

**Sub-Decree No. 134 on
the Determination of Types, Formalities and Procedures for
Issuing Approvals or Licenses to Intermediaries and
Electronic-Commerce Service Providers and Exemptions
dated 27 August 2020**

In addition to the Law on E-commerce dated 2 November 2019, recently the Royal Government of Cambodia has issued Sub-Decree No. 134 on the Determination of Types, Formalities and Procedures for Issuing Approvals or Licenses to Intermediaries and Electronic-Commerce Service Providers and Exemptions dated 27 August 2020 (the “**Sub-Decree**”).

Article 2 of the Sub-Decree provides that it governs natural persons, sole proprietorships, legal entities, and foreign branches which operate and conduct e-commerce activities in Cambodia and/or provide e-commerce services from Cambodia to abroad or vice versa.

According to Article 5.1 of the Sub-Decree, a License for Operation of E-Commerce Services must be obtained and maintained by legal entities and foreign branches that conduct the following e-commerce activities:

- a. E-commerce website services;
- b. E-commerce business platform services;
- c. Online marketing services;
- d. Online auction website services;
- e. Other similar services provided through software or smart devices for the promotion of e-commerce.

A Business Approval for E-Commerce must be obtained and maintained by natural persons and sole proprietorships who are operating their business through an electronic system in Cambodia, including using social media or electronic systems to effect the supply, sale, or purchase of goods and/or services (Article 5.2 of the Sub-Decree).

In addition, the Sub-Decree provides a license holder with the ability to voluntarily apply for an E-Commerce Confidence Certificate at the Ministry of Commerce (the “**MOC**”) confirming its compliance, safety and trustworthiness.

Pursuant to Article 7.1 of the Sub-Decree, legal entities or foreign branches that are intermediaries of electronic-commerce service providers must apply for a licenses at the MOC and meet the following conditions:

1. It must be a registered business and taxed Cambodian law and have business objectives related to e-commerce;
2. It must have obtained an Online Service Certificate and domain name from the Ministry of Posts and Telecommunications;
3. It must use an electronic application or means for operating e-commerce;
4. The Electronic system used by it must be accurate;
5. It must specify the payment method;
6. It must have a business model and consumer protection form;

7. If it is a legal entity or foreign branch acting as an intermediary, it must enter into a contract with the business service providers.

A License is valid for 3 years and can be renewed (Article 7.2 of the Sub-Decree).

Details regarding the formalities, required documents, criteria and compliance requirements applicable to license holders may be determined by regulations issued by the MOC (Article 8.2 of the Sub-Decree). No such regulation has been issued yet.

Any person to which the Sub-Decree applies that has been conducting e-commerce business prior to enactment of the Sub-Decree is required to apply for a license within 6 months from date of the Sub-Decree (Article 10 of the Sub-Decree).

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