

## Notice on the Provision of License or Approval for E-Commerce Service Providers in Cambodia

On the 26th May 2021, the Ministry of Commerce (“**MOC**”) issued a Notice (“**Notice**”) reminding sole proprietors, legal entities and foreign branches which conduct e-commerce business to apply for E-Commerce Permit or License from the MOC. Applicants can request for a license or permit application from the Department of Business Registration of the MOC, or file it on the online platform ([www.ecommercelicensing.moc.gov.kh](http://www.ecommercelicensing.moc.gov.kh)).

Recapping Sub-Decree No. 134 on the Determination of Types, Formalities and Procedures for Issuing Approvals or Licenses to Intermediaries and E-Commerce Service Providers and Exemptions dated 27 August 2020 (“**Sub-decree**”), legal entities or foreign branches operating e-commerce activities in Cambodia must obtain the license from the MOC. Those e-commerce activities include:

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

Further, natural persons or sole proprietors who are doing e-commerce business in Cambodia by way of electronic platform and using social media or electronic platform for the supply, sale or purchase of goods and services must also obtain such approval from the MOC.

Having said that, the natural persons or sole proprietors, who are doing e-commerce activities indicated below, are exempt from applying for the approval from the MOC:

- a. Commercial advertisement of own goods or services that are not an offer to form a contract;
- b. Booking of services without a requirement of deposit or payment by customers or consumers;
- c. Sales of goods or services with a turnover smaller than that of a small taxpayer;
- d. Sales of goods or services through family-owned or seasonal businesses;
- e. Sales of own artwork (goods or services);
- f. Private tutoring;

g. Education on the national religion; and

h. Tutoring provided by associations or non-governmental organizations without earning profits, whether directly or indirectly, and activities or operations of state institutions in the provision of public services.

In accordance with the Joint Prakas No. 316 on Monetary Fine under the Authority of the MOC, a fine of 10,000,000 (ten million) Riels shall be imposed on any entities which operate e-commerce business without authorization from the MOC. Moreover, as per Article 56 of the Law on Electronic Commerce, in the event that the e-commerce activities remain in operation without the MOC's authorization following the application of the above measure, the wrongdoer might consequently face the imprisonment between 01 (one) to 03 (three) years and is subject to a fine from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.

Should any additional information be required regarding this legal alert or if you have any further inquiry, please contact our team at [info@anlor.legal](mailto:info@anlor.legal) or reach out to our professionals below:



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