

**Kingdom of Cambodia  
Nation Religion King**

**Ministry of Commerce**

No. 258 MoC

**Prakas**

**On**

**Recognition of Legal Representative in Applying for Business Registration or Export-Import Documents at the Ministry of Commerce of the Kingdom of Cambodia**

**Minister of Commerce**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree NS/RKT/0913/903 dated 24 September 2017 on Appointment of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Decree NS/RKT/0416/368 dated 04 April 2016 on Adjustment to the Composition of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Code NS/RKM/0196/16 dated 24 January 1996 promulgating the Law on Establishment of Ministry of Commerce
- Having seen Royal Code NS/RKM/0695/04 dated 26 June 1995 promulgating the Law on Commercial Rules and Business Registration
- Having seen Royal Code NS/RKM/1199/12 dated 18 November 1999 promulgating the Law on Amendment to the Law on Commerce Rules and Business Registration
- Having seen Royal Code NS/RKM/0605/19 dated 19 June 2005 promulgating the Law on Commercial Enterprise
- Having seen Sub-decree 131 OrNKR. BK dated 19 March 2014 on Organization and Functioning of the Ministry of Commerce
- Having seen Prakas 191 MoC dated 11 July 2014 on Organization and Functioning of the Business Registration Department
- Prakas 213 MoC dated 24 June 2016 on Business Registration via Automation System
- Prakas 178 MoC dated 13 June 2014 on Organization and Functioning of Export-Import Department
- Prakas 3198 MoC dated 26 August 2016 on Procedures for Application and Issuance of all forms of Certificate of Origin via Automation System
- According to the necessity of the Ministry of Commerce

**Decide**

**Article 1**

**Purpose**

The purpose of this Prakas is to:

- Manage and strengthen the capacity of legal representatives of enterprises and companies
- Strengthen and increase the effectiveness of the enforcement of the law, Prakas, Notifications related to business registration and the provision of documents related to export-import
- Support better services for business registration and export-import

**Article 2 Objective**

The objective of this Prakas is to determine the requirement, responsibility, and procedures in recognizing natural person and legal entity as a legal representative of the owner of enterprise/company for applying for business registration or documents related export-import at the Ministry of Commerce.

**Article 3 Scope**

This Prakas applies to the application for business registration or export-import documents at the Ministry of Commerce by the legal representative.

The owners of enterprises/companies or natural person who wish to set up a company or ask for documents related to export-import can fulfill the formality as required by the Ministry of Commerce by themselves.

**Article 4 Requirement for legal representative**

The legal representative of the enterprise/company in applying for business registration or export-import documents at the Ministry of Commerce is any natural person or legal entity who is given the right by the owner of the enterprise/company to fulfill the formalities and provide required documents at the Department of Business Registration or Department of Export-Import of the Ministry of Commerce.

**A. Legal representative as natural person shall fulfill the following conditions:**

- Natural person who has Khmer nationality and be at least 18 years of age
- Have a high school certificate or equivalent certificate
- Have knowledge and certificate of computer and English language
- Undergo a training course organized by the Ministry of Commerce and pass the training course
- Have a criminal record issued by the competent authorities
- Shall have a deposit of 4,000,000 (four million) Riels in the account of any bank to guarantee the payment for public services of the Ministry of Commerce. This deposit shall be filed until the natural person lose his/her right.

**B. Legal representative as legal entity shall have the following qualification:**

- Shall have Certificate of Business of Registration
- Shall have a patent in the year of applying to be a legal representative at the Ministry of Commerce
- Shall have at least 01 (one) legal representative as natural person with a valid legal representative card
- Shall not be involved in any court case

**Article 5 Training**

The Ministry of Commerce shall organize a training course on Business Registration 02 (two) times and export-import 02 (two) times per year. The training may be conducted additionally if necessary. In case of changing the procedures, rules or techniques in the automation system, the Ministry of Commerce may conduct a new training course or additional training for those who have already received the right as representative.

**1. Qualification for applicant to participate in the training course:**

Those who apply to participate in the training course at the Ministry of Commerce shall have the following qualifications:

- Natural person who has Khmer nationality and be at least 18 (eighteen) years of age
- Have a high school certificate or equivalent certificate
- Have knowledge and certificate of computer and English language
- Fill out the application to participate in the training course organized by the Ministry of Commerce.

**2. Training course**

The Department of Business Registration and Export-Import Department shall cooperate to organize the program and training course for the legal representative with the following knowledge:

**A. Training course on Business Registration:**

- Basic knowledge of the Law on Commercial Rules and Business Registration and Law on Commercial Enterprise
- Legal documents of the Ministry of Commerce related to business regulation
- Formalities and procedures related to business registration
- Use of automation system of the Ministry of Commerce
- Actual implementation in business registration

**C. Training documents and program**

The Department of Business Registration and Department Export-Import shall organize the program and documents for the training course for the legal representative if necessary.

The candidate shall undergo the training course and pass the exam successfully through the assessment of the training committee created by the Ministry of Commerce. The candidate who passes the exam will be given a certificate for the training course in order to register on the list to take the card of legal representative.

**Article 6 Name list, identity card and work scope of legal representative**

**A. Name list**

The Department of Business Registration and Export-Import Department of the Ministry of Commerce shall prepare a list of legal representatives with the following information:

- Name of natural person or legal entity and current address
- Date of registration on the list of representatives
- Identity card number, date of registration and validity

**B. Validity of identity card**

Any natural person who has fulfilled the conditions as stipulated in Article 4 above can come to receive the identity card from the Ministry of Commerce with 02 (two) years validity and can extend the validity every 02 (two) years at the request of the legal representative at least 30 days before the expiration.

**C. Work scope of legal representative for applying for export-import documents**

01 (one) legal representative or 01 (one) company can act as an enterprise/company representative for only 05 (five) enterprises/companies. In case it is necessary for the legal representative to represent more than 05 (five) enterprises/companies, an application form shall be submitted to the Minister of Commerce.

**Article 7 Responsibility of legal representative**

The legal representative of owner of enterprise/company shall be responsible before the law for the declared information and documents. In case it is found that the information or documents provided are fake or false or documents are frozen without giving it to the enterprise/company in order to gain personal interests or for the interests of their group, the legal representative will be have their right revoked and punished as stipulated in the Law on Commercial Rules and Business Registration and Law on Commercial Enterprise as well as other laws and regulations.

**Article 8 Loss of rights of representative**

The legal representative shall lose their right as representative in any of the following cases:

- Fail to apply for renewal of validity of the identity card as stipulated in Article 6
- Apply to resign in writing
- Fail to get additional training as organized by the Ministry of Commerce
- Fail to duly implement the Prakas of the Ministry of Commerce and other regulations of the Kingdom of Cambodia
- Have a letter proving mental inability to perform his/her role.

**Article 9 Abrogation**

Any provision contrary to this Prakas shall be abrogated.

**Article 10 Implementation**

Chief of Cabinet, Director General, General Inspector, Directors of Departments, Directors of Municipal/Provincial Departments, Directors of Institutions under the supervision of the Ministry of Commerce shall implement this Prakas from the date of signature.

Phnom Penh, 01 November 2017

**Minister of Commerce**

*(Signed and stamped)*

**Pan Sarasak**

CC:

- Cabinet of **Samdech Akka Moha Sena Padei Techo Hun Sen**
- Cabinet of Samdech, Excellency, Lok Chumteav, Deputy Prime Minister
- Office of the Council of Ministers
- Director General of the Royal Government
- Municipal/Provincial Halls
- As in Article 10
- GMAC "for information"
- Archives