

**Kingdom of Cambodia
Nation Religion King**

**Ministry of Commerce
No. 213 MOC Ch.B.P. BrK**

**Prakas
on
Registration in Business Register via Automation System**

Minister of Commerce

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Code NS/RKT/0913/903 dated 24 September 2013 on Appointment of the Royal Government 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 Commercial Register
- Having seen Royal Code NS/RKM/1199/12 dated 18 November 1999 promulgating the Law on Amendment to the Law on Commercial Rules and Commercial Register
- Having seen Royal Code NS/RKM/0605/19 dated 19 June 2005 promulgating the Law on Enterprise Register
- Having seen Prakas 191 MOC dated 11 July 2014 on Organization and Functioning of Department of Business Registration
- According to the necessity of reform in registering businesses of the Ministry of Commerce to provide facilitation for the private sector and for the purpose of trade facilitation to reduce formalities.

Decide

Article 1

All merchants and commercial companies that have their enterprise, branch, representative office, joint venture or agency in the Kingdom of Cambodia shall have an obligation to register in the business register via the automation system for business registration of the Ministry of Commerce from everywhere via www.businessregistration.moc.gov.kh.

Article 2

The merchant, co-owner, founder, shareholder or governor shall fill out information and enter all the requirements in the automation system. The information for applying for business registration that has been filled out by the merchant, co-owner, founder, shareholder or governor and documents required to be filed at the Ministry of Commerce shall be entered in the automation system of the Ministry of Commerce in an electronic form. In case the merchant, co-owner, founder, shareholder or governor cannot fill out information and enter the requirement in the automation system by themselves, they can come to the Ministry of Commerce to request the business registration officers to fill out information and enter the requirement in the automation system.

Article 3

All the documents for business registration that shall be entered in the automation system of the Ministry of Commerce in an electronic form shall be as follows:

A) For Company Registration

1. Document showing the address which can be electricity bill, water bill or house or building rental agreement, post letter, etc.
2. Company statute
3. Identity Card or Passport of shareholder and governor
4. Photo 4x6
5. Declaration of the governor that he/she has not been convicted in business, civil or criminal case and not public servant who is covered by the Law on Co-statute of Civil Servants of the Kingdom of Cambodia
6. In case the shareholder is legal entity
 - A copy of the original business registration of the company with certification that is in accordance with the legal requirements of the Kingdom of Cambodia.
 - Decision in establishing the company and appointment of the legal entity representative as shareholder
7. Within 30 days from the date of issuance of the Certificate of Business Registration via automation system, the company shall send the following documents to the Department of Business Registration:
 - Original copies of the statute 02 copies
 - In case the shareholder is legal entity:
 - Decision in establishing the company and appointment of the legal entity representative as shareholder, original 01 copy
 - Original letter proving the account of the company operating at any bank 01 copy

In case the Department of Business Registration has not received the original copy of the statute during this period of 30 days, the Ministry of Commerce may oppose the registration and cancel the business registration.

B) Registration of Branch or Representative Office

1. Document showing the address which can be electricity bill, water bill or house or building rental agreement, post letter, etc.
2. A copy of the original business registration of the company with certification in accordance with the legal requirements of the Kingdom of Cambodia
3. Company's decision to create the branch or representative office or appoint the director of the branch or representative office
4. Identity card or passport of the director of the representative office or branch
5. Photo 4x6
6. Declaration of the director of the representative office or branch that he/she has not been convicted in business, civil or criminal case and not public servant who is covered by the Law on Co-statute of Civil Servants of the Kingdom of Cambodia

C) Registration of Partnership Company

1. Document showing the address which can be electricity bill, water bill or house or building rental agreement, post letter, etc.
2. Agreement on Company Setting Up
3. Identity card or passport of co-owner and manager
4. Photo 4x6
5. Declaration of the manager that he/she has not been convicted in business, civil or criminal case and not public servant who is covered by the Law on Co-statute of Civil Servants of the Kingdom of Cambodia
6. In case the co-owner is legal entity
 - A copy of the original business registration of the company with certification in accordance with the legal requirements of the Kingdom of Cambodia.
 - Decision in establishing the company and appointment of the legal entity representative as co-owner
7. Within 30 days from the date of issuance of the Certificate of Business Registration via automation system, the company shall send the following documents to the Department of Business Registration:
 - Agreement on Company Setting Up, original 02 copies
 - In case the co-owner is legal entity:
 - Decision in establishing the company and appointment of the legal entity representative as co-owner, original 01 copy

In case the Department of Business Registration has not received the original copy of the contract of establishing the company during this period of 30 days, the Ministry of Commerce may oppose the registration and cancel the business registration.

D) Registration of Sole Proprietorship Enterprise

1. Document showing the address which can be electricity bill, water bill or house or building rental agreement, post letter, etc.
2. Identity card or passport of the sole proprietor
3. Photo 4x6 of the sole proprietor
4. Declaration of the sole proprietor that he/she has not been convicted in business, civil or criminal case and not public servant who is covered by the Law on Co-statute of Civil Servants of the Kingdom of Cambodia

Article 4

The merchant, co-owner, founder, shareholder or governor shall assure that the information for applying for business registration and the required documents that has been filled out and entered into the automation system of the Ministry of Commerce in an electronic form are true and correct without any fraud. If the business registration officers find that the information and those documents are not correct or have any fraud, the Ministry of Commerce will take action in accordance with Article 26 (new) of the Law on Commercial Rules and Business Registration and Law on Amendment and the merchant, co-owner, founder, shareholder or governor shall be punished as set out in Article 42 (new) and Article 43 of the Law on Commercial Rules and Business Registration and Law on Amendment as well as other relevant laws.

Article 5

The payment of service fee to the state budget shall be made via the electronic system of the bank as set in Joint Prakas No. 1643 MoEF dated 16 December 2014 between the Ministry of Commerce and Ministry of Economy and Finance or relevant regulations being in effect or legal instruments that will be amended. The company can keep the payment receipt issued by the automation system as evidence to prove that it has made payment. In case, the merchant, co-owner, founder, shareholder or governor comes to the Department of Business Registration to request the officers to help fill out information and enter the requirements in the automation system, the payment of service fee shall be made directly at the public service fee payment counter of the Ministry of Commerce.

Article 6

Any provision contrary to this Prakas shall be abrogated.

Article 7

Chief of cabinet, Director Generals, General Inspector, Department Directors and Directors of Municipal and Provincial Departments of Commerce and directors of units under the supervision of the Ministry of Commerce shall implement this Prakas according to their respective role from the date of signature.

Phnom Penh, 24 June 2016

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 H.E. Standby Deputy Prime Minister **Min Chhin**
- Ministry of Economy and Finance
- National Audit Authority
- Relevant ministries and institutions
- Anti-Corruption Unit
- General Department of CAMCONTROL
- General Department of Customs and Excise
- All municipal and provincial administrations
- Cambodia Chamber of Commerce
- GMAC “**for information**”
- As in Article 8 for implementation
- Archives