

KINGDOM OF CAMBODIA

NATION RELIGION KING

Royal Government of Cambodia

No.: 225 ANKr.BK

SUB-DECREE

ON

CONDITIONS AND PROCEDURE FOR CONSTRUCTION CERTIFICATION

The Royal Government

- Having seen the Constitution of Kingdom of Cambodia;
- Having seen the Royal Decree No NS/RKT/0918/925 dated 6 September 2018 on the appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Decree No NS/RKT/0320/421 dated 30 March 2020 on the appointment and modification of the composition of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram (Royal Code) No NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No 04 N.S. 94 dated 10 August 1994 promulgating the Law on Land Management, Urban Planning and Construction;
- Having seen the Royal Kram No NS/RKM/0699/09 dated 23 June 1999 promulgating the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction;
- Having seen the Royal Kram No NS/RKM/1119/019 dated 2 November 2019 promulgating the Law on Construction;
- Having seen the Royal Decree No NS/RKT/0409/413 dated 7 April 2009 on the Establishment of the Board of Engineers, Cambodia;
- Having seen the Royal Decree No NS/RKT/1211/1124 dated 26 December 2011 on the Establishment of the Board of Architects, Cambodia;
- Having seen the Royal Decree No NS/RKT/0216/184 dated 12 February 2016 on the Modification of Article 3, Article 4 and Article 22 of the Royal Decree No NS/RKT/0409/413 dated 7 April 2009 on the Establishment of the Board of Engineers, Cambodia;
- Having seen the Royal Decree No NS/RKT/0617/522 dated 24 June 2017 on the Modification of Article 7, Article 9 and Article 32 of the Royal Decree No NS/RKT/0409/413 dated 7 April 2009 on the Establishment of the Board of Engineers, Cambodia;
- Having seen Sub-decree No 62 ANKr.BK dated 20 July 1999 on the Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction;
- Having seen Sub-decree No 42 ANKr.BK dated 3 April 2015 on the Urbanization of the Capital, Municipalities and Urban Areas;
- Having seen Sub-decree No 76 ANKr.BK dated 9 June 2015 on the Modification of Article 30, Article 34, Article 38, Article 50, Article 66, Article 74 and Article 82 of Sub-decree No 42 ANKr.BK dated 3 April 2015 on the Urbanization of the Capital, Municipalities and Urban areas; and
- Having seen Sub-decree No 224 ANKr.BK dated 30 December 2020 on Building Permits;
- Referring to the request of the Minister of Land Management, Urban Planning and Construction,

HEREBY DECIDES

Chapter 1

General Provisions

Article 1

This sub-decree determines the types and levels of construction certification license, the conditions and procedures for granting, terminating, renewing, suspending, and revoking construction certification license and the conditions for carrying out construction certification work with the intention to:

- ensure construction quality, security and safety and the protection of property and well-being of construction owners, construction users and the public;
- ensure that design work, building work and demolition work are carried out in compliance with legal norms and building technical standards;
- ensure accountability and efficiency in professional and business practices in the construction sector;
- increase public confidence in construction; and
- promote investment in the construction sector and the economically and socially efficient real estate market.

Article 2

This sub-decree applies to all types of construction, except for the types of construction that are governed by separate legal instruments.

Article 3

Key terms used in this sub-decree are defined as follows:

1. **Certification work** refers to examination, analysis and certification of a design document, calculation, technical instructions for building or demolition work and operation of building or demolition work for the compliance with the building technical regulations and other existing provisions to ensure safety, well-being in building or demolition work and in construction occupancy.
2. **Building survey drawing** refers to a drawing produced from the data drawn from the construction that does not have as-built drawings.
3. **Letter of compliance** refers to a letter issued by a construction certifier to certify the compliance of a construction or construction work with the building technical regulations and other existing provisions.
4. **Certificate of occupancy** refers to a permit granted by the competent authority to a construction owner to use or lease the construction, or conduct business with the construction.
5. **Technical specifications** refer to methods, rules or technical standards for carrying out design work, construction work, and specialized building or demolition works, such as earthwork, crane lifting work, foundation work, formwork, reinforced concrete work, mechanical work, electrical work, plumbing work, and fire safety work.
6. **License** refers to a construction certification license.
7. **Licensee** refers to a professional or a company who/which receives the rights granted by a license and whose first and last names are or name is written in the license.
8. **Construction certifier** refers to a team from the Ministry of Land Management, Urban Planning and Construction, or a professional or a company who/which holds a construction certification license granted by the Minister of Land Management, Urban Planning and Construction to carry out certification work.
9. **Technical document** refers to a report on construction certification, a report on construction quality and safety control, a report on construction investigation, a set of as-built drawings or a certificate of compliance.

Chapter 2 Competence

Article 4

The Minister of Land Management, Urban Planning and Construction has the competence to manage certification work.

Chapter 3 Types and Levels of Construction Certification License

Article 5

There are 4 types of construction certification license as follows:

1. General Construction Certification License;
2. Construction Certification License for Architecture;
3. Construction Certification License for Structure; and
4. Construction Certification License for Mechanics, Electricity and Plumbing.

Article 6

There are 2 levels of General Construction Certification License as follows:

1. General Construction Certification License Level 1 is granted to companies that carry out certification work for all types of construction.
2. General Construction Certification License Level 2 is granted to companies that carry out certification work for construction whose building permit is granted by the governor of the/a Capital/provincial/municipal/ district/Khan administration.

Article 7

There are 3 levels of Construction Certification License for Architecture as follows:

1. Construction Certification License for Architecture Level 1 is granted to companies that carry out certification work for architectural design document and for architectural building or demolition work of all types of construction.
2. Construction Certification License for Architecture Level 2 is granted to companies that carry out certification work for architectural design document and for architectural building or demolition work of construction whose building permit is granted by the governor of the/a Capital/provincial/municipal/district/Khan administration.
3. Construction Certification License for Architecture Level 3 is granted to professionals who carry out certification work for architectural design document and for architectural building or demolition work of construction whose building permit is granted by the governor of a municipal/ district/Khan administration.

Article 8

There are 3 levels of Construction Certification License for Structure as follows:

1. Construction Certification License for Structure Level 1 is granted to companies that carry out certification work for construction structure, structural design document and structural building or demolition work of all types of construction;
2. Construction Certification License for Structure Level 2 is granted to companies that carry out certification work for construction structure, structural design document and structural building or demolition work of construction whose building permit is granted by the governor of the/a Capital/provincial/ municipal/district/Khan administration.
3. Construction Certification License for Structure Level 3 is granted to professionals who carry out certification work for construction structure, structural design document and structural building or demolition work of construction whose building permit is granted by the governor of a municipal/ district/Khan administration.

Article 9

There are three levels of Construction Certification License for Mechanics, Electricity and Plumbing as follows:

1. Construction Certification License for Mechanics, Electricity and Plumbing Level 1 is granted to companies that carry out construction certification work for mechanical, electrical and plumbing design documents and mechanical, electrical and plumbing building or demolition work of all types of construction.
2. Construction Certification License for Mechanics, Electricity and Plumbing Level 2 is granted to companies that carry out certification work for mechanical, electrical and plumbing design documents and mechanical, electrical and plumbing building or demolition work of construction whose building permit is granted by the governor of the/a Capital/provincial/municipal/district/Khan administration.

3. Construction Certification License for Mechanics, Electricity and Plumbing Level 3 is granted to professionals specialized in mechanics, electricity, or plumbing to carry out certification work for mechanical, electrical or plumbing design documents and mechanical, electrical or plumbing building or demolition work of construction whose building permit is granted by the governor of the/a Capital/provincial/municipal/district/Khan administration.

Chapter 4

Conditions for Granting, Terminating and Renewing Construction Certification License

Article 10

To be eligible for General Construction Certification License Level 1, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 1,000,000,000 riels;
- It has 1 technical director who is a professional and an engineer specialized in civil engineering and has at least 20 years of work experience in the specialized field;
- It has 3 technicians who are professionals and architects and each of whom has at least 15 years of experience in the specialized field;
- It has 5 technicians who are professionals and engineers specialized in civil engineering, mechanics, electricity, plumbing or geology and each of whom has at least 15 years of experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 11

To be eligible for General Construction Certification License Level 2, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 500,000,000 riels;
- It has 1 technical director who is a professional and an engineer specialized in civil engineering and has at least 15 years of work experience in the specialized field;
- It has 2 technicians who are professionals and architects and each of whom has at least 10 years of experience in the specialized field;
- It has 4 technicians who are professionals and engineers specialized in civil engineering, mechanics, electricity, plumbing or geology and each of whom has at least 10 years of experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 12

To be eligible for Construction Certification License for Architecture Level 1, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 500,000,000 riels;
- It has 1 technical director who is a professional and an architect and has at least 20 years of work experience in the specialized field;
- It has 3 technicians who are professionals and architects and each of whom has at least 10 years of work experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 13

To be eligible for Construction Certification License for Architecture Level 2, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 300,000,000 riels;
- It has 1 technical director who is a professional and an architect and has at least 15 years of work experience in the specialized field;
- It has 2 technicians who are professionals and architects and each of whom has at least 7 years of experience; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 14

To be eligible for Construction Certification License for Architecture Level 3, a professional shall fulfil all the following conditions:

- He/she is a professional and an architect and has at least 10 years of work experience in the specialized field; and
- He/she has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for his/her professional practice.

Article 15

To be eligible for Construction Certification License for Structure Level 1, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 500,000,000 riels;
- It has 1 technical director who is a professional and an engineer specialized in civil engineering and has at least 20 years of work experience in the specialized field;
- It has 5 technicians who are professionals and engineers, 4 of whom are specialized in civil engineering and 1 of whom is specialized in geology, and each of whom has at least 10 years of experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 16

To be eligible for Construction Certification License for Structure Level 2, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 300,000,000 riels;
- It has 1 technical director who is a professional and an engineer specialized in civil engineering and has at least 15 years of work experience in the specialized field;
- It has 4 technicians who are professionals and engineers, 3 of whom are specialized in civil engineering and 1 of whom is specialized in geology, and each of whom has at least 7 years of experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 17

To be eligible for Construction Certification License for Structure Level 3, a professional shall fulfil all the following conditions:

- He/she is a professional and an engineer specialized in civil engineering and has at least 10 years of work experience in the specialized field; and
- He/she has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for his/her professional practice.

Article 18

To be eligible for Construction Certification License for Mechanics, Electricity and Plumbing Level 1, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 300,000,000 riels;
- It has 1 technical director who is a professional and an engineer specialized in mechanics, electricity or plumbing and has at least 15 years of work experience in the specialized field;
- It has 4 technicians who are professionals and engineers specialized in civil engineering, mechanics, electricity and plumbing, and each of whom has at least 10 years of experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 19

To be eligible for Construction Certification License for Mechanics, Electricity and Plumbing Level 2, a company shall fulfil all the following conditions:

- It has registered as a business and has a business objective related to construction and a capital of at least 100,000,000 riels;
- It has 1 technical director who is a professional and an engineer specialized in mechanics, electricity or plumbing and has at least 10 years of work experience in the specialized field;
- It has 3 technicians who are professionals and engineers specialized in mechanics, electricity and plumbing, and each of whom has at least 7 years of experience in the specialized field; and
- It has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for its business practice.

Article 20

To be eligible for Construction Certification License for Mechanics, Electricity and Plumbing Level 3, a professional shall fulfil all the following conditions:

- He/she is a professional and an engineer specialized in mechanics, electricity or plumbing and has at least 10 years of work experience in the specialized field; and
- He/she has an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for his/her professional practice.

Article 21

In case where the technical director of a construction certification company receives a declaration of commencement of general guardianship or a declaration of commencement of curatorship by the court or is declared bankrupt or liquidated by the court or is convicted of a felony in the Kingdom of Cambodia or in any country where he/she has resided, the construction certification company shall appoint a new technical director and request for a written approval from the Ministry of Land Management, Urban Planning and Construction within 30 days, at the latest, from the day of declaration by the court or of the final judgment of a trial court or a court of appeals.

In case where a construction certification company decides to replace a technical director or a technician, the company shall request for a written approval from the Ministry of Land Management, Urban Planning and Construction within 30 days, at the latest, from the day of the replacement decision.

While waiting for an approval for the appointment of a new technical director from the Ministry of Land Management, Urban Planning and Construction, the company shall appoint 1 acting technical director by selecting one of the company's technicians whose specialized field is equivalent to that of the replaced technical director.

Article 22

A construction certification license can be issued once only, except for when the license is lost, torn or damaged or when the company's chairman or technical director is replaced. In such case, the licensee shall apply for a new copy of the license from the Ministry of Land Management, Urban Planning and Construction.

Article 23

A construction certification license is valid for 3 years from the date of issue, and may be renewed.

An application for renewal of a construction certification license shall be filed within 30 days, at the latest, before the expiry date.

The Ministry of Land Management, Urban Planning and Construction decides to renew a construction certification license by a Prakas. In such case, the new license shall specify the date of granting the first license. While an application for renewal is being reviewed, the old license remains valid until the day that the Ministry of Land Management, Urban Planning and Construction decides on the application.

A licensee of an expired construction certification license may continue to carry out the obligations in a contract for the provision a construction certification service that was made when that license was valid, but may not make a new contract for the provision of the service.

Article 24

A construction certification licensee may end his/her/its professional or business practice voluntarily before the expiry date of the license. In such case, the licensee shall certify in writing that the obligations created in the contracts for the provision of construction certification services have been fully completed.

The Ministry of Land Management, Urban Planning and Construction decides to terminate a license by a Prakas.

The termination of a construction certification license does not absolve the requester from the liability for damage to customers or others caused by defects of his/her/its certification work.

Chapter 5

Procedures for Granting, Terminating, and Renewing a Construction Certification License

Article 25

An application for a construction certification license, an application for a new copy of the license, an application for termination of the license and an application for renewal of the license shall be made in writing and filed at the One Window Service of the Ministry of Land Management, Urban Planning and Construction. The Minister of Land Management, Urban Planning and Construction shall decide on an application for a construction certification license, an application for a new copy of the license, an application for termination of the license, and an application for renewal of the license within 20 working days, at the latest, from the day of receiving the application.

Every response of rejection to an application for a construction certification license, an application for a new copy of the license, an application for termination of the license and an application for renewal of the license shall be made in writing with the reason indicated.

Article 26

An applicant for a construction certification license, an applicant for a new copy of the license, an applicant for termination of the license, and an applicant for renewal of the license shall pay service fees.

Service fees for reviewing an application for and granting a construction certification license, a new copy of the license, termination of the license, and renewal of the license shall be paid when receiving the application receipt and cannot be refunded even if the competent authority rejects granting the permit to the applicant. Service fees for granting a construction certification license and a new copy of the license, as well as terminating and renewing the license shall be determined by an inter-ministerial Prakas of the Minister of Economy and Finance and the Minister of Land Management, Urban Planning and Construction.

Article 27

The formality and time frame for granting a construction certification license and a new copy of the license, as well as terminating and renewing the license shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Chapter 6

Conditions for Carrying Out Certification Work

Article 28

A construction certifier shall carry out an examination and analysis of shape, calculation, the implementation of regulations and work operation in order to certify the compliance of a design document, the compliance of building or demolition work, or the compliance of a construction with the building technical regulations and other existing provisions.

Article 29

Construction and construction work which shall require construction certification are as follows:

1. Design documents used for building or demolition work, before the competent authority or a competent official grants a relevant permit;
2. Building or demolition work which requires a permit;
3. A construction which is newly built, repaired, or modified, or a construction whose function has been altered, before the competent authority permits occupancy;
4. Construction and construction equipment which require regular quality and safety control; and
5. A construction with a risk to human life or property, or effect on public security or order, the control of which is required by the competent authority.

If necessary, the competent authority may require a certification of technical documents, building or demolition work or other constructions.

Classification, types and sizes of constructions which shall require a construction certification shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Classification, types and sizes of constructions which shall require a certification of its fire safety shall be determined by an inter-ministerial Prakas of the Minister of Land Management, Urban Planning and Construction and the Minister of Interior.

Article 30

In carrying out certification work, a construction certifier shall adhere to the following conditions:

- Carrying out work in accordance with the types and levels of the construction certification license;
- Carrying out work in compliance with the building technical regulations and other existing provisions;
- Carrying out work in accordance with the formality of carrying out certification work;
- Following instructions of the Ministry of Land Management, Urban Planning and Construction related to the professional or business practice in construction certification; and
- Following the professional code of conduct or ensuring that the technical director and technicians follow the professional code of conduct in the construction sector and the code of conduct for construction certifiers;

The code of conduct for construction certifiers shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Article 31

When carrying out certification work, a construction certifier shall produce a report on construction certification and issue a letter of compliance.

Article 32

Every technical document issued by a construction certification professional shall have the signature, stamp and license number of the said professional.

Every technical document issued by a construction certification company shall have the signature of relevant technicians and the signature of the responsible technical director, as well as the stamp and license number of the said company.

An acting technical director does not have the right to sign technical documents issued by a construction certification company.

Article 33

A construction certifier shall produce an annual review report of his/her/its professional or business practice and make a copy for the Ministry of Land Management, Urban Planning and Construction.

An annual report of the review of the professional practice of a construction certification professional shall have the signature, stamp, and license number of the said professional taking responsibility.

An annual report of the review of the business practice of a construction certification company shall have the signatures of relevant technicians, the signature of the responsible technical director and the company's stamp.

Article 34

The technical directors and technicians of construction certification companies and construction certification professionals shall participate in trainings on the carrying out of their work that are organized by the Ministry of Land Management, Urban Planning and Construction.

Article 35

A construction certifier may carry out construction quality and safety control and construction investigation work at the request of the court, a competent ministry/institution, or a construction owner.

Article 36

The formality for carrying out certification work shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Chapter 7

Certification Work Carried Out by the Ministry of Land Management, Urban Planning and Construction

Article 37

The Ministry of Land Management, Urban Planning and Construction has duties to carry out certification work for construction, designing, and building or demolition work of the nation and other public legal entities' constructions at the request of a competent ministry/institution.

If necessary, the Ministry of Land Management, Urban Planning and Construction may agree to carry out certification work of a private individual.

The construction certification team of the Ministry of Land Management, Urban Planning and Construction may carry out control on construction quality and safety or investigation work at the request of the court, a relevant ministry/institution, or a private individual.

Article 38

The composition of a construction certification team of the Ministry of Land Management, Urban Planning and Construction shall be chosen among leaders and civil servants who are the professionals in the construction sector and who have work experience in architecture, civil engineering, geology, mechanics, electricity, plumbing or other engineering.

The composition of a construction certification team of the Ministry of Land Management, Urban Planning and Construction shall be appointed by a Prakas of Minister of Land Management, Urban Planning and Construction.

Article 39

A construction certification team of the Ministry of Land Management, Urban Planning and Construction shall produce a report on construction certification, a report on construction quality and safety control, a set of as-built drawings or a report on construction investigation.

Upon receiving an approval from the Minister of Land Management, Urban Planning and Construction, a construction certification team shall issue a letter of compliance with the signature of the head of the construction certification team and a stamp of the Ministry of Land Management, Urban Planning and Construction.

Article 40

The certification of the nation's or other public legal entities' constructions carried out by the Ministry of Land Management, Urban Planning and Construction shall not incur service fees.

A construction owner who is a private individual shall pay service fees for construction certification carried out by the Ministry of Land Management, Urban Planning and Construction.

Construction certification service fees shall be determined by an inter-ministerial Prakas of the Minister of Economy and Finance and the Minister of Land Management, Urban Planning and Construction.

Chapter 8

Foreign Architects or Engineers and Companies

Article 41

Foreign architects or engineers and companies have the right to conduct professional or business practice in construction certification in accordance with the conditions stated in this sub-decree.

Article 42

A foreign architect or engineer who applies for professional practice approval in the Kingdom of Cambodia as a technical director or a technician of a construction certification company or as a construction certifier shall fulfil the following conditions:

- He/she has registered at a relevant professional board(s) in the Kingdom of Cambodia;
- He/she has fulfilled the conditions required for professional practice in the construction sector;
- He/she has the right to long-term residence in the Kingdom of Cambodia; and
- He/she has the right to have a career in the Kingdom of Cambodia.

Article 43

A foreign company which is established under the law of the Kingdom of Cambodia and which applies for a business practice in construction certification in the Kingdom of Cambodia shall fulfil the same conditions as those required of Khmer companies.

A foreign company which is established under the law of another country and which applies for business practice approval in construction certification in the Kingdom of Cambodia shall fulfil the following conditions:

- It has registered at the Ministry of Commerce of the Kingdom of Cambodia;
- It has fulfilled the conditions required for a business practice;
- It shall have an agency representative with a letter of authorization legally certified and signed by the chairman of the company; and
- It shall have a business representative office or communications office or a subsidiary company which has a permanent address in the Kingdom of Cambodia.

Chapter 9 Complaints

Article 44

A person with a vested interest in a decision of the Minister of Land Management, Urban Planning and Construction as determined in this sub-decree has the right to complain according to the procedure stated in the Law on Construction and other existing provisions.

Chapter 10 Punishments

Article 45

Punishments in this sub-decree include:

- A written warning;
- Suspension of a license; and
- Revocation of a license.

Article 46

A written warning, and suspension or revocation of a license are at the discretion of the Minister of Land Management, Urban Planning and Construction.

The Minister of Land Management, Urban Planning and Construction may publicly announce the warning, the suspension, or the revocation of a license in the press or any means of audiovisual telecommunication.

Article 47

A warning shall be issued in writing, without prejudice to being held criminally responsible according to existing provisions, to any construction certification licensee who/which does not adhere to the conditions of carrying out certification work as stated in this sub-decree.

Article 48

A construction certification license shall be suspended for a period not exceeding six (6) months, without prejudice to being held criminally responsible according to existing provisions, for any construction certification licensee who is a professional and who commits one of the following acts:

- He/she does not follow the instructions stated in the warning letter of the Minister of Land Management, Urban Planning and Construction;

- He/she no longer fulfils the required conditions related to the professional practice;
- He/she no longer fulfils the required conditions to assure liability in the professional practice;
- He/she has violated the professional code of conduct in the construction sector or the code of conduct for construction certifiers; or
- He/she has a health problem(s) that potentially affects his/her professional practice but has been certified by a specialized doctor that he/she will not be able to recover within the suspension period.

A construction certification license shall be suspended for a period not exceeding 1 year, without prejudice to being held criminally responsible according to existing provisions, for any construction certification licensee which is a company and which commits one of the following acts:

- It does not follow the instructions stated in the warning letter of the Minister of Land Management, Urban Planning and Construction;
- It no longer fulfils the required conditions related to the business practice;
- It no longer fulfils the required conditions to assure liability in the business practice;
- It does not replace a director of the company who has received a declaration of commencement of general guardianship or a declaration of commencement of curatorship by the court or who has been declared bankrupt or liquidated by the court or who has been convicted of a felony in the Kingdom of Cambodia or in any country where he/she has resided within 30 days from the day of declaration by the court or the day of final judgment of a trial court or a court of appeals; or
- It does not replace a technical director or technician who has been disqualified from professional practice within 30 days from the day of the disqualification.

Throughout the period during which a construction certification license is suspended, the licensee cannot make a new contract for service provisions and cannot sign any technical document related to certification work.

The Minister of Land Management, Urban Planning and Construction suspends a construction certification license by a decision.

Article 49

A construction certification license shall be revoked, without prejudice to being held criminally responsible according to existing provisions, for any construction certification licensee who is a professional and who commits one of the following acts:

- He/she does not follow the instructions stated in the decision on the suspension of the construction certification license;
- He/she has committed a serious wrongdoing with regard to the professional code of conduct in the construction sector or the code of conduct for construction certifiers;
- He/she has been disqualified from professional practice as determined in the Law on Construction;
- He/she has a health problem(s) that potentially affects his/her professional practice and has been certified by a specialized doctor that he/she will not be able to recover within the suspension period;
- He/she has received a declaration of commencement of general guardianship or a declaration of commencement of curatorship by the court;
- He/she has been declared bankrupt by the court; or
- He/she has been convicted of felony in the Kingdom of Cambodia or in any country where he/she has resided.

A construction certification license shall be revoked, without prejudice to being held criminally responsible according to existing provisions, for any construction certification licensee which is a company and which commits one of the following acts:

- It does not fulfil the requirements stated in the decision on the suspension of the construction certification license;
- It has been removed from the commercial register;
- It has been dissolved or nullified by the court; or
- It has been declared bankrupt or liquidated by the court.

A construction certification licensee whose license has been revoked may re-apply for a construction certification license 5 years after the day of the license revocation.

The Minister of Land Management, Urban Planning and Construction revokes a construction certification license by a Prakas.

The formality and time frame for suspending and revoking a construction certification license shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

Article 50

A person who fakes a document or provides false information to the competent authority in order to receive a construction certification license, or a new copy of the license, or have the license terminated or renewed as stated in this sub-decree or fakes a construction certification license or a Prakas on the termination of the license as stated in this sub-decree shall be held criminally responsible according to the provisions of the Criminal Code.

Article 51

A competent public servant who refuses to review the application documents for a construction certification license or rejects the issuance of a new license, or the termination or renewal of the license without an appropriate reason shall receive a disciplinary administrative sanction, without prejudice to being held criminally responsible according to the existing provisions.

Chapter 11
Transitional Provisions

Article 52

A construction certifier may carry out construction quality and safety control of a construction which was built before the Law on Construction came into force at the request of a construction owner. In such case, the construction certifier shall create a set of as-built drawings and produce a report on the construction quality and safety so that the construction owner may use them to complete the formality for applying for an occupancy certificate.

Article 53

An applicant for a construction certification license who does not have an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia to assure liability for his/her/its professional or business practice shall deposit money at the National Bank of Cambodia according to the type and level of the license.

Article 54

The minimum amount of money which a professional or a company shall deposit at the National Bank of Cambodia to assure liability for his/her/its professional or business practice shall be determined as follows:

1. 500,000,000 riels for General Construction Certification License Level 1;
2. 300,000,000 riels for General Construction Certification License Level 2;
3. 500,000,000 riels for Construction Certification License for Architecture Level 1;
4. 300,000,000 riels for Construction Certification License for Architecture Level 2;
5. 50,000,000 riels for Construction Certification License for Architecture Level 3;
6. 500,000,000 riels for Construction Certification License for Structure Level 1;
7. 300,000,000 riels for Construction Certification License for Structure Level 2;
8. 50,000,000 riels for Construction Certification License for Structure Level 3;
9. 300,000,000 riels for Construction Certification License for Mechanics, Electricity and Plumbing Level 1;
10. 100,000,000 riels Construction Certification License for Mechanics, Electricity and Plumbing Level 2; and
11. 50,000,000 riels for Construction Certification License for Mechanics, Electricity and Plumbing Level 3.

Article 55

The money to assure liability for professional or business practice in construction certification shall be deposited as cash at the National Treasury Single Account opened at the National Bank of Cambodia. This deposit may be withdrawn in one of the following cases:

- 1- A construction certification licensee has received a Prakas of the Minister of Land Management, Urban Planning and Construction on the termination of the license;
- 2- A construction certification licensee has received a Prakas of the Minister of Land Management, Urban Planning and Construction on the revocation of the construction certification license;
- 3- A construction certification license expires; or
- 4- A construction certification licensee has received an insurance certificate issued by an insurance company operating in the Kingdom of Cambodia.

Article 56

A construction certification licensee shall apply for a deposit withdrawal at the Ministry of Land Management, Urban Planning and Construction.

The Minister of Land Management, Urban Planning and Construction shall decide on the deposit withdrawal application within 10 working days, at the latest, from the day of receiving the application.

The National Bank of Cambodia shall return the cash to the owner at the request of the Ministry of Land Management, Urban Planning and Construction.

The Ministry of Land Management, Urban Planning and Construction may request for the freezing of a deposit at the National Bank of Cambodia in case where the Ministry determines that a construction certification licensee is in dispute with his/her/its customer(s) in carrying out a contract for the provision of a construction certification service and that he/she/it has caused serious damage to the customer's interests or caused damage to others.

Article 57

The formality and time frame for a permission to withdraw a deposit from the National Bank of Cambodia shall be determined by a Prakas of the Minister of Land Management, Urban Planning and Construction.

**Chapter 12
Final Provisions**

Article 58

Any provision that contradicts this sub-decree shall be abrogated.

Article 59

The minister in charge of the Office of the Council of Ministers, Minister of Economy and Finance, Minister of Land Management, Urban Planning and Construction, all Ministers and heads of institutions concerned shall take charge of implementing this sub-decree, according to their respective duties, from the day of signature.

Phnom Penh, 30 December 2020

Prime Minister

Samdech Akka Moha Sena Padei Techo HUN SEN

Having submitted to
Samdech Akka Moha Sena Padei Techo Prime Minister
for signature
Deputy Prime Minister,
Minister of Land Management, Urban Planning and Construction

Chea Sophara

To be distributed to:

- 5- Ministry of Royal Palace
- 6- General Secretariat of the Constitutional Council

- 7- General Secretariat of the Senate
- 8- General Secretariat of the National Assembly
- 9- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- 10- Cabinets of Samdech, Excellencies, Lok Chum Teav, Deputy Prime Ministers
- 11- As in Article 59
- 12- Royal Gazette
- 13- Archive