

Kingdom of Cambodia

Nation, Religion, King

Royal Government of Cambodia

No. 54/ANK/BK

September 22, 1997

ANU-KRET

ON THE ORGANIZATION AND FUNCTIONING OF

THE MINISTRY OF COMMERCE

The Royal Government of Cambodia

- 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 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 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 No. NS/RKM/0196/16 of January 24, 1996 promulgating the Law on the Establishment of Ministry of Commerce;
- Referring to Anukret 20/ANK/BK of April 13, 1996 on the Organization and Functioning of Ministries and State Secretariats;
- 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;
- Pursuant to the proposal of the Minister of Commerce; and
- Pursuant to the approval of the Council of Ministers on September 11, 1997.

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IT IS HEREBY DECIDED

CHAPTER I

General Provisions

Article 1: This Anu-kret shall define the organization of the Ministry of Commerce, and to specify the responsibilities of the General Inspectorate, the General Departments, and the various departments of the Ministry and the Directorate, and Departments.

CHAPTER 2

Responsibilities and Structures

Article 2: The Ministry of Commerce is mandated by the Royal Government of Cambodia to administer and manage the domestic and international trade of the Kingdom of Cambodia.

Article 3: The functions and responsibilities of the Ministry of Commerce shall be as follows:

- to define domestic and international trade policy;
- to define the reserve of strategic goods;
- to inspect prices of goods, to support agricultural products and food prices, and to regulate market development;
- to promote and publicize to consumers the use of products, to stimulate sales of food products, raw materials, petroleum, foodstuff, and consumption products necessary for the country, to secure market access for farm products, and ensure the supply of equipment serving the agriculture and agro-industry sector;
- to adopt measures protecting consumers' interests;
- to organize, manage, and inspect foreign trade, and to issue export and import licenses for goods, specified in the list of restricted goods;
- to ensure the balance of imported and exported goods;
- to promote awareness and contact international markets so as to promote international trade on the basis of a free market economy;
- to conduct national and international market research, and to diagnose market trends in order to inform producers and business people with the aim of facilitating domestic and international trade;
- to prepare and issue import and export licenses;
- to develop implementation guidelines, to take measures to enforce laws on commercial competition, and to prevent business monopolies, especially those from other countries that illegally dominate domestic business;
- to administer trademarks;
- to inspect quality, quantity, weight, and type, of exported goods; to repress fraud of goods with respect to product quality at markets, except for medicine, medical equipment, and cosmetic products;
- to administer the National Center for the Generalized System of Referenced (GSP), and to oversee the Chamber of Commerce, state enterprises firms, and mixed state enterprises which are under the tutelage of the Ministry of Commerce;

- to manage Cambodia's economic co-operation with the Association of South-East Asian Nations (ASEAN) and other international agencies, such as APEC, ESCAP, WIPO, EU, UNCTAD, UNCED, and WTO;
- to administer commercial registration and to manage commercial activities as specified under the Law on Commercial Regulations and the Commercial Registry.

Article 4: The Ministry of Commerce shall be organized as follows:

I. Central Level:

- a. Cabinet;
- b. General Inspectorate;
- c. General Department of Administration and Finance.

The General Directorate of Administration and Finance has three departments under its jurisdiction:

1. Administration Department;
2. Personnel Department;
3. Accounting and Finance Department.
- d. Technical General Department

The Technical General Directorate has eight departments under its jurisdiction:

1. Domestic Trade Department;
2. Foreign Trade Department;
3. Cambodia Inspection of Imported and Exported Goods and Fraud Repression Department;
4. Legal Department;
5. Generalized System of Preferences Department;
6. Intellectual Property Department;
7. ASEAN and International Agencies Department; and
8. Export Promotion Department.

II. Local Units:

- a. Provincial, Municipal and Capital city Commerce Branches.

III. State-owned enterprises subject to the jurisdiction of the Law on the General Statutes of Public Enterprises and under the technical supervision of the Ministry of Commerce:

- a. Cambodian Food Company;
- b. Cambodian Import, Export, and Distribution Company, (KAMPEXIM),
- c. Agricultural and Forest Products Company

- d. Commercial Transport Company (CAMTRAN),
- e. Equipment Company, and
- f. Construction Company.

The number of civil servants of the Ministry of Commerce is specified in an appendix attached to this Anu-kret.

CHAPTER 3

Cabinet of the Minister

Article 5: The Cabinet of the Minister shall be responsible for all missions defined by the provisions of Anu-kret No. 20/ANK/BK of April 30, 1996 on the Organization and Functioning of Ministries and State Secretariats.

CHAPTER 4

General Inspectorate

Article 6: The General Inspectorate shall be responsible for:

- conducting regular inspections of institutions subjected to the jurisdiction of the Ministry of Commerce;
- reporting to the Minister on the functioning of these institutions 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 deputy inspector generals as necessary.

CHAPTER 5

The General Directorate of Administration and Finance

Article 7: The General Directorate of Administration and Finance shall be responsible for:

- administering activities which include general administration, work summary, reports, documentation, personnel, planning, finance, equipment, human resources, personnel, and activities reconciliation.
- co-ordinating all administrative matters of the ministry with provincial and municipal institutions and other ministries.

The General Directorate of Administration and Finance shall be administered by one Director General and assisted by deputy director generals.

Article 8: The Administration Department shall be responsible for:

- coordinating all activities between the centralized departments of the Ministry and institutions under its control;
- managing administrative documents and the Ministry's mail;
- ensuring administrative efficiency and safety;
- recapitulation and preparation of activity reports for the Ministry.

Article 9: The Personnel Department shall be responsible for:

- administrative management of civil servants and agents of the Ministry in collaboration with the State Secretariat for Civil Service;
- preparing administrative documentation for staff appointment;
- preparation of the program of the Ministry's technical appointments and human resources.
- evaluation of the training needs of personnel.
- preparation of initial and subsequent training policies in collaboration with the State Secretariat for Civil Service.
- preparation of statistics on personnel management and executive information tables.
- managing the Ministry's social activities.

Article 10: The Department of Accounting and Finance shall be responsible for:

- preparation of the draft budget of the Ministry and follow-up of its implementation;
- collecting incomes pursuant to the Financial Law;
- centralization and coordination of budgetary expenses;
- monitoring the management of special accounts;
- centralization and coordination of the Ministry's expenses;
- management of accounts for public acquisition costs;
- centralization of planning of expenses, and management of repair work relating to the equipment of the Ministry;
- management of furniture, real estate, and equipment stocks, and the establishment of inventories,
- management of expenses related to fuel and spare part distribution,
- reception and maintenance of files and accounting materials,
- maintenance of technological, financial, and accounting information;
- technical control of public acquisition operations.

CHAPTER 6

The Technical General Directorate

Article 11: The Technical General Directorate shall be responsible for:

- implementing the Ministry's activities in executing management policies related to domestic and foreign trade;
- technical coordination of the Ministry's works with institutions under the Ministry's jurisdiction;
- preparing and managing technical works pursuant to the Minister's instructions;

- assessing important matters and submitting for the approval of the Minister;
- reporting important technical issues which pertain to the Minister's responsibilities;
- examining and organizing documents from international agencies.
- preparing documents for international conference participation.

The Technical General Directorate shall be directed by one Director General assisted by deputy director generals.

Article 12: The Domestic Trade Department shall be responsible for:

- developing and determining the prices of strategic goods;
- being knowledgeable and preparing statistics of goods, wholesale or retail, in circulation in the country;
- knowing and inspecting the stocks of strategic and necessary goods, such as rice and petrol.
- cooperating with agricultural sectors to collect data and ascertain the sources of agricultural and forest products, and both their quantity and quality so that markets can be identified.
- knowing agricultural needs in order to promote the import of production equipment for this area.
- cooperating with industrial and handicraft sectors in order to assess the scope of domestic production by providing appropriate information on the appropriate standards needs for domestic and foreign markets;
- collecting data on commercial activities at provinces and municipalities and recapitulation of reports for the Ministry;
- forecasting domestic needs for important and necessary goods.
- projection of quantity of products for import and export.
- determination of quotas by cooperating with relevant ministries.
- surveying prices of important goods and instructing merchants to use price tags help consumers.
- supporting prices of agricultural products which are important for people's lives and the national economy.
- regulating commercial advertisements and competition.

Article 13: The Foreign Trade Department shall be responsible for:

- designating policies on foreign trade;
- issuing import and export licenses;
- conducting research on markets and international prices;
- conducting research on export potentials;
- conducting research on domestic needs;
- compiling statistics of import and export;
- entering into bilateral agreements;
- offering and receiving overseas information through commercial representatives;
- participating in the administration of foreign aid;
- organizing national and international exhibitions;
- communicating with other countries and international agencies;

- preparing documentation for international meetings for senior officials;
- forecasting the economy trend.

Article 14: The Cambodian Inspection of Imported and Exported Goods and Fraud Repression

Department shall be responsible for:

- controlling and repressing the marketing of fraudulent goods.
- analyzing, the quality of edible and consumable goods.
- inspecting and confirming, in accordance with national standards, the appropriateness of quality, safety, and labels of foods and consumable goods, except for medicine, medical equipment, and cosmetic products.
- inspecting imported and exported goods.

Article 15: The Legal Department shall be responsible for:

- developing commercial laws.
- administer commercial registration and to manage commercial activities as specified under the Law on Commercial Regulations and the Commercial Registry.
- conducting research, compiling extracts and articles on commercial laws and commercial treaties.
- introducing and monitoring the implementation of commercial laws and commercial treaties.
- acting as a legal advisory board on commercial laws to the Ministry senior officials and institutions, and commercial enterprises.
- involved in the training of legal officers of the Ministry of Commerce.

Article 16: The Generalized System of Preferences (GSP) Department shall be responsible for:

- providing information concerning GSP to business people and manufacturers of exported goods, and ensuring that they know how to use the system in order to enhance the exportation of goods from the Kingdom of Cambodia.
- inspecting and issuing certificates of origin to manufacturers and investors in the Kingdom of Cambodia.

Article 17: The Intellectual Property Department shall be responsible for:

- compiling laws and regulations concerning trademarks.
- preparing documents for the senior officials' participation in meetings of the World Intellectual Property Organization (WIPO).
- developing trademarks gazettes.
- developing regulations and formalities for trademarks registration and use.

Article 18: The ASEAN and International Organizations Department shall be responsible for:

- analyzing and managing ASEAN related works which is relevant to the Ministry of Commerce;
- participating in the preparation of goods to be included in the Common Effective Preferential Tariff (CEPT) Scheme for AFTA;
- participating in the preparation of Cambodia's policies and strategies in the implementation of the ASEAN economic agreements;

- serving as the center for the ASEAN service co-ordination working group;
- conducting commercial negotiations with the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO);
- undertaking commercial cooperation with international agencies such as APEC, ESCAP, WIPO, EU, UNCTAD, and UNCED;
- planning for helping the Ministry in order to cope with trade practices of foreign partners that do not comply with WTO regulations, which is committed by trade partners.
- negotiating measures concerning tariff and non- tariff measures.
- acting as a facilitator for concerned institutions in the negotiations with the WTO and handling trade disputes in general;
- collecting trade information;
- publicizing the regulations and agreements which Cambodia needs to comply with.

Article 19: The Export Promotion Department shall be responsible for:

- designing projects and promoting plans to increase the potentials for export of goods and services, and closely consulting with export manufacturers.
- proposing to relevant ministries measures to improve and facilitate the export of domestic products.
- orienting and encouraging national manufacturers' participation in trade fairs and national and international exhibitions
- participating in the formation of credit formalities and measures to enhance export.
- assisting exporters in finding overseas markets, and facilitating export promotion.
- informing and preparing documents concerning commercial expansion, and analyzing and publicizing the information.

CHAPTER 7

Local Institutions

Article 20: There are municipal/provincial commerce 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.

CHAPTER 8

Public Enterprises

Article 21: Institutions specified in III of Article 4 are public enterprises with legal personality responsible for their respective activities in compliance with the General Statutes of Public Enterprises. Their organization and responsibilities shall be defined by an Anu-kret.

CHAPTER 9

Financial Control Unit

Article 22: The Financial Control Unit shall be established by the Minister of Economy and Finance pursuant to the conditions provided in Anukret 081/ANK/BK of November 16, 1995 on the financial control of budgeted expenditures within ministries.

CHAPTER 10

Final Dispositions

Article 23: The organization and functioning of the Ministry at the central administration levels lower than the department level shall be declared by a Prakas of the Ministry of Commerce.

Article 24: Any provision contrary to this Anu-kret shall be null and void.

Article 25: The Co-Ministers in charge of the Office of the Council of Ministers, the Minister of Commerce, ministers and state secretaries of relevant ministries and institutions shall be responsible for implementing this Anu-kret in according to their respective responsibilities.

Article 24: This Anu-kret shall enter into force from the date of its signature.

Phnom Penh, 22 September, 1997

Signatures and Seals:

First Prime Minister

Second Prime Minister

UNG HUOT

HUN SEN