

## Prakas No. 290 on the Granting of E-Commerce Permits or Licenses Issued by the Ministry of Commerce on 9 October 2020

People now who are selling some goods and providing certain service online in Cambodia are growing during the COVID-19 and are required by the Royal Government of Cambodia to apply for licenses from relevant ministries for their online business activities.

Following the Law on E-commerce dated 2 November 2019 and 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 Ministry of Commerce (the “**MOC**”) issued Prakas No. 290 on the Granting of E-Commerce Permits or Licenses on 9 October 2020 (the “**Prakas**”).

According to Article 3 of the Prakas, any natural person or sole proprietorship which operates or conducts e-commerce activities is required to obtain an E-Commerce Permit from the MOC (the “**Permit**”).

According to Article 5 of the Prakas, any legal person or foreign branch which operates or conducts e-commerce activities is required to obtain an E-Commerce License from the MOC (the “**License**”).

In the case of an application for a Permit, the information and documents required to be submitted are set out in Article 3 as follows:

### a. Natural persons:

- Copy of Business operation approval issued by the Capital-Provincial One Window Service;
- Copy of Patent Tax Certificate (if any);
- Copy of valid Identity Card;
- A photo (4x6cm) taken within 3 months of the application date;
- Copies of bank statements evidencing the applicant having a bank account with any financial institution;
- Copy of a completed business model and consumer protection form for operating E-commerce activities;
- Copy of Online Service Certificate and domain name from the Ministry of Posts and Telecommunications (the “**MPTC**”) (if any); and
- A completed Request Form.

### b. Sole proprietorships:

- Copy of Certificate of Incorporation
- Evidence that the operation of e-commerce activities is one of the business objectives of the Sole Proprietorship<sup>1</sup>;
- Copy of Patent Tax Certificate;
- A photo (4x6cm) taken within 3 months of the application date;
- Copies of bank statements evidencing the applicant having a bank account with any financial institution;
- Business model and consumer protection form for operating E-commerce activities;

<sup>1</sup> This can be obtained by downloading the Business Extract via its own account while registering with the MOC.

- Copy of Online Service Certificate and domain name from the MPTC (if any); and
- A completed Request Form.

Article 4 of the Prakas provides that natural persons and sole proprietorships are exempted from the requirement to obtain a Permit where it conducts any one or more of the following business activities:

- Conducting its own commercial advertisement which is not for the purpose of forming a contract;
- Reserving/booking services not requiring a deposit or payment from customers;
- Selling goods or services with an annual turnover that is less than that required for a business to be considered a small taxpayer which is USD62,500;
- Selling goods or services through a family business or on a seasonal basis;
- Selling goods or services that are or relate to personal artwork;
- Personal training; and
- Services relating to the State's religion training and education.

In the case of an application for a License, the information and documents required to be submitted are set out in Article 5 as follows:

- Copy of Certificate of Incorporation with operation of e-commerce activities specified as one of its business objectives;
- Patent Tax Certificate;
- Copy of Online Service Certificate and domain name from the MPTC;
- Documents confirming the payment mechanism to be provided by a licensed payment service provider approved by the National Bank of Cambodia;
- Business model and consumer protection form to conduct E-commerce activities;
- Copy of a sample contract between an intermediary and e-commerce service provider requiring minimum information; and
- A completed Request Form.

A Permit is valid for 2 years while a License is valid for 3 years (Article 7 of the Prakas).

For any information or questions related to the e-commerce permits or licenses, please feel free to contact us.

## AUTHORS' PROFILES



**YIN Lyhout**  
Attorney-at-Law  
Partner/Head of  
General Corporate & Investment

[lyhout@hbslaw.asia](mailto:lyhout@hbslaw.asia)  
+ 855 (0) 23 224 337  
[www.hbslaw.asia](http://www.hbslaw.asia)



**CHEY Outsophea**  
Legal Advisor

[outsophea.chey@hbslaw.asia](mailto:outsophea.chey@hbslaw.asia)  
+ 855 (0) 23 224 337  
[www.hbslaw.asia](http://www.hbslaw.asia)

