangements, partnership building and implementation.

**Action**

The Participating Countries have agreed as follows:

**1. General undertaking:**

The Participating Countries will individually and/ or jointly undertake appropriate measures to prepare for the respond to oil spill incident in the Gulf of Thailand.

**2. Framework Programme:**

The Participating Countries will cooperate in responding to major oil pollution incident in the Gulf of Thailand. For this purpose, they adopt the Framework Programme for join Oil Spill Preparedness and Response in the Gulf of Thailand (“Framework Programme”), in order to achieve their common vision and mission stated above. The Framework Programme, which is annexed hereto, shall be an integral part of this Joint Statement.

**3. Mutual Assistance:**

Upon the call for assistance by the requesting Participating Countries, the responding Participating Country so requested will exert best efforts to render assistance in addressing oil pollution in the Gulf of Thailand, without prejudice to the right of requesting Participating Country to seek assistance outside the Partnership. Moreover, the Participating Countries will engage to join initiatives to facilitate sharing of information, skills and experiences, training and other capacity building activities in oil pollution preparedness and response.

**4. Collaborative Arrangements:**

For implementing the Partnership, the Participating Countries will strive to enhance collaborative arrangements between and among concerned stakeholders, including governmental and non-governmental organizations, industrials, private sector, local government units, academe and other institutions and individuals.

**5. Partnership Building:**

The Participating Countries will periodically review, improve and strengthen the Joint Statement, including the Framework Programme, and its implementation, taking into account the progress made, capacity developed and experiences and lessons learned.

**6. Implementation:**

The Participating Countries will jointly develop work plans and other implementing arrangements for this Joint Statement, and Framework Programme, in accordance with their respective laws and subjects to their technical capacities and availability of resources.



49. **Regional Cooperation Agreement** on Combating Piracy and Armed Robbery against Ships in Asia .....2-212

**REGIONAL COOPERATION AGREEMENT  
ON COMBATING PIRACY AND ARMED ROBBERY  
AGAINST SHIPS IN ASIA**

The Contracting Parties to this Agreement,

Concerned about the increasing number of incidents of piracy and armed robbery against ships in Asia,

Mindful of the complex nature of the problem of piracy and armed robbery against ships,

Recognizing the importance of safety of ships, including their crew, exercising the right of navigation provided for in the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as “the UNCLOS”,

Reaffirming the duty of States to cooperate in the prevention and suppression of piracy under the UNCLOS,

Recalling “Tokyo Appeal” of March 2000, “Asia Anti-Piracy Challenges 2000” of April 2000 and “Tokyo Model Action Plan” of April 2000,

Noting the relevant resolutions adopted by the United Nations General Assembly and the relevant resolutions and recommendations adopted by the International Maritime Organization,

Conscious of the importance of international cooperation as well as the urgent need for greater regional cooperation and coordination of all States affected within Asia, to prevent and suppress piracy and armed robbery against ships effectively,

Convinced that information sharing and capacity building among the Contracting Parties will significantly contribute towards the prevention and suppression of piracy and armed robbery against ships in Asia,

Affirming that, to ensure greater effectiveness of this Agreement, it is indispensable for each Contracting Party to strengthen its measures aimed at preventing and suppressing piracy and armed robbery against ships,

Determined to promote further regional cooperation and to enhance the effectiveness of such cooperation,

Have agreed as follows:

**PART I**

**INTRODUCTION**

**ARTICLE 1: Definitions**

1. For the purposes of this Agreement, “piracy” means any of the following acts:
  - (a) Any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
    - (i) on the high seas, against another ship, or against persons or property on board such ship;
    - (ii) against a ship, persons or property in a place outside the jurisdiction of any State;
  - (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

- (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).
2. For the purposes of this Agreement, “armed robbery against ships” means any of the following acts:
- (a) Any illegal act of violence or detention, or any act of depredation, committed for private ends and directed against a ship, or against persons or property on board such ship, in a place within a Contracting Party’s jurisdiction over such offences;
  - b) Any act of voluntary participation in the operation of a ship with knowledge of facts making it a ship for armed robbery against ships;
  - (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

## **ARTICLE 2: General Provisions**

1. The Contracting Parties shall, in accordance with their respective national laws and regulations and subject to their available resources or capabilities, implement this Agreement, including preventing and suppressing piracy and armed robbery against ships, to the fullest extent possible;
2. Nothing in this Agreement shall affect the rights and obligations of any Contracting Party under the international agreements to which that Contracting Party is party, including the UNCLOS, and the relevant rules of international law;
3. Nothing in this Agreement shall affect the immunities of warships and other government ships operated for non-commercial purposes;
4. Nothing in this Agreement, nor any act or activity carried out under this Agreement shall prejudice the position of any Contracting Party with regard to any dispute concerning territorial sovereignty or any issues related to the law of the sea;
5. Nothing in this Agreement entitles a Contracting Party to undertake in the territory of another Contracting Party the exercise of jurisdiction and performance of functions, which are exclusively, reserved for the authorities of that other Contracting Party by its national law;
6. In applying paragraph 1 of Article 1, each Contracting Party shall give due regard to the relevant provisions of the UNCLOS without prejudice to the rights of the third Parties.

## **ARTICLE 3: General Obligations**

1. Each Contracting Party shall, in accordance with its national laws and regulations and applicable rules of international law, make every effort to take effective measures in respect of the following:
  - (a) To prevent and suppress piracy and armed robbery against ships;
  - (b) To arrest pirates or persons who have committed armed robbery against ships;
  - (c) To seize ships or aircraft used for committing piracy or armed robbery against ships, to seize ships taken by and under the control of pirates or persons who have committed armed robbery against ships, and to seize the property on board such ships; and
  - (d) To rescue victim ships and victims of piracy or armed robbery against ships
2. Nothing in this Article shall prevent each Contracting Party from taking additional measures in respect of subparagraphs (a) to (d) above in its land territory.

**PART II**  
**INFORMATION SHARING CENTER**

**ARTICLE 4: Composition**

1. An Information Sharing Center, hereinafter referred to as “the Center”, is hereby established to promote close cooperation among the Contracting Parties in preventing and suppressing piracy and armed robbery against ships;
2. The Center shall be located in Singapore;
3. The Center shall be composed of the Governing Council and the Secretariat;
4. The Governing Council shall be composed of one representative from each Contracting Party. The Governing Council shall meet at least once every year in Singapore, unless otherwise decided by the Governing Council;
5. The Governing Council shall make policies concerning all the matters of the Center and shall adopt its own rules of procedure, including the method of selecting its Chairperson;
6. The Governing Council shall take its decisions by consensus;
7. The Secretariat shall be headed by the Executive Director who shall be assisted by the staff. The Executive Director shall be chosen by the Governing Council;
8. The Executive Director shall be responsible for the administrative, operational and financial matters of the Center in accordance with the policies as determined by the Governing Council and the provisions of this Agreement, and for such other matters as determined by the Governing Council;
9. The Executive Director shall represent the Center. The Executive Director shall, with the approval of the Governing Council, make rules and regulations of the Secretariat.

**ARTICLE 5: Headquarters Agreement**

1. The Center, as an international organization whose members are the Contracting Parties to this Agreement, shall enjoy such legal capacity, privileges and immunities in the Host State of the Center as are necessary for the fulfillment of its functions;
2. The Executive Director and the staff of the Secretariat shall be accorded, in the Host State, such privileges and immunities as are necessary for the fulfillment of their functions;
3. The Center shall enter into an agreement with the Host State on matters including those specified in paragraphs 1 and 2 of this Article.

**ARTICLE 6: Financing**

1. The expenses of the Center, as provided for in the budget decided by the Governing Council, shall be provided by the following sources:
  - (a) Host State financing and support;
  - (b) Voluntary contributions from the Contracting Parties;
  - (c) Voluntary contributions from international organizations and other entities, in accordance with relevant criteria adopted by the Governing Council; and
  - (d) Any other voluntary contributions as may be agreed upon by the Governing Council
2. Financial matters of the Center shall be governed by a Financial Regulation to be adopted by the Governing Council;
3. There shall be an annual audit of the accounts of the Center by an independent auditor appointed by the Governing Council. The audit report shall be submitted to the Governing Council and shall be made public, in accordance with the Financial Regulation.

**ARTICLE 7: Functions**

The functions of the Center shall be:

- (a) To manage and maintain the expeditious flow of information relating to incidents of piracy and armed robbery against ships among the Contracting Parties;

- (b) To collect, collate and analyze the information transmitted by the Contracting Parties concerning piracy and armed robbery against ships, including other relevant information, if any, relating to individuals and transnational organized criminal groups committing acts of piracy and armed robbery against ships;
- (c) To prepare statistics and reports on the basis of the information gathered and analyzed under subparagraph (b), and to disseminate them to the Contracting Parties;
- (d) To provide an appropriate alert, whenever possible, to the Contracting Parties if there is a reasonable ground to believe that a threat of incidents of piracy or armed robbery against ships is imminent;
- (e) To circulate requests referred to in Article 10 and relevant information on the measures taken referred to in Article 11 among the Contracting Parties;
- (f) To prepare non-classified statistics and reports based on information gathered and analyzed under subparagraph (b) and to disseminate them to the shipping community and the International Maritime Organization; and
- (g) To perform such other functions as may be agreed upon by the Governing Council with a view to preventing and suppressing piracy and armed robbery against ships.

**ARTICLE 8: Operation**

1. The daily operation of the Center shall be undertaken by the Secretariat;
2. In carrying out its functions, the Center shall respect the confidentiality of information provided by any Contracting Party, and shall not release or disseminate such information unless the consent of that Contracting Party is given in advance;
3. The Center shall be operated in an effective and transparent manner, in accordance with the policies made by the Governing Council, and shall avoid duplication of existing activities between the Contracting Parties.

**PART III****COOPERATION THROUGH THE INFORMATION SHARING CENTER****ARTICLE 9: Information sharing**

1. Each Contracting Party shall designate a focal point responsible for its communication with the Center, and shall declare its designation of such focal point at the time of its signature or its deposit of an instrument of notification provided for in Article 18;
2. Each Contracting Party shall, upon the request of the Center, respect the confidentiality of information transmitted from the Center;
3. Each Contracting Party shall ensure the smooth and effective communication between its designated focal point, and other competent national authorities including rescue coordination centers, as well as relevant non-governmental organizations;
4. Each Contracting Party shall make every effort to require its ships, ship owners, or ship operators to promptly notify relevant national authorities including focal points, and the Center when appropriate, of incidents of piracy or armed robbery against ships;
5. Any Contracting Party, which has received or obtained information about an imminent threat of, or an incident of, piracy or armed robbery against ships shall promptly notify relevant information to the Center through its designated focal point.
6. In the event that a Contracting Party receives an alert from the Center as to an imminent threat of piracy or armed robbery against ships pursuant to subparagraph (d) of Article 7, that Contracting Party shall promptly disseminate the alert to ships within the area of such an imminent threat.

**ARTICLE 10: Request for Cooperation**

1. A Contracting Party may request any other Contracting Party, through the Center or directly, to cooperate in detecting any of the following persons, ships, or aircraft:
  - (a) Pirates;
  - (b) Persons who have committed armed robbery against ships;

- (c) ships or aircraft used for committing piracy or armed robbery against ships, and ships taken by and under the control of pirates or persons who have committed armed robbery against ships; or;
  - (d) Victim ships and victims of piracy or armed robbery against ships.
2. A Contracting Party may request any other Contracting Party, through the Center or directly, to take appropriate measures, including arrest or seizure, against any of the persons or ships mentioned in subparagraph (a), (b), or (c) of paragraph 1 of this Article, within the limits permitted by its national laws and regulations and applicable rules of international law;
3. A Contracting Party may also request any other Contracting Party, through the Center or directly, to take effective measures to rescue the victim ships and the victims of piracy or armed robbery against ships;
4. The Contracting Party, which has made a direct request for cooperation pursuant to paragraphs 1, 2 and 3 of this Article, shall promptly notify the Center of such request;
5. Any request by a Contracting Party for cooperation involving extradition or mutual legal assistance in criminal matters shall be made directly to any other Contracting Party.

**ARTICLE 11: Cooperation by the Request Contracting Party**

1. A Contracting Party, which has received a request pursuant to Article 10, shall, subject to paragraph 1 of Article 2, make every effort to take effective and practical measures for implementing such request;
2. A Contracting Party, which has received a request pursuant to Article 10, may seek additional information from the requesting Contracting Party for the implementation of such request;
3. A Contracting Party, which has taken measures referred to in paragraph 1 of this Article, shall promptly notify the Center of the relevant information on the measures taken.

**PART IV****COOPERATION****ARTICLE 12: Extradition**

A Contracting Party shall, subject to its national laws and regulations, endeavor to extradite pirates or persons who have committed armed robbery against ships, and who are present in its territory, to the other Contracting Party, which has jurisdiction over them, at the request of that Contracting Party.

**ARTICLE 13: Mutual Legal Assistance**

A Contracting Party shall, subject to its national laws and regulations, endeavor to render mutual legal assistance in criminal matters, including the submission of evidence related to piracy and armed robbery against ships, at the request of another Contracting Party.

**ARTICLE 14: Capacity Building**

1. For the purpose of enhancing the capacity of the Contracting Parties to prevent and suppress piracy and armed robbery against ships, each Contracting Party shall endeavor to cooperate to the fullest possible extent with other Contracting Parties which request cooperation or assistance;
2. The Center shall endeavor to cooperate to the fullest possible extent in providing capacity building assistance;
3. Such capacity building cooperation may include technical assistance such as educational and training programs to share experiences and best practices.

**ARTICLE 15: Cooperative Arrangements**

Cooperative arrangements such as joint exercises or other forms of cooperation, as appropriate, may be agreed upon among the Contracting Parties concerned.

**ARTICLE 16: Protection Measures for Ships**

Each Contracting Party shall encourage ships, ship owners, or ship operators, where appropriate, to take protective measures against piracy and armed robbery against ships, taking into account the relevant international standards and practices, in particular, recommendations adopted by the International Maritime Organization.

**PART V****FINAL PROVISIONS****ARTICLE 17: Settlement of Disputes**

Disputes arising out of the interpretation or application of this Agreement, including those relating to liability for any loss or damage caused by the request made under paragraph 2 of Article 10 or any measure taken under paragraph 1 of Article 11, shall be settled amicably by the Contracting Parties concerned through negotiations in accordance with applicable rules of international law.

**ARTICLE 18: Signature and Entry into Force**

1. This Agreement shall be open for signature at the depositary referred to in paragraph 2 below by the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, the Republic of Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, the Socialist Republic of Viet Nam;
2. The Government of Singapore is the depositary of this Agreement;
3. This Agreement shall enter into force 90 days after the date on which the tenth instrument of notification by a State listed in paragraph 1, indicating the completion of its domestic requirements, is submitted to the depositary. Subsequently it shall enter into force in respect of any other State listed in paragraph 1 above 30 days after its deposit of an instrument of notification to the depositary;
4. The depositary shall notify all the States listed in para
5. After this Agreement has entered into force, it shall be open for accession by any State not listed in paragraph 1. Any State desiring to accede to this Agreement may so notify the depositary, which shall promptly circulate the receipt of such notification to all other Contracting Parties. In the absence of a written objection by a Contracting Party within 90 days of the receipt of such notification by the depositary, that State may deposit an instrument of accession with the depositary, and become a party to this Agreement 60 days after such deposit of instrument of accession.

**ARTICLE 19: Amendment**

1. Any Contracting Party may propose an amendment to this Agreement, any time after the Agreement enters into force. Such amendment shall be adopted with the consent of all Contracting Parties;

2. Any amendment shall enter into force 90 days after the acceptance by all Contracting Parties. The instruments of acceptance shall be deposited with the depositary, which shall promptly notify all other Contracting Parties of the deposit of such instruments.

**ARTICLE 20: Withdrawal**

1. Any Contracting Party may withdraw from this Agreement at any time after the date of its entry into force;
2. The withdrawal shall be notified by an instrument of withdrawal to the depositary;
3. The withdrawal shall take effect 180 days after the receipt of the instrument of withdrawal by the depositary;
4. The depositary shall promptly notify all other Contracting Parties of any withdrawal

**ARTICLE 21: Authentic Text**

This Agreement shall be authentic in the English language.

**ARTICLE 22: Registration**

This Agreement shall be registered by the depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

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**PROTOCOL  
FOR  
THE IMPLEMENTATION OF THE AGREEMENT  
BETWEEN  
THE ROYAL GOVERNMENT OF CAMBODIA  
AND  
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM  
ON  
ROAD TRANSPORTATION**

Han Noi, October 10, 2005

The Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam (hereinafter referred to as Contracting Parties”);

Reiterating the Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Road Transportation signed in Hanoi on the 1<sup>st</sup> June of 1998 (hereinafter referred to as “Agreement”);

Have agreed as follows:

**SECTION I  
REGISTRATION AND TYPE OF MOTOR VEHICLES**

**Article 1: Registration Obligation**

Motor vehicles and semi-trailers used in cross-border traffic shall be registered in their Home Country in accordance with the rules set out in this Protocol.



**Article 2: Use of Language and characters**

In vehicle identification marks, registration certificate, and registration plates, the particulars shall be entered in English language (in block and/or lowercase letters) and Arabic numerals. The prescribed use of English language and Arabic numerals shall not prohibit the repeating of the particulars by the parallel use of national language and characters.

**Article 3: Identification Mark**

- 1) Every motor vehicle in cross-border traffic shall bear the following identification marks:
  - a) the name or the trademark of the manufacturer of the vehicle;
  - b) on the chassis or in the absence of a chassis, on the body, the manufacturer's production or serial number; and
  - c) on the engine, the engine number if such a number is placed on it by the maker not for semi-trailers.
- 2) These identification marks shall be placed in accessible positions and shall be easily legible. In addition they shall be such that they cannot be easily altered or removed.

**Article 4: Registration Certificate**

- 1) Every motor vehicle in cross-border traffic shall carry a valid certificate of registration issued by the competent authority of its Home Country.
- 2) It shall bear the following particulars:
  - a) Basic Information
    - a.1 Title: vehicle registration certificate
    - a.2 Name ( and logo) of the issuing authority
    - a.3 Address and contact data of the issuing authority (optional)
    - a.4 Country (also via the distinguishing sign) of the issuing authority
    - a.5 Authentication (seal/stamp, signature)
    - a.6 Date of issuance of the vehicle registration certificate
  - b) The Registration Particulars
    - b.1 License plate, or registration number
    - b.2 The Distinguishing sign of the country of registration
    - b.3 Date of first registration
    - b.4 The period of validity if not unlimited.
  - c) The Particulars of the Owner/Holder of the Certificate
    - c.1 Full name
    - c.2 Address
  - d) The Particulars of the Vehicle
    - d.1 Type: Truck, bus, passenger car, etc
    - d.2 Body
      - d.2.1 Brand/Trademark
      - d.2.2 Model/code (if applicable)
      - d.2.3 Color (RAL Code)
      - d.2.4 Year of manufacture (if available)
      - d.2.5 Chassis serial number
      - d.2.6 Number of axles
      - d.2.7 Empty weight (tare) (trucks and buses)
      - d.2.8 Gross weight (trucks) or seat capacity (buses)Note: Empty weight and Gross weight shall be painted on the body of vehicles (optional)
    - d.3 Engine
      - d.3.1 Brand (if different from body)
      - d.3.2 Number of cylinders

- d.3.3 Capacity
- d.3.4 Horsepower
- d.3.5 Serial Number

**Article 5: Registration Plate**

Every motor vehicle in cross-border traffic shall display its registration number on a special flat vertical plate(s) fixed at the front and at the rear of the vehicle at right angles to the vehicle's median longitudinal plane, legible at a distance of 35- 40 meters. The surface of the plate may be of a reflecting material. Similarly, semi-trailers need to display the registration number at least at the rear.

**Article 6: Distinguishing Nationality Sign**

- 1) Every motor vehicle in cross-border traffic shall in addition to its registration number, display at the rear a distinguishing sign of the Country in which it is registered. This distinguishing sign shall consist of one to three letters in capital Latin Characters, at least 0.08 meter high and with strokes at least 0.01 meter wide. The letters shall be painted in black on white background in the shape of an ellipse with the major axis horizontal.
- 2) The distinguishing sign shall not be incorporated in the registration number or be affixed in such a way that it could be confuse with that number or impair its legibility.
- 3) The way of display shall follow the rules with respect to the registration number.
- 4) The distinguishing sign for the motor vehicles of each country shall be as follows:
  - a) Cambodia: KH
  - b) Vietnam: VN

**Article 7: Mutual Recognition**

Each Contracting Party shall recognize the motor vehicle registration plate, the motor vehicle registration certificate, and the motor vehicle inspection certificate and/or inspection mark and driving licenses and cross-border transport permit issued by the competent authority of the other country.

**SECTION II****CONDITIONS REQUIREMENT OF ROAD VEHICLE**

**Article 8:** The Contracting Parties hereby agree that motor vehicle permitted to engage in the cross-border transport (non-commercial and commercial vehicles) shall be those having the following types:

- 1) Commercial vehicles means vehicles engaged in transport of goods and/or people for reward.
- 2) Non-commercial vehicles shall be those as defined in Article 2 of the Agreement
- 3) Initially for a period of 12 months, the Contracting Parties hereby agree that the number of commercial vehicles, which shall be allowed to perform cross-border transport, shall be not more than 40 for each country. Thereafter, the quantities of road vehicles shall be discussed from time to tike between the Contracting Parties.
- 4) In the initial period, the only non-commercial vehicles that shall be allowed to perform cross-border transport are official or special vehicles, ie., diplomatic vehicles, vehicles owned by international organization, government vehicles, officials mission vehicles, vehicle driven by overseas business people, fire fighting vehicle and ambulance.
- 5) In a subsequent period to be mutually determined, the Contracting Parties shall allow other non-commercial vehicles to perform cross-border transport subject to mutually agreed conditions.

**Article 9:** The road transit transport vehicles and cross-border transport vehicles to which this Protocol applies, shall not be allowed to engage in cross-border transport, unless the following technical requirements are fulfilled:

- 1) Maximum vehicle dimensions viz:
  - a) Maximum length of vehicle as detailed in Appendix A and B,
  - b) Maximum width of vehicle as detailed in Appendix C,
  - c) Maximum height of vehicles as detailed in Appendix D, and
  - d) Rear overhang as detailed in Appendix E;
- 2) maximum permissible gross vehicle weight subject to relevant national laws or regulations of the Host Country, which shall be provided to the relevant Competent Authorities of the two countries;
- 3) Emission standards as follows:
  - a) Exhaust emission (smoke)- 50% (Opacity or Bosch unit) or 50 HSU; and
- 4) Other related requirement, VIZ:
  - a) Brake Efficiency: 50% of the axle weight and
  - b) Side slips: plus(+) or minus(-) 5m/km.

**Article 10: Technical conditions for load compartment of road vehicles and for the containers**

The vehicle and the containers used for cross-border transport of goods shall be constructed and equipped in such a manner that:

- 1) any smuggling of goods by clandestine substitution, removal from or introduction in the load compartment without leaving obvious traces of tampering or without breaking the customs seal is prevented;
- 2) it does not contain any concealed spaces where goods may be hidden; and
- 3) all spaces where goods can be stored are already accessible for customs inspection.

**Article 11: Documents Requirement**

- 1) The following documents shall be carried on a road transport vehicle at all times when it is in the territory of the relevant Contracting Party across whose territory the road transport vehicle passes:
  - a) For passenger transport vehicles:
    - a.1 Motor vehicle registration certificate
    - a.2 Motor vehicle inspection certificate
    - a.3 Cross-border transport permit
    - a.4 List of passengers certified by the bus station office
    - a.5 Valid Compulsory Third Party Motor Vehicle Liability Insurance certificate issued by the Host Country
    - a.6 Valid Passenger Liability Insurance certificate
    - a.7 Customs declaration form for entry, exit of vehicles through the border checkpoint
  - b) For goods transport vehicles:
    - b.1 Motor vehicle registration certificate
    - b.2 Motor vehicle inspection certificate
    - b.3 Cross-border transport permit
    - b.4 Consignment Note
    - b.5 Customs documents for goods
    - b.6 Valid Compulsory Third Party Motor Vehicle Liability Insurance certificate issued by the Host Country
    - b.7 Custom declaration form for entry, exit of vehicles through the border checkpoint
  - c) For other motor vehicles:
    - c.1 Motor vehicle registration certificate

- c.2 Motor vehicle inspection certificate
  - c.3 Cross-border transport permit
  - c.4 Valid Compulsory Third Party Motor Vehicle Liability Insurance certificate issued by the Host Country
  - c.5 Custom declaration form for entry, exit of vehicles through the border checkpoint
- 2) The following documents shall be carried by persons who are in the territory of the Host Country:
- a) For driver:
    - a.1 a valid national (or international) driving license
    - a.2 a valid passport or international travel document in lieu of passport issued by the Home Country, and visa issued by the competent authority of the Host Country, as required
  - b) For passengers (visions):  
A valid passport or international travel document in lieu of passport issued by the Home Country, and visa issued by the competent authority of the Host Country, as required
- 3) All documents as mentioned above, and their certified English translation, shall be made available for inspection upon demand by the relevant authorities of the Contracting Parties across whose territory the cross-border transport vehicle passes.

**Article 12: Cross-Border Transport Permit**

- 1) All vehicles, except fire fighting vehicles and ambulances, registered in either contracting parties, as provided in Article 8 of this Protocol, engaged in Cross-Border Transportation into the territory of other Contracting Party, shall have a Cross-Border Transport Permit issued by Home Country.
- 2) Competent Authorities of both Contracting Parties shall issue transport permit for each vehicle of their own country accordingly to implement cross-border transportation of goods and passengers between the two countries. For commercial vehicles, issuing authorities must write clearly the name of border gates, name of destination, name of transportation routes allowed to use.

**Article 13: Form of Cross-Border Transport Permit**

- 1) The Cross-Border Transport Permit shall include (a) the Vietnam-Cambodia Cross-Border Transport Permission Book, and (b) a sign on the vehicle to indicate that it is engaged in cross-border transport. The Cross-Border Transport Permission Book shall be printed in both English and respective national language. The respective national language text shall be printed above the English language text. The form of the Cross-Border Transport Permission Book shall be in accordance with the format attached in Appendix F. The form of the sign shall be in accordance with the format attached in Appendix G.
- 2) The Cross-Border Transport Permission Book shall be of two types: (i) a booklet license issued for road transport vehicles that will be permitted multiple entry travel between the two countries for a validity period of one year, with each entry not exceeding a period of 30 days; and (ii) a booklet license issued for road transport vehicles that will be permitted single entry travel between the two countries for a validity period of not exceeding 30 days.

**SECTION III**

**TEMPORARY IMPORTATION AND RE-EXPORTATION OF MOTOR VEHICLE**

**Article 14: Duties, Taxes, Prohibition, and Restriction**

Each Contracting Parties shall grant temporary admission to its territory of motor vehicles registered in the country of the other Contracting Party, without payment of import duties and taxes and free of import prohibitions and restrictions and subject to re-exportation and other conditions laid down in this Protocol.

**Article 15: Extension to other Items**

The accessories, toolkit, and other articles that form the normal equipment of the motor vehicle and the fuel in the ordinary/originally supply tanks, and the lubricants in quantities necessary for use during transport operation, maintenance supplies, and spare parts for the repair of the vehicle, shall be governed by the same regime. They need to be declared to Customs Authorities, and exempted from duties and taxes.

**Article 16: Temporary Admittance of Motor Vehicle**

As an interim measure until such time that a guaranteeing mechanism is established between the two countries, a list of motor vehicle that are eligible for cross-border movement mutually agreed by the Contracting Parties shall be exchanged between the relevant Competent Authorities. These Vehicles shall be allowed to be temporarily admitted to the Host Country without guarantee.

**Article 17: Re-Exportation**

- 1) Motor vehicle temporarily admitted in the Host Country shall be re-exported in the same general state, except for wear and tear, within the allowable period of validity of such papers. Otherwise, the motor vehicles shall be considered illegally imported in the Host Country, and subject to relevant action(s) prescribed under the national laws and regulations of the Host Country.
- 2) Unused spare parts or defective components dismantled from motor vehicles shall be subject to being taken back out of the country/
- 3) A temporarily imported motor vehicle that has been heavily damaged in an accident shall be exempt from the obligation of re-exportation, provided:
  - a) the import duties and taxes are paid; or
  - b) it has been abandoned to and accepted by the relevant Competent Authority of the Host Country; or
  - c) it has been destroyed under official Host Country supervision at the expense of the importer and any salvaged parts are either re-exported or paid import tax and duties for.
- 4) If the importer is unable to timely re-export the vehicle due to circumstances beyond his will, he is to file a request for an extension of the re-exportation period with the Host Country's Customs Authorities before the expiry date. The Host Country's Customs Authorities will grant such extension if they are satisfied that the timely re-exportation is prevented by force majeure.
- 5) Temporarily admitted vehicles shall be allowed to stay in the territory of the Host Country for a period not exceeding 30 days, with possible extension of not more than 10 days.

**Article 18: Evidence of Importation and Re-exportation**

Evidence of importation of the motor vehicle and its re-exportation shall be documented by the Customs declaration form for entry, exit of vehicles through the border checkpoint.

**SECTION IV****COMPULSORY MOTOR VEHICLE INSURANCE****Article 19: Compulsory Motor Vehicle Insurance**

All motor vehicles involved in the Cross-Border transport of goods of passengers shall be subject to the compulsory motor vehicle insurance, in compliance with the national laws and regulations of the Host Country.

All motor vehicles involved in the Cross-Border transport of goods or passengers shall be subject to the compulsory third party liability insurance for motor vehicles, in compliance with the national laws and regulations of the respective host country.

**SECTION V****CROSS-BORDER MOVEMENT OF PEOPLE****Article 20: Valid Passport and Travel Document****1) Passport or International Travel Documents and Visas for People Crossing Border****a) Passport, or other International Travel Documents**

People crossing the border shall carry a valid passport, or other international travel document in lieu of passport. Each Contracting Party shall provide the other Contracting Party with specimens of passport or international travel documents in lieu of passport through diplomatic channels. People crossing the border shall meet the visa requirements of the Host Country, in accordance with the Host Country laws and regulations.

**2) Visa Issuance Conditions and Procedures****a) General Conditions for People Crossing the Border**

a.1 Issuance formalities, conditions, procedures, types, and characteristics of visas shall be subject to laws and regulations of the Host Country, except as provided in this Protocol.

a.2 The time for issuance or refusal of a visa shall be no more than 10 working days.

**b) Specific Conditions for Driver/Crew of Commercially Operated Road Vehicles (hereinafter referred to as driver/crew)****b.1 Period of Visa Validity**

The driver/crew shall be issued by the Host Country a single/multiple entry/exit visa for a maximum validity period of one year until such time that the relevant laws are amended to allow the issuance of multiple entry/exit visa for a minimum validity period of one year.

**b.2 Required Document To Support the Application**

The application for a visa by driver/crew members shall be supported by a certificate of employment issued by an authorized transport operator of the Home Country. The applicant driver shall also submit a copy of his/her valid driving license to the Host Country.

**3) Language**

In addition to any national languages(s), all particulars in passports or international travel documents in lieu of passports and visas shall also be expressed in English language.

**Article 21: Health Inspection of People**

1) **General:** The Host Country shall apply its national laws and regulations in compliance with the International Health Regulations of the World Health Organization (WHO).

**2) Principle: no examination**

As a rule, people who:

- a) carry the prescribed WHO health documents,
- b) do not come from and have not passed through a known infected or risk area; and
- c) do not show any external symptoms of a contagious disease endangering public health will not be subjected to routine medical checks, inspection, or examination.

**3) Exception: examination is permissible in particular cases.**

People who may be subjected to medical examination are those who:

- a) do not carry the prescribed WHO health document;
- b) come from or have transited through a known infected or risk area; or
- c) show external symptoms of a contagious disease endangering public health

**4) Reaction to Spotting Infected Individuals**

Whenever people are, upon medical examination, found to be infected with a contagious disease endangering public health, the relevant competent authority may:

- a) deny access to the territory or repel the foreign individual if his medical condition enables him to travel;
- b) if not, offer appropriate medical care and treatment in isolation/quarantine to the individual; and
- c) notify promptly the WHO via the appropriate channels in accordance with the applicable rules.

- 5) **Health Document:** People may be required to carry personal health documents prescribed by the WHO (e.g., Yellow fever vaccination certificate).

**Article 22: Sanitary Inspection of Personal Effects**

Competent Authorities of the two countries shall comply with international agreements related to the regulations of the World Health Organization, Food and Agriculture Organization, and Office International des Epizooties in applying inspection of goods, include all the temporary importation of personal effects.

**Article 23: Transport Price**

- 1) For non-scheduled services, the transport price will be freely determined by market forces, but subject to antitrust restrictions, so as to avoid excessively high or low pricing.
- 2) The Contracting Parties and transport operator shall refrain from any measures, agreements or practices tending to distort free and fair competition, such as cartels, abuse of dominant position, dumping, and state subsidization. They shall be denied any effect and be null and void. Contracting Parties shall ensure that their respective transportation operators conform to this percept.
- 3) For scheduled services, the Contracting Parties will agree on the transport price.

**SECTION VI****THE CARRIER LIABILITY REGIME OF PASSENGER TRANSPORT****Article 24: Definitions**

For the purpose of the carrier liability regime of this Section, the following meanings shall apply to the underlined terms:

- 1) Accompanied Luggage: luggage that travels with the passenger on the same means of transportation.
- 2) Carrier: a person who undertakes to carry for reward or gratuitously in the course of his/her business, goods or passengers and where appropriate the latter's luggage.
- 3) Delay: delay in the performance of the carriage when it did not arrive at the destination within the agreed period or in the absence of such an agreement, within the normal period of time required for a due diligent carrier in the same circumstances.
- 4) Force Majeure: circumstances resulting in loss, damage, or delay that the carrier could not foresee and avoid, and the consequences of which the carrier was unable to prevent or control.
- 5) Hand Luggage: luggage kept by the passenger with him/her during the carriage.
- 6) Passenger: any person who, in the performance of a contract of carriage made by him/her or his/her behalf, is carried by a carrier either for reward or gratuitously in the course of the latter's business.

- 7) Registered Luggage: luggage taken over from the passenger by the carrier for the purpose of the carriage.
- 8) Remarks: statements made by the carrier or the passenger on the condition of the luggage upon its taking over or delivery.
- 9) Transport Operator: a natural or legal, private or public person, who carries goods and/or People by road for reward.
- 10) Unaccompanied Luggage: luggage conveyed like cargo, normally not on the same means of transportation as the passenger.

**Article 25: Scope of Application**

- 1) The carrier liability regime set out below shall apply to every contract for the carriage of goods, or passengers and their luggage for reward or gratuitously in the course of the carrier's business by road in a motor vehicle, when the passenger's place of departure and destination are situated in the territories of the Contracting Parties.
- 2) The carrier liability for carriage of unaccompanied luggage will be governed by the regime stipulated in Article 68,69,70,71, and 72 of this Protocol.

**Article 26: Accompanied Luggage Allowance and Excess Luggage Charges**

- 1) For non-scheduled transport service the luggage allowance is left to the mutual agreement between the parties to the contract of carriage.
- 2) For scheduled transport services each passenger is to be allowed to bring along free of charge luggage weighing up to 20 kilograms and of reasonable size. Transport operators may charge for excess luggage. The surcharge may vary depending on the route, but shall not exceed five percent of a full-fare passenger ticket price per excess kilogram of weight.

**Article 27: Unaccompanied Luggage**

The tariff for unaccompanied luggage shall be governed by the regime stipulated in Section VIII to the Protocol.

**Article 28: The Contract of Carriage****1) Transport Documents****Passenger Ticket**

- a) The contract of carriage shall be recorded via the issuance of a collective or individual passenger ticket. The absence, irregularity, or loss of the ticket shall not affect the existence or the validity of the contract of carriage, which shall remain subject to the provisions of this Protocol.
- b) The ticket shall mention in the national language and in English the following particulars:
  - b.1 the name and address of the carrier;
  - b.2 the point of departure and destination;
  - b.3 the date of the journey or the period of the validity of the ticket;
  - b.4 the transport price; and
  - b.5 a reference to the rule of law containing the liability regime of this Protocol.
- c) The ticket may be issued to a named person or to bearer.

**Luggage Registration Voucher**

- d) For registered luggage, the carrier shall issue a luggage registration voucher, which may be combined with the passenger ticket.



- e) The luggage registration voucher shall mention in the national language and in English the following particulars:
  - e.1 the name and address of the carrier;
  - e.2 the point of departure and destination;
  - e.3 the date of issuance;
  - e.4 the transport price;
  - e.5 a reference to the rule of law containing the liability regime of this Protocol; and
  - e.6 the number and weight of the luggage.
- f) In case of absence of the luggage voucher or omission to indicate the weight or number of the registered luggage, the luggage weight and number shall be presumed to be the maximum allowance.

## **2) Remarks**

- a) Upon registration of the luggage, the carrier shall check its apparent condition, and when necessary make appropriate remarks on the luggage registration voucher.
- b) In the absence of remarks on its condition by the carrier, the luggage is presumed to be in good condition.

## **Article 29: Principle of Carrier Liability**

### **1) Mandatory Law**

Any clause in the carriage contract directly or indirectly derogating from the provisions of the carrier liability regime of this Protocol, unless it is in favor of the passenger, shall be null and void. The nullity of such a stipulation shall however not affect the validity of the other provisions of the contract.

### **2) In Contract and in Tort**

The present liability regime will govern any claim arising out of the performance of the carriage contract under this Protocol, however founded, whether in contract or extra-contractually.

### **3) Vicarious Liability of Servants, Agents, and Subcontractors**

In connection with his/her tasks, the carriers shall be responsible for acts and/or omissions of his/her servants, agents, and subcontractors, who will be entitled to avail themselves of the same defenses as the carrier.

## **Article 30: Subject of Carrier Liability**

### **1) Personal Injury**

The carrier shall be liable for loss or damage resulting from the death or wounding or from other bodily or mental injury caused to a passenger as a result of an accident related to the carriage and occurring while the passenger is on board or entering or exiting the vehicle.

### **2) Delay**

The carrier shall be liable for damages resulting from the delay in the arrival of the passenger and/or his luggage.

### **3) Loss of Damage to Registered Luggage**

- a) The carrier shall be liable for the total, or partial loss of, or damage to the luggage that occurred in the period between the time that the carrier takes the goods in charge and the time of delivery.
- b) Constructive Loss: If the registered luggage is not delivered within 30 days from the moment of the actual, scheduled, or normal arrival time, whichever is later, the luggage will

be deemed lost. The passenger is then entitled to claim compensation for loss. Upon recovery of the luggage later on, the carrier shall notify immediately the passenger, who shall be entitled to opt for delivery of the luggage against refund of the compensation already received, but without prejudice to any claim for compensation for partial loss, damage, or delay. If the passenger does not require the return of the luggage, the carrier shall be entitled to deal with the luggage at his/her discretion, subject to the law of the place where the goods are situated.

**4) Loss of or Damage to Personal Effects**

The carrier shall be liable for the total or partial loss of, or damage to the personal effects carried or worn by the passenger as a result of an accident related to the carriage and occurring while passenger is on board or entering or exiting the vehicle.

**Article 31: Measure of Compensation: Limitation of Carrier Liability**

**1) In General**

- a) The limits of liability shall be exclusive of legal expenses and interests. Higher limits may be agreed between the parties to the contract of carriage.
- b) In addition to the compensation, the carrier shall be held to refund all or part of the transport price commensurate to the degree of his/her malperformance. He/she will owe no further damages.
- c) The amount of compensation for death, wounding, or other bodily or mental injury of the passenger or total, or partial loss of, or damage to the luggage, or damage resulting from delay, shall be established according to the national law of the court where the liability action is brought.
- d) Also, the claimant's right to sue shall be determined according to the national law of the court where the action for compensation is brought.
- e) The claimant is entitled to claim interest on the compensation due at the rate of 5 percent per annum from the date the claim was sent in writing or legal proceedings were instituted in court or arbitration was initiated.

**2) Regarding Personal Injury**

- a) The total amount of compensation due by the carrier for the death or wounding or bodily or mental injury caused to a passenger in respect of the same occurrence shall be a minimum of US\$ 2,500 per victim.
- b) If there is more than one claimant per victim, and if the total of their claims exceeds the limits established, the claims shall be reduced proportionally.

**3) Regarding Loss of and Damage to Luggage and Personal Effects**

**a) Registered Luggage**

The amount of compensation due from the carrier for the loss of or damage to registered luggage shall not exceed US\$ 13 per kilogram gross weight of luggage short delivered or of each item damaged, or US\$ 252 per unit, whichever is higher.

**b) Hand Luggage and Personal Effects**

The amount of compensation due from the carrier for the loss of or damage to hand luggage or personal effects worn or carried by the passenger shall be limited to US\$ 252.

**c) Overall Limit**

The total amount of compensation due from the carrier liability for one passenger's belongings shall not exceed US\$ 504.

**4) Regarding Delay**

The amount of compensation due from the carrier for damage, other than physical damage to luggage or personal effects or bodily injury of the passenger, resulting from delay shall be limited to an amount not exceeding the transport price.

**Article 32: Exoneration of Carrier Liability**

- 1) The carrier shall be relieved of liability, to the extent that the accident, loss, delay, or damage was caused by:
  - a) force majeure; (i.e. circumstances which the carrier could not avoid and the consequences of which he was unable to prevent);
  - b) inherent defect of the luggage or personal effects;
  - c) contributory negligence of the passenger himself/herself; or
  - d) the passenger's pre-existing health condition.
- 2) The defective condition of the vehicle used for the performance of the carriage, or the physical or mental failure of the driver, shall not relieve the carrier of his/her liability.

**Article 33: Lifting of the Exclusion or Limitation of Carrier Liability**

The carrier is not entitled to the benefit of the limitation or exoneration of liability if it is proved that death, injury, loss, damage or delay in delivery and/or arrival resulted from a personal act or omission of the carrier or his/her servants agents and subcontractors, done with the intent to cause such death, injury, loss, damage or delay or recklessly and with knowledge that such loss, damage or delay would probably result.

**Article 34: Claims and Actions****1) Remarks on Delivery**

- a) Upon delivery of the luggage, the passenger shall check the number, contents, and condition of the luggage, and if shortage or damage is found, make immediately appropriate remarks in writing to the carrier.
- b) In case of receipt of the language without remarks, the luggage shall be presumed to have been delivered complete and intact.

**2) Time Bar**

Claims for compensation arising out of a carriage under this Protocol shall be time barred unless an action was filed with the court or arbitration was initiated within the following periods from the date of the accident or the actual, scheduled, or normal arrival time at the destination, whichever is later:

- a) three years in case of death, or wounding or any other bodily, or mental injury to a passenger; and
- b) 180 days in case of loss of or damage to and delay of the luggage and personal effects, and delay in the arrival of the passenger.

**3) Jurisdiction**

- a) An action for compensation based on this Protocol may be brought in the courts of the two countries:
  - a.1 where the carriage originated from or was destined to;
  - a.2 where the loss or damage occurred, if identified;
  - a.3 where the principal place of business of the carrier is located; or
  - a.4 where the habitual residence of the claimant is located.

- b) The claim for compensation may also be settled by means of arbitration based on an agreement entered into between parties concerned after the claim has arisen.

**Article 35: Compulsory Passenger Carrier Liability Issuance**

With respect to his/her liability for death or injury of passengers, the carrier shall also comply with his/her obligation by contracting for the account of the passenger an issuance against personal injury, for actual damage for a minimum of US\$ 2,500 without subrogation and/or with renunciation of recourse.

**SECTION VII**

**CROSS-BORDER TRANSPORT OF GOODS**

**I. GENERAL CONDITIONS OF GOODS TRANSPORT**

**Article 36: Definition**

For the purpose of this Section, the following meanings shall apply to the underlined terms:

- 1) Carrier: person who undertakes to carry for reward or gratuitously in the course of his/her business the goods or passengers and where appropriate the latter's luggage.
- 2) Consignee: the person to whom the goods are to be delivered;
- 3) Consignor: the person who concludes the contract of carriage with the carrier and hands over the goods to the carrier.
- 4) Consignment Note: the transport document for the purpose of establishing the contract of carriage, its conditions, the taking in charge and delivery of the goods.
- 5) Delay: delay in delivery when the goods have not been delivered within the agreed period or in the absence of such an agreement, within the normal period of time required for a due diligent carrier in the same circumstances.
- 6) Force Majeure: circumstances resulting in loss, damage, or delay that the carrier could not foresee and avoid, and the consequences of which he/she was unable to prevent or control.
- 7) In-transit: en route, i.e., in the course of the transport operation.
- 8) Right of Disposal: the power to decide the destiny of the goods.
- 9) Remarks: statement on the condition of the goods upon the taking in charge or delivery of goods.

**Article 37: Scope of Application**

- 1) This Section shall apply to the contract of carriage of goods for reward by road in a motor vehicle when the place of handing over the goods to the carrier and the place of delivery to the consignee are situated in the territories of different Contracting Parties.
- 2) This Section shall not apply to carriage performed under the terms of any international postal conventions.

**Article 38: Pricing**

- 1) The transport price will be freely determined by market forces, but subject to antitrust restrictions, so as to void excessively high or low pricing.

- 2) Contracting Parties and transport operators shall refrain from any measures, agreements or practices tending to distort free and fair competition, such as cartels, abuse of dominant position, dumping, and state subsidization. They shall be denied any effect and be null and void. Contracting Parties shall ensure that their respective transport operators conform to this precept.

### **Article 39: The Contract of Carriage**

#### **1) Consignment Note**

- a) The contract of carriage shall be recorded via the issuance of a consignment note in three original copies signed by the consignor and the carrier. The signatures may be in the form of handwriting, print, perforated, stamped, symbols, or in any other mechanical or electronic forms, not inconsistent with the laws of the country where the consignment note is issued. The first copy shall be handed to the consignor, the second copy shall accompany the goods, and the third copy shall be retained by the carrier.
- b) The consignment note shall conform to the model shown in Appendix H, and contain the following particulars:
- b.1 the date of the consignment note and the place at which it is made out;
  - b.2 the name and address of the consignor;
  - b.3 the name and address of the carrier;
  - b.4 the place and the date of taking in charge of the goods and the place designated for delivery;
  - b.5 the name and address of the consignee;
  - b.6 the description in common use of the nature of the goods and the method of packing, and , in the case of dangerous goods, their description in accordance with Article 66 of this Protocol;
  - b.7 the number of packages and their special marks and numbers;
  - b.8 the gross weight of the goods or their quantity otherwise expressed;
  - b.9 charges relating to the carriage (carriage charges, supplementary charges, and other charges incurred from the making of the contract to the time of delivery);
  - b.10 value of the goods for customs purposes;
  - b.11 the requisite instructions for Customs and other formalities; and
  - b.12 a statement that the carriage is subject, notwithstanding any clause to the contrary, to the provisions of this Protocol.
- c) Where applicable, the consignment note shall also contain the following particular.
- c.1 a statement that trans-shipment is not allowed;
  - c.2 the charges which the consignor undertakes to pay;
  - c.3 the amount of “ cash on delivery” charges;
  - c.4 a declaration of the value of the goods and the amount representing special interest in delivery;
  - c.5 carrier and consignee remarks;
  - c.6 the consignor’s instructions to the carrier regarding issuance of the goods;
  - c.7 the agreed time limit within which the carriage is to be carried out; and
  - c.8 a list of the document handed to the carrier.
- d) The parties may enter in the consignment note any other particulars that they may deem useful.
- e) The absence, irregularity or loss of the consignment note shall not affect the existence or the validity of the contract of carriage, which shall remain subject to the provision of this Protocol.

**2) Remarks Upon Taking the Goods In Charge**

- a) Upon taking the goods in charge, the carrier shall check the quantity (number and weight) and apparent quality (condition) of the goods and their packaging and make appropriate remarks in the consignment note. In the absence of remarks by the carrier, the cargo is presumed to be complete and in good condition.
- b) Where the carrier has no reasonable means of checking the accuracy of the statement made in the consignment note with respect to quantity, quality, and packaging of the goods, he/she shall enter his/her remarks in the consignment note together with the grounds on which they are based. He/she shall likewise specify the grounds for any remarks, which he/she makes with regard to the apparent condition of the goods and their packaging; such remarks shall not bind the consignor unless he/she has expressly agreed to be bound by them in the consignment note.

**3) Right of Disposal**

Unless otherwise agreed in the consignment note:

- a) The consignor has the right to dispose of the goods, in particular to stop the goods in-transit, to order their return to the place of departure or to redirect them to another destination/consignee.
- b) The consignor's right to dispose of the goods shall cease and be transferred to the consignee:
  - b.1 when the goods are delivered; or
  - b.2 when the goods arrive at the place designated for delivery and the consignee required the delivery; or
  - b.3 when the second copy of the consignment note was received by the consignee at his/her request.

The carrier shall be compensated for any additional expenses arising from exercising the right of disposal in-transit.

**4) Right of Action**

Both the consignor and the consignee shall separately or simultaneously have the right to sue the carrier for compensation for loss of, damage to, or delay in delivery of the goods, but the carrier shall owe compensation only once.

**II- TRANSPORT OF PERISHABLE GOODS****Article 40: Definition of Perishable Goods**

For the purpose of this Section, "Perishable Goods" shall mean organic substances or living organisms that are vulnerable to easy deterioration beyond marketability or to death under the combined effect of duration and conditions of transport such as temperature (heat or cold), humidity or draught, or movement.

**Article 41: Priority Regime**

- 1) Perishable Goods listed in Article 64 shall be granted a priority border crossing clearance regime. This list may be modified from time to time subject to agreement by the respective Competent Authorities.
- 2) For the purpose of transport facilitation, the Contracting Parties shall inform each other of their respective lists of Perishable Goods for which quarantine clearance can be expedited, and any changes thereof.

**Article 42: Health, Sanitary and Phytosanitary Requirements and Documentation**

Perishable goods shall be transported across the border only if they meet the relevant national health, sanitary and/or phytosanitary regulation(s) and is accompanied by the relevant national health, sanitary and/or phytosanitary certificate(s)/document(s), in compliance with the national law and regulations of the Host Country.

**Article 43: Institute Mechanism**

- 1) The Contracting Parties shall coordinate their activities for the implementation of this Protocol, and resolve any issues arising therefore through the Health/Sanitary and Phytosanitary Sub-committee of the Joint Committee, established on 30 April 2004 in Phnom Penh, and other such mechanisms between and among them.
- 2) The Contracting Parties shall notify each other of their respective points of contact for the implementation of this Protocol, and of any changes thereof.

**Article 44: Standards for Particular Categories of Perishable Goods**

For two particular categories of perishable goods, i.e., (a) live animals, and (b) perishable foodstuffs for human consumption, live and ornamental plants, and cut flowers, this Protocol provides more detailed transportation standards.

**Article 45: Recommendatory Nature of Standards of Perishable Goods**

Part A and Part B of this Protocol below provide recommendations that may serve as guidance for the Contracting Parties in their regulation of the cross-border carriage of (a) live animals, and (b) perishable foodstuffs for human consumption, live and ornamental plants, and cut flowers.

**Part A- For Live Animals****Article 46: Cross-Border Transportation of Live Animals**

This Part shall apply to the Cross-Border carriage of live animals by road transport vehicles.

**Article 47: Fitness**

An animal should be transported only if it is fit for the intended journey. An animal that is ill or injured shall not be considered fit for transportation. The same goes for animals in the prenatal period.

**Article 48: Making of the Means of Transportation**

Vehicles and containers in which animals are transported should be marked with a symbol indicating the presence of live animals and a sign indicating the animal's upright position.

**Article 49: Comfort, Safety, and Hygiene**

- 1) Animals should not be transported in a way that may cause injury or unnecessary suffering of that animals. Care should be taken not to subject the animals to sudden changes of speed or direction.
- 2) The means of transportation should be easy to clean, escape-proof, and so constructed and operated as to withstand the weight of the animals, to avoid injury and unnecessary suffering, and to ensure their safety during transport.
- 3) Animals should be loaded in means of transportation that are equipped with a dropping collecting device and that have been thoroughly cleaned and where appropriate disinfected.
- 4) Dead animals, litter, and dropping should be removed as soon as possible and disposed of in accordance with relevant national health/sanitary regulations.

- 5) Lactating animals not accompanied by their suckling young should be milked at intervals of about 12 hours.

**Article 50: Space Requirements**

Animals should be provided with adequate space in the means of transport so that they may stay in their natural position (standing, sitting, or lying down as the case may be) and when necessary, with positions to protect them from motion of the means of transport. The loading density should allow sufficient ventilation and air space.

**Article 51: Shelter and Ventilation**

The means of transport should be constructed and operated so as to protect animals against inclement, extreme, or unfavorable weather conditions and marked differences in atmospheric conditions. Among other things, they should be equipped with a roof and a sufficient number of vents or other means of ensuring that it is adequately ventilated.

**Article 52: Segregation**

- 1) Animals that are naturally hostile to each other because of group, age, sex, or origin should be kept separated from each other.
- 2) Animals with different sanitary requirements should not be transported in the same means of transport.
- 3) Animals transported should be segregated from persons or other species of animals

**Article 53: Care and Medical Treatment**

- 1) Appropriate care is to be administered to the animal transported.
- 2) Animals fallen ill or injured en route should receive first aid treatment as soon as possible; they should be given appropriate veterinary treatment and if necessary, undergo emergency slaughter in accordance with relevant national health/sanitary regulations.
- 3) Sedation should not be administered, unless in exceptional circumstances and then only under the direct supervision of a veterinarian.

**Article 54: Inspection Arrangements**

The means of transport should allow easy observation and inspection of the animals contained therein (e.g., via a window or hatch).

**Article 55: Transport Time**

- 1) Animals should be transported without delay. The Contracting Parties should make arrangements in order to expedite the transport of live animals. Live animals consignments should benefit from a priority regime in the border clearance order.
- 2) For journeys exceeding 24 hours, the itinerary is to be chosen so as to allow a staging point, where the animals are rested, fed, and watered, and if necessary unloaded and given accommodation. Places and duration of time for unloading animals should be defined in accordance with relevant national health/sanitary regulations.

**Part B: For Perishable Foodstuffs, Live and Ornamental Plants and Cut Flowers:****Article 56: Cross-Border Transportation of Foodstuffs**

This Part should apply to the cross-border carriage by road transport vehicles of perishable foodstuffs for human consumption, live and ornamental plants, and cut flowers.



**Article 57: Hygiene of Means of Transportation**

- 1) The inside surface of the means of transportation should be finished in such a way that they resist corrosion and are inert vis-à-vis the products carried and do not transfer substances to the products carried. They should be smooth and constructed of a material that is waterproof, easy to clean and to disinfect.
- 2) Except for the required ventilation and water drainage, the cargo hold should allow the hermetic and watertight closing so as to avoid the inward or outward movement of dust, dirt, soil, and pests (e.g., microbes, vermin, insects), and to protect the products and the surrounding environment from mutual influences, contamination, and impairment. Any required ventilation and water drainage should be designed so as to take place in a closed circuit.
- 3) The means of transportation used for perishable foodstuffs should not be used for conveying live animals or other products that may be detrimental to or contaminate the foodstuff unless they have, after unloading of those products been thoroughly cleansed, disinfected, and where necessary deodorized.

**Article 58: Segregation**

Fresh foodstuffs should not be transported with live animals. Fresh foodstuffs should not be transported with other products that may contaminate, affect their hygiene, or give them a smell, unless the fresh foodstuffs are packaged in such a way as to provide satisfactory protection.

**Article 59: Ventilation**

Appropriate ventilation should be provided to regulate the degree of humidity in the cargo hold.

**Article 60: Drainage**

Adequate drainage should be provided in order to evacuate the condensation and melting water so as to prevent damage to the products and the environment.

**Article 61: Transport Time**

Perishable foodstuffs should be transported without delay. They should benefit from a priority regime in the border clearance order according to Article 41 of this Protocol.

**Article 62: Temperature**

The temperature of the cargo should be maintained throughout the journey in accordance with international standards, such as those set out in the latest edition of the Perishable Cargo Manual of the International Air Transport Association and the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage ("ATP"), Geneva, 1 September 1970.

**Article 63: Transportation of Live and Ornamental Plants and Cut Flowers**

- 1) Plant Health: Transportation should be restricted to only healthy pest-free plants.
- 2) Segregation: Fresh cut flowers should be segregated from ripening fruits, leaves, and trimming and other sources of ethylene gas, which induces their decay.
- 3) Packaging: Live plants should be packaged in a filling compound, in a manner to minimize desiccation, movement, and damage during transport and to allow ventilation.
- 4) Ventilation: Live plants should be stored in such a manner that they have adequate ventilation.
- 5) Humidity: For live plants, shipment containers should be kept dry and not be exposed to desiccating conditions. For fresh cut flowers, a high relative humidity (e.g., 95% to 98%) should be maintained to avoid drying out.

- 6) Temperature: Shipment containers should not be left exposed to the sun, extreme heat, or freezing conditions. Appropriate temperature should be maintained for fresh cut flowers (e.g., 2 °c to 4 °c, and 10 °c for tropical species).
- 7) Labeling: Live plants should be provided with durable waterproof labels or tags stating: “LIVING PLANTS- NO EXTREME HEAT OR COLD” on all sides and top. The label or tag should be completed with appropriate restrictions. “THIS SIDE UP” with arrows indicating the top, should always be used where appropriate.
- 8) Watering: Clean water should be used to store live and ornamental plants and cut flower.

**Article 64: List of Perishable Goods**

The following is a list of perishable goods:

**1) Foodstuffs**

- a) Plant Products (fresh, chilled, frozen)
  - a.1 Fruits and vegetables
  - a.2 Other crops and crop products
- b) Animal Products
  - b.1 Meat and meat products (fresh, chilled, frozen, cooked)
    - b.1.1 Bovine meat
    - b.1.2 Bovine meat products
    - b.1.3 Porcine (swine) meat
    - b.1.4 Porcine meat products
    - b.1.5 Poultry meat
    - b.1.6 Poultry meat products
    - b.1.7 Lamb/sheep and goat meat
    - b.1.8 Lamb/sheep and goat meat products
    - b.1.9 Horse meat
    - b.1.10 Horse meat products
    - b.1.11 other meat
    - b.1.12 other meat products.
  - b.2 Aquatic animals and aquatic animal products (fresh, chilled, frozen, cooked)
    - b.2.1 Fish, crustacean, molluscs, and cephalopods
    - b.2.2 Fish, crustacean, mollusc, and cephalopod products
    - b.2.3 Other aquatic animals
    - b.2.4 Other aquatic animal products
  - b.3 Dairy and dairy products (fresh, chilled, frozen, pasteurized)
  - b.4 Egg and egg products (fresh, chilled, frozen, cooked)

**2) Non-foodstuffs**

- a) Plant Products
  - a.1 Cut fresh or chilled flowers
  - a.2 Live ornamental plants
  - a.3 Live aquatic plants
  - a.4 Other plant parts (e.g., for appropriation or research)
- b) Animal Products
  - b.1 Offal
  - b.2 Viscera (organs)

- b.3 Carcass
- b.4 Blood
- b.5 Skin and hide
- b.6 Hatching eggs
- b.7 Semen and embryo
- c) Medical and Veterinary Items (refrigerated and frozen)
  - c.1 Blood, blood plasma, and serum
  - c.2 Vaccines
  - c.3 Biological laboratory reagents
  - c.4 Pathological, biological, and serological material for research and diagnostic purpose.

### 3) Live Animals

- a) Cattle and Buffalo
- b) Sheep and Goats
- c) Pigs
- d) Rabbits
- e) Poultry
- f) Birds
- g) Horses
- h) Aquatic Animals
- i) Pets (e.g., dogs and cats)
- j) Laboratory Animals
- k) Animals for Public Environment
- l) Zoo Animals
- m) Silkworms
- n) Bees
- o) Other Live Animals

## III- SPECIFIC REQUIREMENT FOR CARRIAGE OF DANGEROUS GOODS

### Article 65: Definition of Dangerous Goods

The term “Dangerous Goods” shall mean those substances and articles, which may affect the interest of environment, health, safety and national security.

### Article 66: Classification of Dangerous Goods

- 1) Dangerous Goods shall be divided into the following classes/divisions
  - Class 1: Explosive
  - Class 2: Gases
    - Division 2.1: Flammable gases
    - Division 2.2: Non-flammable, non-toxic gases
    - Division 2.3: Toxic gases
  - Class 3: Flammable liquids and liquid desensitized explosives
  - Class 4:
    - Division 4.1 Flammable solids, self-reactive substance, and solid desensitized explosives
    - Division 4.2 Substances liable to spontaneous combustion
    - Division 4.3 Substances, which in contact with water emit flammable gases.
  - Class 5:
    - Division 5.1: Oxidizing substances
    - Division 5.2: Organic peroxides
  - Class 6:
    - Division 6.1: Toxic substances
    - Division 6.2: Infectious substances

Class 7:	Radioactive material
Class 8:	Corrosive substances
Class 9:	Miscellaneous dangerous substances and articles

- 2) Assignment of dangerous goods to the above classes/divisions shall be made consistent with the substantive provisions of Part 2 of the United Nations Recommendations on the Transport of Dangerous Goods/Model Regulations (UN Model Regulations), and/or the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), signed in Geneva on 30 September 1957, including subsequent and future amendments thereto.

**Article 67: Standard Governing the Cross-Border Movement of Dangerous Goods**

If the Contracting Parties permit on a case-by-case basis the cross-border movement of Dangerous Goods as defined above, they should require the full application of the measures under the ADR and/or the UN Model Regulations in particular relating to:

- 1) packing and labeling of dangerous goods;
- 2) vehicle marking, handling, stowing, and lashing;
- 3) transport documentation and declaration;
- 4) crew training; and.
- 5) Precaution against fire and/or explosions

**SECTION VIII**

**THE CARRIER LIABILITY REGIME OF TRANSPORT OF GOODS**

**Article 68: Principles and Subjects of Carrier Liability**

**1) General**

The carrier shall be liable for the total or partial of or the damage to the goods as well as for the delay in delivery that occurred in the period between the time that the carrier takes the goods in charge and the time of delivery.

**2) Constructive Loss**

- a) If the goods have not been delivered within 30 days from the expiry of the agreed delivery time or in the absence of such an agreement, within 60 days from the time the carrier takes the goods in charge, the goods will be deemed lost. The consignor/consignee is entitled to claim compensation for loss.
- b) Upon later recovery of the goods, the carrier shall notify immediately the consignor/consignee, who shall be entitled to opt for delivery of the goods against refund of the compensation already received, but without prejudice to any claim for compensation for partial loss, damage or delay.
- c) In the absence of the consignor/consignee's request for delivery of the recovered goods within 30 days from the receipt of notification by the consignor/consignee from the carrier, the carrier shall be entitled to deal with the goods at his/her discretion, subject to the law of the place where the goods are situated.

**3) Mandatory Law**

Any clause in the carriage contract, directly or indirectly derogating from the provisions of this Section, shall be null and void. The nullity of such a stipulation shall however not affect the validity of the other provisions of the contract.

**4) In Contract and In Tort**

The present liability regime will govern any claim arising out of the performance of the carriage contract under this Section, however founded, whether in contract or extra-contractually.

**5) Vicarious Liability for Servants, Agents, and Subcontractors**

In connection with his/her tasks, the carrier shall be responsible for acts and/or omissions of his/her servants, agents, and subcontractors, who will be entitled to avail themselves of the same defense as the carrier.

**Article 69: Measure of Compensation: Limitation of Carrier Liability****1) Loss and Damage**

- a) The compensation for total or partial loss of or damage to the goods shall be calculated by reference to the commodity exchange price or current market price or else to the normal value of the goods at the place and time they were accepted for carriage.
- b) Compensation due by the carrier shall not exceed US\$ 13 per kilogram gross weight of the goods short delivered or of items damaged.
- c) In addition, the carrier shall refund in full in case of total loss and in proportion to the loss sustained in case of partial loss, the carriage charges, customs duties, taxes, and other charges incurred in respect of the carriage of goods.
- d) He/she will owe no additional damages.

**2) Delay**

Compensation due by the carrier for damage resulting from delay, other than physical damage affecting the value of the goods, shall be limited to an amount not exceeding the transport price.

**3) Declaration of Value and/or Special Interest in Delivery**

Via the entry of the following declaration by the consignor in the consignment note prior to the carriage and against payment of a surcharge, higher compensation than mentioned above shall be due by the carrier:

- a) declaration of the value of the goods:
  - a.1 In this case the limit in Article 69 1) b) shall be substituted by the amount of that value; and/or
- b) declaration of a special interest in delivery:
  - b.1 In this case compensation of additional damages shall be due by the carrier, independently from the compensation according to Article 69 1) and 2)

**Article 70: Exoneration of Liability**

- 1) The carrier shall be relieved of liability if he/she proves that the loss, damage, or delay in delivery was caused by:
  - a) force majeure;
  - b) inherent defect of the goods;
  - c) wrongful act or neglect of the consignor/consignee; or
  - d) the instructions of the claimant given otherwise than as the result of a wrongful act or neglect on the part of the carrier.
- 2) The defective condition of the vehicle used for the performance of the carriage shall not relieve the carrier of his/her liability.
- 3) Subject to counterproof by the consignor/consignee, the carrier shall be relieved of liability if he/she establishes that the loss, damage, or delay in delivery was attributable to:
  - a) use of open unsheathed vehicles, when their use has been expressly agreed and specified in the consignment note, unless there has been an abnormal shortage or a loss of any package;

- b) the lack of, or defective condition of packing in the case of goods which, by their nature, are liable to wastage or to be damaged when not packed or when not properly packed;
- c) handling, loading, stowage, or unloading of the goods by the consignor, the consignee or person acting on behalf of the consignor or the consignee;
- d) the nature of certain kinds of goods which particularly exposes them to total, or partial loss, or to damage, especially through breakage, rust, decay, desiccation,, leakage, normal wastage, or the action of moth or vermin; however, if the carriage is performed in vehicles specially equipped to protect the goods from the effect of heat, cold, variations in temperature, or the humidity of the air, the carrier must prove that all steps incumbent on him/her in the circumstance with respect to the choice, maintenance, and use of such equipment were taken and that he/she complied with any special instructions issued to him/her;
- e) insufficiency or inadequacy of marks or numbers on the packages; or
- f) the carriage of livestock, provided the carrier proves that all steps normally incumbent on him/her in the circumstances were taken and that he/she complied with any special instruction issued to him/her.

**Article 71: Lifting of the Exclusion or Limitation of Carrier Liability**

The carrier shall not be entitled to avail himself/herself of the exclusion or limitation of liability if the loss, damage, or delay was caused by his/her servants', agents', or subcontractors' willful misconduct or gross negligence.

**Article 72: Claims and Actions****1) Remarks on Delivery**

- a) Upon delivery of the goods, the consignee shall check the quantity (number and weight) and apparent quality (condition) of the goods and their packaging and if shortage or damage is found make immediately appropriate remarks in writing.
- b) For loss or damage that is not apparent, the period for making remarks in writing is extended to seven working days from the date of receipt.
- c) In the absence of such remarks by the consignee, the quantity and condition of the goods are presumed to be as described in the consignment note.

**2) Time Bar**

All claims for compensation for loss of, damage to, and delay of the goods against the carrier shall be time barred unless an action was filed with the court or arbitration initiated within one year.

- a) in case of partial loss or damage
  - a.1 after the delivery of the goods; and
- b) in case of total loss:
  - b.1 after 30 days from the expiry of the agreed delivery period or if no such period was agreed, after 60 days from the receipt of the goods by the carrier.

However, in case of the carrier's or his/her servants', agents', or subcontractors' willful misconduct, the time bar shall be three years.

**3) Jurisdiction**

- a) An action for compensation based on this Protocol may be brought in the courts of the country:
  - a.1 where the carriage originated from or was destined to;
  - a.2 where the loss or damage occurred, if localized;
  - a.3 where the principal place of business of the carrier is located; or
  - a.4 where the habitual residence of the claimant is located
  
- b) The claim for compensation may also be settled by means of arbitration based on an agreement entered into between parties concerned after the claim has arisen.

**SECTION IX**

**CRITERIA FOR LICENSING OF TRANSPORT OPERATORS ENGAGED IN  
 CROSS-BORDER TRANSPORT OPERATIONS**

**Article 73: Introduction**

Transport Operators who perform international transport operations shall fulfill all conditions laid down in this Section of the Protocol.

**Article 74: Basic Eligibility**

- 1) Transport Operators shall be licensed by their Home Country to perform international transport operations provided they meet the minimum conditions set out in Articles 75, 76, 77, and 78 of this Protocol.
  
- 2) If the Transport Operator is not a physical -but a legal person or if the owner of the transport enterprise does not fulfill the conditions .himself/herself, the person who is in charge of the permanent and effective management of the enterprise must fulfill the conditions with respect to reliability and professional competence.
  
- 3) A Transport Operator that no longer meets the requirements shall be divested of his/her license.

**Article 75: Substantial Ownership by National Citizens**

The transport operation enterprise shall comply with the following requirements:

- 1) More than half of the transport operation enterprise's capital must be owned by national citizens of the Home Country.
  
- 2) The enterprise must also be directed by a majority of national citizens of the Home Country.

**Article 76: Reliability**

The Transport Operator must not have been:

- 1) convicted for serious breaches of relevant laws or regulations of the Home Country;
  
- 2) divested from the capacity to exercise the profession of road carrier as a sanction for breach of applicable laws or regulations in the field of road carriage; or
  
- 3) declared bankrupt unless the rights, competency, privileges, or financial solvency of the Transport Operator have been restored or rehabilitated, as appropriate, according to the laws or regulations of the Home Country of the Transport Operator.

**Article 77: Professional Competence**

The Home Country Contracting Party shall verify and make sure of the Transport Operator's ability for sound economic management, supply of quality service, fair competition, and safe

operation of the transport enterprise. For that purpose the Contracting Party shall require the Transport Operator to be proficient in the following fields:

- 1) legal matters relevant to the road transport business (e.g., contracts, carrier liability, company law, accounting law; labor law, tax law);
- 2) transport operation management (e.g., cost and price calculation, payment and financing methods, price regulation, insurance, transport intermediaries, management techniques, marketing);
- 3) conditions and requirements on access to the market, if any (e.g., access to the profession, transport documents, fair competition/anti-dumping);
- 4) technical matters relating to transport operations (e.g., sizes and weights of vehicles, choice of vehicle, maintenance of the vehicle, loading and unloading of the vehicle, carriage of dangerous and perishable goods, principles of environmental protection in road traffic); and
- 5) road safety (e.g., rules of the road, traffic accident prevention and mitigation).

#### **Article 78: Financial Solvency**

- 1) The Transport Operator shall own sufficient financial means to guarantee the proper functioning and management of the transport operation enterprise.
- 2) For the purpose of assessing the Transport Operator's solvency, the following elements may be taken into account: the Transport Operator's balance sheet, assets, bank account credit, capacity to obtain loans, bank guarantees obtained, and liability insurance cover.
- 3) The Transport Operator must carry insurance covering the Operator's contractual liability.

## **SECTION X**

### **CUSTOMS CLEARANCE, AND SANITARY INSPECTIONS**

#### **Article 79: Customs Clearance Formality**

All custom clearance formalities at the border state shall be regulated in compliance with the laws and regulations of the respective countries.

#### **Article 80: Customs Control of Personal Effects: Duty-Free Allowance**

Customs clearance formalities at the border checkpoints for personal effects shall be regulated in compliance with the laws and regulations of the respective countries.

#### **Article 81: Sanitary and Phytosanitary Inspections**

All sanitary and phytosanitary border-crossing formalities shall be regulated in compliance with relevant laws and regulations of the respective countries.



## SECTION XI

### DESIGNATION OF ENTRY AND EXIT POINTS

#### Article 82: General Provisions

The cross-border transportation of goods and passengers by road between the two countries through pairs of border gates listed in Article 83 shall be conducted in the form of direct transportation from loading place to unloading place (for goods) and from departure place to destination place (for passengers) between the two countries appropriately specified in the Cross-Border Transport Permission Book.

#### Article 83: Designation of Entry and Exit Points

The Contracting Parties shall implement this Protocol at the following Points of Entry and Exit in accordance with the indicated schedule:

Cambodia	Viet Nam
Entry/Exit Point (Province) and Associated Road	<b>Entry/Exit Point (Province) and Associated Road</b>
<b>Immediately upon entry into force of the Protocol:</b> 1. Bavet (Svay Rieng), <i>NR1</i> 2. Phnom Den (Takeo), NR2 3. Prek Chak (Lork-Kam Pot), NR3 and NR33 4. Trapeing Phlong (Kampong Cham), NR7 and NR72 <b>Commencing no later than 1 July 2006:</b> 5. Oyadav (Andong Pich-Ra-anakiri), NR78 <b>Commencing no later than 1 July 2007:</b> 6. Trapeang Sre (Snoul-Kratie), NR7 and NR74 7. O Raing (~lundulkiri), NR76	Immediately upon entry into force of the Protocol: 1. Moc Bai (Tay Ninh), R22A 2. Tinh Bien (An Giang), R91 3. Xa Xia (Kien Giang), R80 and R63 4. Xa Mat (Tay Ninh), R22  <b>Commencing no later than 1 July 2006:</b> 5. Le Thanh (Gia Lai), R19  <b>Commencing no later than 1 July 2007:</b> 6. Bo Nue (Binh Phuoc), R13 7. Bu Prang (Dac Nong), R14

The Contracting Parties may designate new points of entry and exit by their mutual consent.

## SECTION XII

### CHARGES ON CROSS-BORDER TRAFFIC

#### Article 84: Charges on Cross-Border Traffic

- 1) The Contracting Parties may levy the following charges on cross-border traffic, subject to the conditions set out in this Protocol:
  - a) Tolls: direct charges for the use of road sections, bridges, tunnels, and ferries;
  - b) Charges for excess weight, where permissible under the national law and/or regulations of the Host Country;
  - c) Charges for administrative expenses;
  - d) Charges for the use of other facilities or services;
  - e) Taxes on fuel purchased in the Host Country, and

- f) Road maintenance charges (to the extent not included in the charges mentioned above).
- 2) The Contracting Parties shall refrain from levying any charges on cross-border traffic other than those listed above. However, the least developed country (determined on the basis of the United Nations' designation of least developed countries) may apply preferential toll rates and other charges to the vehicles registered within its territory, when undertaking domestic transport.

### SECTION XIII

#### FINAL PROVISIONS

##### **Article 85: Institutional Arrangement**

- 1) The Contracting Parties shall authorize the following bodies/ organizations to issue cross border transport permit/registration for their respective road transport vehicles:
  - a) For Vietnamese side:
    - a.1 National Transport Facilitation Committee
    - a.2 Vietnam Road Administration, Ministry of Transport of Vietnam

##### **Article 86: Entry into force**

This Protocol shall enter into force three months following its signing by both Contracting Parties, and shall be effective until the expiry of the Agreement.

##### **Article 87: Amendment**

This Protocol may be supplemented or amended upon a written request made by either Contracting Party. Within 30 days from the date of receipt of such request, Competent Authorities of the two countries shall meet to negotiate such supplement or amendment.

##### **Article 88: Suspension of the Protocol**

Each Contracting Party may temporarily suspend wholly or partly the application of this Protocol with immediate effect in the case of emergencies affecting its national safety and security. The Contracting Party will inform the other Contracting Party immediately of such suspension, which will end as soon as the situation returns to normal.

##### **Article 89: Renewal of the Protocol**

The Protocol shall be automatically renewed for three consecutive year periods unless it is substituted or terminated by either Contracting Party by giving 60 day-notice thereof. *In* written form, prior to the expiry of this Protocol.

##### **Article 90: Denunciation**

Once entered into force, this Protocol cannot be denounced separately from the Agreement.

##### **Article 91: Relationship of the Protocol with the other international agreements**

This Protocol or any actions taken thereto shall not affect the rights and obligations of the two countries under any existing agreements or international conventions to which they are also contracting parties.

**Article 92: Relationship of the Attachments to the Protocol**

The attachments shall form an integral part of the Protocol and shall be equally binding.

**Article 93: Dispute Settlement**

Any dispute between two Contracting Parties on the interpretation or application of the Protocol shall be settled directly or by amicable negotiation.

Appendixes: A. Maximum Length of Vehicles

B. Maximum Length of Vehicles C. Maximum Width  
of Vehicles D. Maximum Height of Vehicles

E. Diagram of Rear Overhang Vehicle

F. Form of Cross-Border Transport Permission Book

G. Form of Sign on the Vehicle to Indicate that It is Engaged in  
Cross-Border Transport H. Model Consignment Note

In witness whereof, the undersigned, being duly authorized, have signed this Protocol.

Done in Ha Noi on 10 October 2005 in two originals in the English language.

FOR THE ROYAL GOVERNMENT OF  
CAMBODIA

FOR THE GOVERNMENT OF  
THE SOCIAL REPUBLIC OF VIETNAM

**SUN CHANTHOL**  
Minister  
Ministry of Public Works and Transport

**DAO DINH BINH**  
Minister  
Ministry of Transport

51. **Notification** on the Entry of Ship Navigating Internationally at the Port of the Kingdom of Cambodia (Draft Version) .....2-249

**THE MINISTER OF PUBLIC WORKS AND TRANSPORT**

**NOTIFICATION (DRAFT)**

**ON**

**THE ENTRY OF SHIP NAVIGATING INTERNATIONALLY AT  
THE PORT OF THE KINGDOM OF CAMBODIA**

- Seen the Constitutional Law of the Kingdom of Cambodia;
- Seen the Royal Decree No. NS/RD/0704/124 of July 15, 2004 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Seen the Royal Code No. 02/NS/94 of July 20, 1994 promulgating the law on the Organization and Functioning of the Council of Ministers;
- Seen the Royal Code No. NS/RC/1096/03 of January 24, 1996 promulgating the law on the Establishment of the Ministry of Public Works and Transport;
- Seen the Sub-decree No. 14 SD/PK of March 03, 1998 on the Organization and Functioning of the Ministry of Public Works and Transport;
- Seen the Sub-decree 40 SD/PK of the May 09, 2006 on the Ship Security and Port Facility Security;
- Notification No. 189 PK/SK of April 05, 1999 on the Organization and Functioning of the Maritime Merchant Department;
- At the necessity of the Ministry of Public Works and Transport;

**HEREBY DECIDES:**

- Article 1:** This notification is for the management of ships navigating internationally and docking at the port of the Kingdom of Cambodia.
- Article 2:** Ports refer to SIHANOUKVILLE AUTONOMOUS PORT, PHNOM PENH AUTONOMOUS PORT OR THE PORT OF THE KINGDOM OF CAMBODIA, which have provided services for the ships navigating internationally.
- Article 3:** Without discrimination, all kinds and nationalities of ships can enter the ports of the Kingdom of Cambodia by informing the entry to the Maritime Merchant Department of the General Department of Transport at least 24 hours prior to the arrival of the ship at the Ports of the Kingdom of Cambodia.

The announcement of the ship entry shall also be implemented by the Ports that the ships dock in accordance with the prior period stated by those ports. The announcement of the ship entry can be made electronically such as fax and e-mail.

The information of the ship entry shall consist of the followings:

- Ship Name
- Flag State
- IMO Number
- Call Sign
- Ship Type
- Gross Tonnage/ Net Tonnage/Dead Weight Tons
- Ship Agent
- Port of Departure
- Port of Call
- Security Levels at the last 10 ports of Call

- Type/ Quantity of Goods
- Estimated Time of Arrival
- Estimated Time of Departure

**Article 4:** The ship owners or ship representatives who intend to have their ships enter the Ports of the Kingdom of Cambodia shall ensure the ships with enough documents comply with the International Law for the inspection purposes.

**Article 5:** The announcement of the ship entry as stipulated in Article 3 of this Notification is also applicable to the ships that during their unintentional pass get accidents and ask for docking in the territory or the Port of the Kingdom of Cambodia.

Those ships are exempted from prior informing (24 hour prior) of ship entry as stipulated in Paragraph 1 and 2 of Article 3 of this Notification.

**Article 6:** The General Department of Transport can request for more information about the ship owners or legal representatives of the owners for the ship entry at the Ports of the Kingdom of Cambodia if necessary.

The General Department of Transport can suspend or refuse the entry of ship if that entry will lead to a threat on the security, arrangement, and order of the Ports of the Kingdom of Cambodia.

**Article 7:** Any provisions contrary to this Notification shall be considered null and void.

**Article 8:** Chief of Cabinet, General Director of Administration, General Inspectorate, General Director of Transport, PHNOM PENH AUTONOMOUS PORT, SIHANOUKVILLE AUTONOMOUS PORT, and KAMPUCHEA SHIPPING AGENCY AND BROKER PUBLIC ENTERPRISE shall effectively carry out this Notification from the date of this signature.

Minister

cc:

- The Office of the Council of Minister
- The Ministry of Interior
- The Ministry of Defense
- The Ministry of Economy and Finance
- The Provincials/Municipalities “being informed”
- As in Article 8 “ for implementation”
- Doc. chronicle

52. **Declaration** on Port Facility Security of the Kingdom of Cambodia (Draft Version) .....2-251

**THE MINISTER OF PUBLIC WORKS AND TRANSPORT**

**DECLARATION (DRAFT)**

**ON**

**PORT FACILITY SECURITY OF THE KINGDOM OF CAMBODIA**

- Seen the Constitution of the Kingdom of Cambodia
- Seen Royal Decree No. NS/RD/0704/124 of July 15, 2004 on the formation of the Royal Government of the Kingdom of Cambodia
- Seen Royal Decree No. 02/NS/94 of July 20, 1994 promulgating the law on Organization and Functioning of the Council of Ministers
- Seen Royal Code No. NS/RC/1096/03 of January 24, 1996 promulgating the law on the establishment of Ministry of Public Works and Transport
- Seen Sub-decree No. 14/SD/PK of March 3, 1998 on the Organization and Functioning of Ministry of Public Works and Transport
- Seen Sub-decree No. 40/SD/PK of May 9, 2006 on Vessel Security and Port Facility Security
- In pursuant to the needs of Ministry of Public Works and Transport;

**HEREBY DECIDES:**

- Clause 1:** This declaration is intended to create detailed provisions to implement all regulations concerning to port facility security management as set out in sub-decree No. 40/SD/PK of May 9, 2006 on the Management of Vessel Security and Port Facility Security.
- Clause 2:** Each port facility under the provisions of this declaration shall have a record port facility assessment, port facility security plan or its amendment, letter certifying port facility security, and port facility security officer in compliance with International Convention, which Cambodia has signed as a member.
- Clause 3:** Assessment of port facility security and preparation of port facility security plan, revision or modification, as well as implementation of the plan shall be under the expenses of the port.
- Clause 4:** Terminologies used in this declaration include:
- Sub-decree: it refers to sub-decree No. 40/SD/PK of May 9, 2006 on Vessel Security and Port Facility Security
  - Terminologies as set forth in article 7 of the sub-decree;
- Clause 5:** A recognized security body shall be appointed by Minister of Public Works and Transport (MPWT).
- Clause 6:** In selecting recognized security body, General Department of Transport shall organize and examine formalities or memorandum or any agreement in order to assign duties related with:
- Port facility security assessment,
  - Creation of port facility security plan,
  - Modification of port facility security plan,
  - Recommendation on port facility security assessment;
  - Terms and Conditions of the selection of recognized security body shall comply with provisions as stipulated in this declaration and sub-decree.

**Clause 7:** The recognized security body, which obtains permission to conduct port facility security assessment or to make port facility security plan, shall not be allowed to give any recommendation over that port facility security assessment.

The recognized security body, which obtains permission to conduct port facility security assessment, shall not be allowed to organize port facility security plan.

**Clause 8:** The recognized security body which is permitted to implement its tasks stated in clause 5 of this declaration shall possess professional capabilities as follows:

- Expertise in all fields of security
- Good knowledge of port and vessel operation
- Proper knowledge of port construction and plan
- Ability to assess risks which may occur during the operation of vessel and port and measures to mitigate those risks at maximum level
- Ability to maintain and enhance personnel skill
- Ability to maintain important security documents
- Knowledge of international law and national law pertinent to security work
- Knowledge of characteristics and threat of the current security
- Knowledge of recognition and search for dangerous tools and harmful substances
- Knowledge of identifying behavior of a person who could cause indiscriminate security incidence
- Knowledge of technique for avoiding security measures
- Knowledge of security system and tool, including its utilization limit

**Clause 9:** Port's competent institution may be regarded as recognized security body if it meets all conditions consistent with provisions stated in this declaration and sub-decree.

**Clause 10:** Port's competent institution may choose any recognized security body to assess port facility security; to make port facility security plan; or to give advice on the assessment of port facility security.

**Clause 11:** Appointment of port facility security officer is the duty of port's competent institution in accordance with all provisions stipulated in this declaration and sub-decree.

**Clause 12:** Port facility security officer shall have responsibilities set out in article 15 of the sub-decree and shall have knowledge and acquire some or all skill trainings as follows:

- Security administration
- National law and international law
- Roles and responsibilities of various recognized security bodies
- Method of port facility security assessment
- Means of observation and inspection of port facility security
- Conditions and operation of vessel and port
- Vessel security and port facility security measures
- Emergency plan and response to dangerous situation
- Instruction technique for port facility and vessel security training
- Important security information management and communication
- Current security conditions and threats
- Recognition and search for weapon and dangerous tools and harmful substances
- Recognition of behavior of a person who could instigate any threat
- Technique for avoiding security measures
- Security tools and system including its utilization limit
- Means of audit, inspection, and watch
- Means of physical search and inoffensive check
- Vessel security training and practices

- Assessment of security training and practices

**Clause 13:** Port staffs in charge of each security section shall have the knowledge and abilities as the following:

- Current security conditions and threats
- Recognition and search for weapon and dangerous substances and tools
- Recognition of behavior of a person who could trigger any threat
- Technique for avoiding security measures
- Crew control and checking techniques
- Security information communication
- Use of security tools and system
- Test, measurement, and maintenance of security tools and system at sea
- Tracking techniques
- Methods of searching physical body, personal belongings, cargos, and freights

**Clause 14:** Other port personnel shall possess adequate knowledge and understand provisions of port facility security plan as follows:

- Definition and necessary conditions of security levels;
- Procedures responding to emergency and emergent rescue plan;
- Recognition and search for weapon and dangerous tools and harmful substances;
- Recognition of behavior of a person who could instigate any threat;
- Techniques for avoiding security measures

**Clause 15:** Port facility security assessment includes on-the-spot security investigation and other crucial factors added into record as the following:

- Determining identification for approximating value of properties and necessary infrastructure which need to be safeguarded
- Identifying possible threats over properties and infrastructure
- Determining identification for selection and prioritization of counter-measures, procedure changes, and rate of effectiveness in mitigating vulnerability
- Identifying weak points, as well as human factors in infrastructural field, political principles, and procedures

**Clause 16:** Port facility security assessment shall specify key elements within port facilities such as:

- Physical security;
- Strength of constructions/buildings;
- Personnel safeguarding system;
- Procedural work;
- Radio and telecommunication system, together with computer system;
- Transportation infrastructure;
- Electrical equipment; and
- All sections which could spread risk to human lives, properties, and all operations within port facilities

**Clause 17:** Port facility security assessment shall as well consider possible threat instigating security incidence as follows:

- Damage or destruction of port facilities and vessels in the port facilities by the use of explosive devices, theft, and other threats
- Hijacking or confiscation of vessel or abduction of passengers on board
- Cargo theft, especially special vessel facilities or freights
- Smuggling of explosive devices, detonated instrument, including weapon of mass destruction
- Unauthorized entry or use, including on-board escape
- Use of vessel carrying person(s) and equipment aiming at causing any security incidence



- Use of vessel as weapon or means to bring about damages or destruction
- Erection of barricades at the entry-exit gate of port facilities
- Nuclear, biological, and chemical attacks

**Clause 18:** Port facility security assessment shall determine identification of vulnerabilities such as:

- Water and land entry into port facilities and vessel docking at the port facilities;
- Strength of port construction and other buildings/constructions;
- Existing security procedures and measures, including identification system;
- Security procedures and measures concerning with port services and electrical devices;
- Measures to safeguard radio and telecommunication equipment, port service, and electrical devices;
- Nearby locations where business operation is possible during the attack or serve as the target of the attack;
- Existing agreement with private security company providing security services along water and land entry;
- Inconsistency between security measures/procedures and safety;
- Obstruction of law enforcement and lack of human resources;
- Shortages discovered during training and instruction; and
- Other shortages found during daily operation consistent with security incidence, declaration of security, report of security matters, implementation of inspection measures, and conduct of internal audit.

**Clause 19:** There are three levels of port facility security. Each level shall be determined in port facility security plan.

Security level 1 is established to identify and take counter-measures against security incidence.

These measures include:

- Ensuring implementation of port facility security obligation;
- Checking entry access into port facilities;
- Watching port, including anchorage, vessel dock, and areas surrounding the port;
- Watching prohibited areas to ensure that only permitted person(s) may enter;
- Investigating security work of loading and discharging cargos and freights; and
- Ensuring convenience for security communication;

Security level 2 aims at further strengthening measures of security level 1.

Security level 3 aims at further strengthening specific protective measures to effectively contain security incidence.

**Clause 20:** Port facility security plan is established based on port facility security assessment and shall adhere to provisions of international law and national law of the Kingdom of Cambodia.

**Clause 21:** Port facility security plan shall be comprised of the following key components:

- A detail of management structure of port facility security
- A detail of connection between this structure and concerned authorities to ensure effective implementation of security measures
- A detail of security level 1
- A detail of supplementary security measures which allow port facilities to continue implementing security level 2 and security level 3 without delay
- Providing re-examination or regular audit for port facility security plan or revision of the plan
- A detail of procedural report to correspondent of Ministry of Public Works and Transport

**Clause 22:** At all security level port facility security plan shall determine:

- Structure of port facility
- Roles and duties of port facility security personnel
- Relation between this structure and other competent security officers
- Relation system which allows possible communication between port facility security personnel and port vessel and concerned competent security officers
- Procedures ensuring regular relation at all times
- Procedures and routine practice for protecting essential security information kept in the form of written copies or electronic files
- Procedures for assessing effectiveness of security measure, security procedure, and security tools, including determination of identification, response, and inoperativeness of the tools
- Procedures for reporting security breach or security issues
- Procedures concerning with stevedoring work
- Procedures concerning freight delivery
- Procedures for maintaining and revising record of cargo/hazardous substances and locations of the cargos/substances
- Means of emergency call and acquiring waterway patrol services and specialized investigation group, including search for explosive devices and underwater examination
- Procedures for assisting vessel security officer with the identification of a person wishing to board a ship if requested by the security officer
- Procedures for facilitating crew's disembarkation or change of crew, as well as tourist embarkation and representative of crew organization

**Clause 23:** Each port facility shall have port facility security plan which contains three levels of security measures for:

- Entry into port facilities
- Prohibited sites within port facilities
- Stevedoring
- Freight delivery
- Loading and discharging luggage
- Port facility security watch

**Clause 24:** At security level 1 of entry into port facilities, security plan shall determine check-point in order to implement security measures as follows:

- Erecting barbed wire or concrete fence around forbidden areas following technical standard determined by Ministry of Public Works and Transport;
- Checking identification of a person(s) attempting to enter port facilities, such as check of ticket, traveling card, identification card or passport of passenger, crew, and tourist;
- Checking vehicle used by a person(s) attempting to enter port facility toward vessel;
- Checking identification card of port facility personnel and all persons working in port facility, including their vehicles;
- Forbidding all persons who do not work for port facility, including their cars;
- Checking and searching a person's belongings/luggage and vehicle; and
- Permanently closing entry gate, which is not operated regularly.

**Clause 25:** At security level 2 of entry into port facilities, security plan shall include supplementary security measures such as:

- Assigning additional staff to safeguard entry gate and patrol surrounding barriers;
- Limiting the number of entries into port facilities and choosing entry gates to be closed and determining means of ensuring sufficient security at those entry gates;
- Providing means for blocking movement at operating entry gates such as security barriers;
- Increasing the number of checking and searching person's belongings and vehicle;
- Refusing to give entry permit to any tourist who does not provide any clear specification to enter port facilities; and
- Operating patrol vessel to enhance security at water gate

**Clause 26:** At security level 3 of entry into port facilities, port facilities shall implement under the direction of competent authorities on security work.

At this security level of entry into port facilities, security plan shall clearly stipulate security measures that port facilities need to implement in collaboration with competent authorities on security work and vessel utilizing port facilities. The measures include:

- Suspending access through some or all entries into port facilities;
- Providing entry permit to any person having the competence to safeguard security threat or incidence;
- Enhancing security patrol at port facilities if necessary;
- Suspending port operation within some or all port facilities; and
- Evacuating people from some or all port facilities

**Clause 27:** Forbidden sites in port facilities include:

- Land and water areas close to vessels;
- Areas for passenger embarkation, waiting, and document check;
- Areas of stevedoring cargos or maintaining freights;
- Locations containing necessary security information, including locations for the process of cargo documents;
- Locations for the process of documents of dangerous cargos and harmful substances;
- Vessel navigation management system control room, navigation assistance building, and port control building, including security control room;
- Places where security control equipment is located or kept;
- Locations for electricity, radio, telecommunication, water supply, and other constructions; and
- Other locations within port facilities which are required to forbid entry of vessels, vehicles, and human.

**Clause 28:** At security level 1 of forbidden areas in port facilities, security plan shall determine security measures for execution, which include:

- Erection of temporary or permanent barriers surrounding forbidden areas in accordance with technical standard set by MPWT;
- Determination of entry point which is examined by security unit in operation and can be locked or well barricaded during off duties;
- Provision of permit sign which shall be shown for identification of a person eligible to enter prohibited area;
- Installation of identification sign for vehicles permitted to enter forbidden areas;
- Administration of patrol work;
- Installation of automatic surveillance tools or investigating system/equipment to observe unauthorized entry into forbidden areas and the movement in the areas; and
- Monitoring navigation of vessel, which stays near the vessel utilizing port facilities.

**Clause 29:** At security level 2 of forbidden areas in port facilities, security plan shall determine supplementary investigation measures on security work, including:

- Enhancing effectiveness of barriers or fence surrounding forbidden areas, including patrol or use of automatic surveillance tools;
- Curtailing the number of entries into forbidden areas and enhancing control at remaining entry points;
- Putting no-parking sign near vessel dock;
- Continuing imposing prohibition of entry into forbidden area; of movement; and of maintenance within the areas;
- Using surveillance tools regularly in order to record irregular events ;
- Increasing the number of patrol in forbidden areas and its surroundings;
- Determining and imposing entry prohibition into sites near forbidden areas; and

- Implementing entry prohibition of vessel, which does not have entry permit into water area adjacent to vessel using port facilities.

**Clause 30:** At security level 3 of forbidden area within port facilities, port facilities shall execute under the direction of competent authority on security work.

At this security level of forbidden area within port facilities, security plan shall clearly set out security measures which each port facility has to take in cooperation with competent authorities on security work and vessels employing port facilities. Those measures include:

- Determining further forbidden areas in port facilities which could possibly bring about security incidence or are believed to pose any security threat and need entry prohibition
- Organizing investigation of forbidden areas in some or all sections of port facilities

**Clause 31:** At security level 1 of stevedoring, security plan shall determine security measures for use during stevedoring, including:

- Normal check on cargos, number of cargo transportation, and warehouse in port facilities before and after stevedoring
- Checking to ensure that cargos entering port facilities meet delivery notes or other similar cargo documents
- Checking and searching vehicles
- Checking custom seal and other means used to prevent cargo changes during entry of cargos into or maintenance of cargos in port facilities

Cargo control shall be undertaken through physical check or naked eyes or use of investigating equipment or scanning tools or mechanical tools or dogs.

**Clause 32:** At security level 2 of stevedoring, security plan shall determine supplementary security measure for use during loading and discharging cargos, including:

- Checking detail of cargos, number of cargo transportation, and warehouse in port facilities
- Enhancing cargo check, if necessary, in order to ensure that only recorded cargos could enter port facilities, could be temporarily kept in port facilities, and could later be loaded on the vessel
- Enhancing vehicle search
- Heightening detail check of custom seal and other means used to prevent cargo changes as many times as possible

A detail check of cargo shall be conducted through the following means:

- Enhancing detail check of cargo, number of cargo transportation, and warehouse in port facilities through physical check or naked eyes as many times as possible;
- Enhancing use of investigation equipment or scanning tools or mechanical equipment or dogs as many times as possible; and
- Facilitating security measures with cargo consignor and other responsible partners

**Clause 33:** At security level 3 of stevedoring, port facilities shall adhere to direction of competent authority on security work.

At this security level of stevedoring, security plan shall stipulate detail of security measures that port facilities shall take in collaboration with competent authority on security work and vessel operating in port facilities. Those measures include:

- Imposing of prohibition or movement suspension/cargo operation at some or all parts of port facilities or on vessel;
- Verifying inventory of dangerous cargos and harmful substances operating in facilities and fixing locations of the cargos/substances;

**Clause 34:** At security level 1 of freight delivery, security plan shall determine security measures to be taken in order to conduct freight check, including:

- Freight check
- Informing in advance of loaded component, a detail of driver, and vehicle registration
- Examination and search of vehicle carrying freights

**Clause 35:** At security level 2 of freight delivery, security plan shall determine supplementary security measures to be implemented in order to enhance freight delivery control, including:

- Detailed check on freight
- Detailed examination on freight delivery truck
- Facilitation with crews to check cargo order by verifying with delivery note before granting entry permit into port facilities
- Accompanying trucks transporting cargo into port facilities

Detailed check on freights shall be undertaken as follows:

- Increasing the number of detailed check on freights
- Increasing use of investigation tools or scanning tools or mechanical instrument or dogs
- Placing prohibition or forbidding entry of any freight which will not be dispatched out of port facilities at any specific date

**Clause 36:** At security level 3 of freight delivery, port facilities shall abide by direction of competent authority on security work.

At this security level of freight delivery, security plan shall set forth detail of security measures which port facilities are to implement in collaboration with competent authority on security work and vessels employing port facilities. These measures include installation of prohibition or preparation of freight delivery suspension in some or all sections of port facilities.

**Clause 37:** At security level 1 of luggage handling, security plan shall set out security measures to be taken during luggage handling to ensure that the effectiveness of search or check by scanning tools reach a hundred percent, including use of check by X-ray machine.

**Clause 39:** At security level 2 of luggage handling, security plan shall determine supplementary security measures during luggage handling with the control by X-ray machine reaching a hundred percent.

**Clause 39:** At security level 3 of luggage handling, port facilities shall obey direction of competent authority on security work.

At this security level of luggage handling, security plan shall set out detailed security measures which port facilities are to execute in cooperation with competent authority on security work and vessels operating in port facilities. Those measures include:

- Placing luggage for thorough check by scanning tools such as check by X-ray machine from at least two different angles
- Installing prohibition or suspending luggage handling
- Refusing to accept luggage dispatched to port facilities

**Clause 40:** Port facility security structures shall possess sufficient capability to watch port facilities, forbidden areas, vessels in port facilities, and the surrounding areas at entry and exit gates close to land and water port facilities, at all times, and even at night or at poor visibility.

Security watch includes use of light, land patrol security unit or truck/boat, and automatic entry investigation machine.

**Clause 41:** At security level 1 of port facility security watch, security plan shall determine security measures with the inclusion of lights, security unit, and use of security investigation tools in order to enable port facility security personnel to:

- Clearly observe general areas of port facilities
- Clearly observe entrances, barriers, and forbidden areas
- Watch location and movement near vessels employing port facilities

**Clause 42:** At security level 2 of port facility security watch, security plan shall determine supplementary security measures to strengthen observation and investigation capability, including:

- Increasing dimension and power of light, investigation tools, as well as installation of extra lights, and scope of investigation
- Increasing the number of patrol either on foot or truck/boat
- Assigning additional staff for watching and patrolling

**Clause 43:** At security level 3 of port facility security watch, port facilities shall comply with direction of competent authority on security work.

At this security level of port facility security watch, security plan shall specify comprehensive security measures which port facilities are to implement in collaboration with competent authority on security work and vessel operating in port facilities. Those measures include:

- Turning all lights in port facilities or flashing the lights at areas surrounding port facilities
- Turning on all investigation tools to record all movements in port facilities or areas close to port facilities
- Maintaining duration of switching on of investigation tools at maximum level for continuous recording

**Clause 44:** Port facility security plan and its revision shall contain internal audit to monitor security activities.

Internal auditor shall be independent from his/her security operating activities except that he/she has inadequate ability to audit due to port size.

**Clause 45:** Concerned ports shall reexamine port facility security plan as requested by port facility security officers under the following circumstances:

- Changes of port facility security assessment
- Lack of key elements of port facility security plan which are discovered by internal auditor or recognized security body
- Security incidence or threat
- Modification of management structure or port operation inspection

**Clause 46:** Concerned ports shall revise port facility security plan as requested by port facility security officer in case of changes causing fundamental modification on port facility security maintenance method.

**Clause 47:** Port competence authority and Merchant Marine Department (MMD) shall keep reports of port facility security assessment, port facility security plan, and plan's revision for at least five years.

**Clause 48:** MMD shall promote training, instruction, and practices so as to heighten the effectiveness of port facility security execution and be consistent with all provisions set out in this declaration, sub-decree, and national and international law.

**Clause 49:** Port competence authority shall ensure the availability of port facility security measure set forth in port facility security plan.

This competent authority shall ensure provision of regular training, instruction, and practice for port staff on port facility security work set out in sub-decree.

**Clause 50:** Port facility security officer shall possess certificate of skill qualification or endorsed certificate issued by General Department of Transport in compliant with provisions of this declaration and sub-decree.

**Clause 51:** Port competence authority shall enclose reports of port facility security assessment, port facility security plan or plan's revision to General Department of Transport for check, verification, and approval.

**Clause 52:** General Department of Transport shall arrange port facility security certificate in order to ask for decision from Minister of Public Works and Transport.

A sample of port facility security certificate is attached in annex 1 of this declaration.

**Clause 53:** Security proclamation shall be conducted as requested by foreign vessels entering port of the Kingdom of Cambodia under the following circumstances:

- Vessel operating at security level which is higher than those of port facilities
- Agreement on security proclamation between MPWT and other contracting governments
- Vessel which used to face with security threat or incidence
- At ultimate docking time, vessel entered port facility, which does not require port facility security execution
- Vessel completed cargo handling or passenger discharging with other vessels which do not require implementation of vessel security plan

**Clause 54:** Security proclamation shall comprehensively stipulate responsibilities of port facilities and vessels using port facilities.

A sample of security proclamation is attached in Annex 2 of this declaration.

**Clause 55:** Security proclamation shall be conducted and signed for approval between port facility security officer and vessel captain or port facility security officer and vessel security officer of vessel using port facility and required to be completed.

**Clause 56:** Security proclamation which has been approved in accordance with provisions set out in clause 55 of this proclamation shall be kept in port/port facilities.

**Clause 57:** Modification of security level could require changes of security proclamation or new security proclamation.

**Clause 58:** General Department of Transport shall be responsible for promoting implementation of all provisions set forth in this declaration, sub-decree, and national and international law.

**Clause 59:** MMD shall be responsible for conducting pilot check on port facility security plan; examining execution of port facility security measures; and accepting request for reexamination, revision or modification of port facility security plan if there is request from port competence institution or port facility security officer.

**Clause 60:** Vessel inspection as stated in article 2 of sub-decree for verification of validity of vessel security certificate or temporary vessel security certificate or vessel's necessary documents made by vessel inspection authority of MMD shall be determined by separate declaration of MPWT.

**Clause 61:** MMD shall be a communicative unit of MPWT which has obligations and duties to communicate with International Maritime Organization (IMO), vessel, shipping company, and port.

**Clause 62:** MMD is responsible for informing IMO of the following matters:

- All legislative texts or legal standard letters concerning with execution of International Code on Vessel and Port Facility Security, i.e. sub-decree and this declaration
- Name and address of authority in charge of port facility
- Location containing port facility security plan
- Name and address of authority which is, at all times, in charge of receiving emergency signal from vessel to the land
- Name and address of authority which is, at all times, in charge of obtaining and communicating with contracting governments to take investigative measures
- Name and address of authority which is, at all times, in charge of providing advice or assistance for vessel; to which vessel could report security matters; and which has duties to relay information regarding these security matters to contracting governments and other concerned partners
- Name and address of recognized security body, including terms of duty assignment
- List of port facility security plans which have been approved of or contain certificate of port facility security certificate, including locations covered by each plan and agreed dates of the plans
- List of port facility security plans approved once every five years

MMD shall inform IOM of all legislative amendments or legal standard letter related with port facility security work, change of name and address, change of location covered by each port facility security plan, and modification of list of approved port facility security plans.

**Clause 63:** In the case that there is separate agreement set forth in article 70 of sub-decree, MMD is obliged to inform IMO of the following matters:

- Names of contracting governments which have made agreement with the Kingdom of Cambodia
- Port facility and designated navigation routes stated in the agreement
- Duration for revision of agreement
- Date in effect of agreement
- Information regarding consultation conducted with contracting governments

**Clause 64:** MPWT is eligible to deny or suspend or confiscate certificate of skill qualification or endorsed certificate of port facility security officer breaching article 15 of sub-decree or breaking clause 12 of this declaration.

**Clause 65:** MPWT has the right to deny port facility security plan or its modification in case that port competence institution does not comply with terms set out in sub-decree or breaches Articles 17 and 38 of sub-decree or breaks clauses 5 and 7 of this declaration.

**Clause 66:** MPWT has the right to disregard port facility security officer if the selection and appointment of this officer breaches article 20 of sub-decree or breaks clause 12 of this declaration.

**Clause 67:** Officer of specialized unit under jurisdiction of MPWT, recognized security body, shipping company, vessel security officer, company security officer, and port facility security officer, who, during operation, has exerted his/her function and power outside the legal framework of the Kingdom of Cambodia or has brought about difficulties to vessel navigation and port operation, shall face penalty by the law in effect.

**Clause 68:** Any provision contrary to those stipulated in this declaration shall be considered null and void.



**Clause 69:** General Department of Administration, General Inspectorate, General Department of Transport, Merchant Maritime Department, Phnom Penh Autonomous Port, Sihanoukville Autonomous Port, and concerned Ports shall effectively implement this declaration from the date of signature.

Minister

**Cc:**

- The Council of Ministers
- The Ministry of Interior
- The Ministry of National Defense
- The Ministry of Foreign Affairs and International Cooperation “for information”
- As in Clause 69 “for implementation”
- Archives – Chronicles