

Corporate and Commerce

Sub-Decree 134 Implementing the Law on E-Commerce

Almost ten months after the adoption of the Law on E-Commerce in November 2019, the Royal Government of Cambodia issued on 27 August 2020 Sub-Decree No. 134 on Determination of Type, Formality and Procedure of the Issuance of Permit or Licence for Intermediaries and Online Services Providers via Electronic Platform and Its Exception ("**Sub-Decree 134**"). Sub-Decree 134 came into operation on 27 August 2020.

Sub-Decree 134 applies to natural persons, sole proprietorships, legal entities and branches of foreign companies that are engaged in business activities via the electronic platform in Cambodia. The Sub-Decree 134 provides for the different types of permits or licences for intermediaries and online service providers providing services via the electronic platform, as well as the formalities and requirements for the issuance of the relevant licence or permit.

Types of licences and requirements

No.	Type of Licence / Permit	Relevant Persons	Relevant Activities	Requirements	Validity Period
1.	Licence for E-Commerce	1. legal entities 2. branches of foreign companies	1. e-commerce web services 2. e-commerce platforms 3. online shop services 4. online auction services 5. other similar services provided through software or smart devices for e-commerce	1. business registration and tax registration with registered business activities relating to e-commerce 2. certificate for Online Service and Domain Name issued by the Ministry of Posts and Telecommunications 3. use of means or electronic platform for operating business 4. assurance of accuracy of the electronic platform 5. confirmation of payment method	three years, renewable

Corporate and Commerce

No.	Type of Licence / Permit	Relevant Persons	Relevant Activities	Requirements	Validity Period
				6. business sample and form of consumer protection 7. minimum information as required under the Law on E-Commerce such as the name, registered address and contact number/email address of the business entity, terms and conditions of the transaction, payment method, details related to order cancelling, etc.	
2.	Permit for E-Commerce	1. natural persons 2. sole proprietorships	1. business through electronic platform 2. use of social media or electronic platform for the supply, sale or purchase of goods and services	1. business registration and tax registration; 2. request for permit to operate E-commerce from the Ministry of Commerce 3. minimum information as required by Law on E-Commerce such as the name, registered address and contact number/email address of the business entity, terms and conditions of the transaction, payment method, details related to order cancelling, etc.	two years, renewable

Exemptions

Sub-Decree 134 provides for exemption from obtaining licences or permits. The exemption applies to natural persons or sole proprietorships that are engaged in the following activities:

- Commercial advertisement of own goods or services that are not an offer to form a contract;

Corporate and Commerce

- Booking services that do not require a deposit or payment by customers or consumers;
- Sales of goods or services with a turnover smaller than that of a small taxpayer (smaller than US\$ 62,500);
- Sales of goods or services through family-owned or seasonal businesses;
- Sales of own artwork (goods or services);
- Private tutoring;
- Education on the national religion; and
- Tutoring provided by associations or non-governmental organisations without earning profits, whether directly or indirectly, and activities or operations of state institutions in the provision of public services.

Existing e-commerce operators to apply for a permit or licence

Sub-Decree 134 requires existing e-commerce business operators carrying out business activities via electronic system prior to the coming into operation of Sub-Decree 134 to apply for a Permit or Licence within six months from the date the Sub-Decree 134 came into operation.

Contacts



HENG Chhay
Managing Partner

T +855 23 963 112 / 113
F +855 23 963 116
heng.chhay@rajahtann.com



HOUT Sotheary
Partner

T +855 23 963 112 / 113
F +855 23 963 116
hout.sotheary@rajahtann.com

Our Regional Contacts

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP

T +65 6535 3600
sg.rajahtannasia.com

CHRISTOPHER & LEE ONG | *Malaysia*

Christopher & Lee Ong

T +60 3 2273 1919
F +60 3 2273 8310
www.christopherleeong.com

R&T SOK & HENG | *Cambodia*

R&T Sok & Heng Law Office

T +855 23 963 112 / 113
F +855 23 963 116
kh.rajahtannasia.com

RAJAH & TANN | *Myanmar*

Rajah & Tann Myanmar Company Limited

T +95 1 9345 343 / +95 1 9345 346
F +95 1 9345 348
mm.rajahtannasia.com

RAJAH & TANN 立杰上海

SHANGHAI REPRESENTATIVE OFFICE | *China*

**Rajah & Tann Singapore LLP
Shanghai Representative Office**

T +86 21 6120 8818
F +86 21 6120 8820
cn.rajahtannasia.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*
Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8894 0377 to 79 / +632 8894 4931 to 32
F +632 8552 1977 to 78
www.cagatlaw.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800
F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550
F +62 31 5116 4560
www.ahp.co.id

RAJAH & TANN | *Thailand*

R&T Asia (Thailand) Limited

T +66 2 656 1991
F +66 2 656 0833
th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382 / +84 28 3821 2673
F +84 28 3520 8206

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239
F +856 21 285 261
la.rajahtannasia.com

Hanoi Office

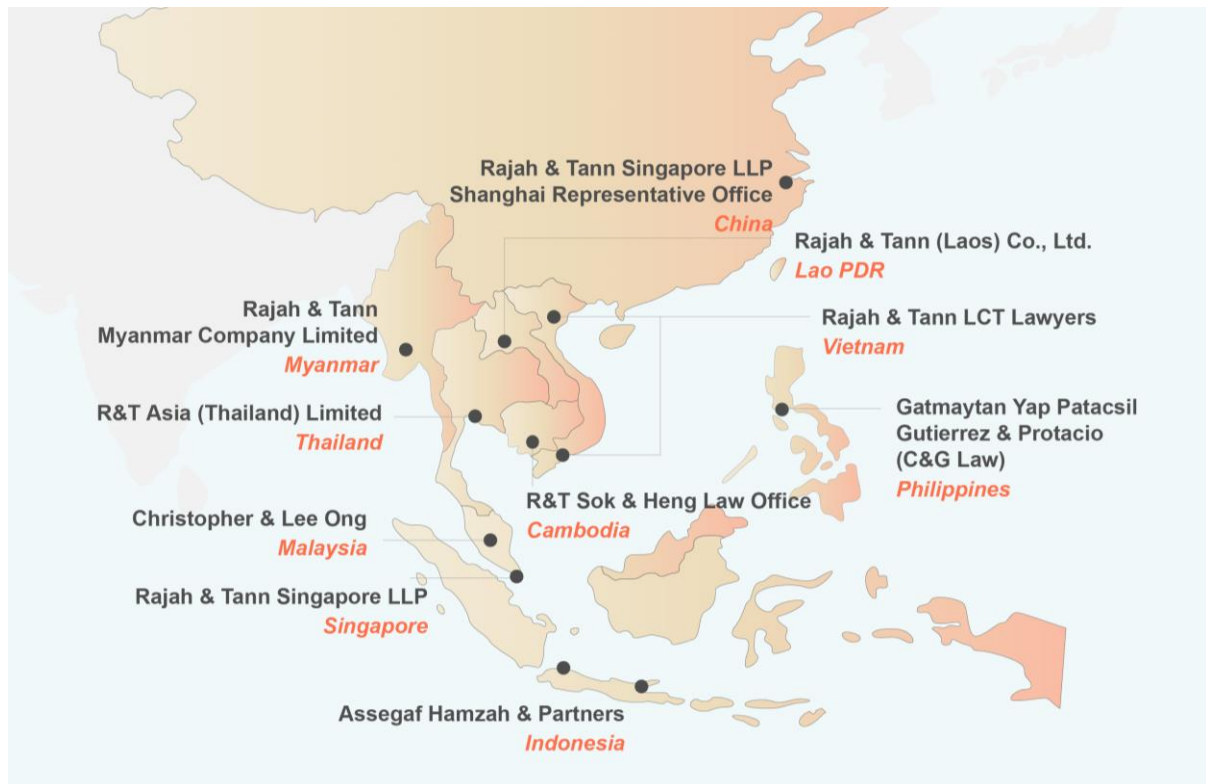
T +84 24 3267 6127
F +84 24 3267 6128
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

This update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this update.

Our Regional Presence



R&T Sok & Heng Law Office provides top quality and incisive legal services to domestic and international clients; in local and cross-border transactions; on day-to-day operations and the most challenging transactions. As one of the leading law firms in Cambodia, R&T Sok & Heng Law Office helps clients achieve their goals by combining international standard with local expertise.

R&T Sok & Heng Law Office is part of Rajah & Tann Asia, a network of local law firms in Singapore, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by R&T Sok & Heng Law Office and subject to copyright protection under the laws of Cambodia and, through international treaties, other countries. No part of this Update may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of R&T Sok & Heng Law Office.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in R&T Sok & Heng Law Office.