

**Kingdom of Cambodia
Nation Religion King**

**Ministry of Commerce
No. 285 MoC ChBP. BrK**

**Prakas
On
Delegation of Authority and Responsibility
to Senior Officials of the Ministry of Commerce to Review and Make a Decision on
Business Registration in Automation System**

Minister of Commerce

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree NS/KRT/0913/903 dated 24 September 2013 on Appointment of Royal Government of the Kingdom of Cambodia
- Having seen Royal Code NS/KRB/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 Rule 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 Department of Business Registration
- Prakas 213 MoC BrK dated 24 June 2016 on Business Registration via Automation System
- According to the necessity to make reforms on Business Registration task of the Ministry of Commerce in order to facilitate the private sector and to facilitate trade by reducing formality.

Decide

Article 1

Shall delegate the authority and responsibility to secretaries of state, under secretaries of state, director general, deputy director general of trade service to review and make a decision on the tasks of business registration in the automation system, aimed at facilitating and strengthening the mechanism of providing public services of the Ministry of Commerce to be better than before.

Article 2

Shall use the signature of **H.E. Kao Kosal**, Director General of the General Department of Trade Service and the stamp of the Ministry of Commerce as electronic form on all/every certificate of business registration to be provided to enterprises/companies via automation system for business registration.

Article 3

Determine to allow business registration officers to receive the application form for business registration or application form for registration for [any] change from enterprises/companies via automation system for business registration as stipulated in Prakas 213 MoC Br.K dated 24 June 2016. The Director of Business Registration Department is the one to review and decide to send the application form for business registration or registration for [any] change to the director general or under-secretary of state or secretary of state level to make a decision.

Article 4

Shall delegate the authority to the Director General and Deputy Director General of Trade Service to review and make a decision on documents related to:

New Business Registration for:

- Sole proprietorship enterprise
- Partnership company
- Private limited company
- Public limited company
- Foreign company's branch and representative office

Change Registration for:

- Change of sole proprietorship enterprise
- Change of governor or representative
- Change of the registered office
- Change of business subject
- Change of statute (in case of having no change of shares)

Article 5

Shall delegate the authority to secretaries of state and under-secretaries of state to review and make a decision on documents related to:

- Change of shares
- Change to increase or reduce capital
- Change of company name
- Change of statute (in case of changing shares)
- Removal from business registration list
- Company merger

Article 6

The decision of the secretaries of state or under secretaries of state or Director General or Deputy Director General of the General Department of Trade Service who have been delegated the authority as stated in Article 4 and Article 5 above shall use the signature of **H.E. Kao Kosal**, Director General of the General Department of Trade Service and stamp of the Ministry of Commerce as electronic form on the certificate of business registration. The Director of the Business Registration Department or Director General or Deputy Director General of the General Department of Trade Service or under secretaries of state or secretaries of state who review and make a decision on documents in the automation system is the ones to be responsible for the decision for each application.

Article 7

The Minister, Secretaries of State and Under Secretaries of State shall have the right to review or cancel the decision of the Director General in case of having found that the decision is not made in accordance with the legal procedure.

Article 8

Prakas 132 MoC dated 23 March 2016 shall be abrogated.

Article 9

Chief of Cabinet, Director General, General Inspector, Director of Business Registration Department, Directors of Municipal/Provincial Departments of Commerce, and units under the supervision of the Ministry of Commerce shall implement this Prakas as per their respective duties from 11 December 2017 onwards.

Phnom Penh, 27 November 2017

Minister of Commerce

(Signed and stamped)

Pan Sorasak

CC:

- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Office of the Council of Ministers
- Cabinet of Samdech Akka Moha Sena Padei Techo **Hun Sen** Prime Minister
- Cabinet of Samdech, Excellency, Lok Chumteav, Deputy Prime Minister
- Ministry of Economy and Finance
- Council for the Development of Cambodia
- National Audit Authority
- Relevant institutions and ministries
- Anti-Corruption Unit
- General Department of CAMCONTROL
- General Department of Customs and Excise
- General Department of Taxation
- All Municipal/Provincial Halls
- All Municipal/Provincial Departments of Commerce
- Cambodia Chamber of Commerce
- GMAC
- Cambodia Rice Federation
- Article 9
- Archives