

KINGDOM OF CAMBODIA

NATION RELIGION KING

Unofficial Translation

Prakas On

The Procedure for Establishment and Registration of the Cambodian Agricultural Cooperative Alliance

The Minister of Agriculture, Forestry and Fisheries

- Having seen The Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RD/0913/903, dated September 24, 2013, on the Appointment of the Royal Government of Cambodia;
- Having seen Royal Decree No. NS/RKT/1213/1393, dated December 21, 2013, on the Revision and Addition of the Compositions of Royal Government of Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0416/368, dated April 4, 2016, on the Revision and Addition of the Compositions of Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Preah Reach Kram No. NS/RK/0196/13, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Agriculture, Forestry and Fisheries;
- Having seen Preah Reach Kram No. NS/RK/0613/008, dated June 6, 2013, promulgating the Law on Agricultural Cooperatives;
- Having seen Sub decree No. 17 S.E., dated April 7, 2000, on the Organization and Functioning of the Ministry of Agriculture, Forestry and Fisheries;
- Having seen Sub decree No. 105 S.E., dated August 22, 2005, on the addition of the duties to the Ministry of Agriculture, Forestry and Fisheries and establishment of the Department of Internal Audit, Department of Planning and Statistic, Department of International Cooperation and Center of Information and Agricultural Documents subordinate to the Ministry of Agriculture, Forestry and Fisheries;
- Having seen Sub decree No. 188 S.E., dated November 14, 2008, on the amendment to the General Department of the Ministry to become the Secretariat General, promotion of the forestry administration, fisheries administration to be equivalent to the General Department,

promotion of the Department of Agronomy and Agricultural Land Improvement to become the General Department of Agriculture and amendment to the General Department of Rubber Plantation to become the General Department of Rubber under the custody of the Ministry of Agriculture, Forestry and Fisheries;

- Having seen Sub decree No. 179 S.E., dated May 12, 2014, on the Establishment of Department of Agricultural Cooperatives Development subordinate to the General Department of Agriculture of the Ministry of Agriculture, Forestry and Fisheries;
- Having seen Prakas No. 220 P.A.E., dated March 14, 2012, on the Organization and Functioning of Municipal/Provincial Department of Agriculture;
- Having seen Prakas No. 090, P.A., dated January 29, 2015, on the Organization and Functioning of the Bureaus and Units subordinate to the Department of Agricultural Cooperatives Development under supervision of the General Department of Agriculture;
- Having seen Prakas No. 186 P.A., dated February 18, 2016, on the Model Statutes and Internal Regulations of the Agricultural Cooperatives;
- Having seen Prakas No. 609 P.A., dated September 27, 2016, on the Change of Name of the Municipal/Provincial Department of Agriculture and Inclusion of Forestry Administration District and Fisheries Administration District to be under the Municipal/Provincial Department of Agriculture;
- Pursuant to the Necessity of the Ministry of Agriculture, Forestry and Fisheries;

Hereby decides
Chapter 1
General Provision

Article 1. –

This Prakas aims to define the procedure for establishment and registration of the Cambodian Agricultural Cooperative Alliance in accordance with the Law on Agricultural Cooperatives.

Article 2. –

This Prakas aims to provide a guideline on the procedure for establishment and registration of the Cambodian Agricultural Cooperative Alliance for the agricultural cooperatives and all agricultural cooperative unions to work together to establish the Cambodian Agricultural Cooperative Alliance which will be the legal top organization of agricultural cooperatives in the Kingdom of Cambodia.

Article 3. –

The effect of this prakas shall cover the agricultural cooperatives, agricultural cooperative unions, and the Cambodian Agricultural Cooperative Alliance in the Kingdom of Cambodia.

Chapter 2

Procedure for the Establishment and Registration of the Cambodian Agricultural Cooperative Alliance

Part 1: Conditions for the Establishment of the Cambodian Agricultural Cooperative Alliance

Article 4. –

All agricultural cooperatives and agricultural cooperative unions in the Kingdom of Cambodia shall automatically become members of the Cambodian Agricultural Cooperative Alliance.

The Cambodian Agricultural Cooperative Alliance shall be established by the general meeting of representatives from agricultural cooperatives and agricultural cooperative unions with the coordination and support by the Department of Agricultural Cooperative Promotion of the General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries in accordance with the regulations and procedures of the Law on Agricultural Cooperatives.

Article 5. –

To take part in establishing the Cambodian Agricultural Cooperative Alliance, the agricultural cooperatives and agricultural cooperative unions shall have the following qualifications and responsibilities:

- 1- Be legally recognized through the registration as an agricultural cooperative or agricultural cooperative union in accordance with the Law on Agricultural Cooperatives
- 2- Apply for membership of the Cambodian Agricultural Cooperative Alliance
- 3- Appoint their representative members to attend an election process of the representative delegation to attend the first founding general meeting to establish the Cambodian Agricultural Cooperative Alliance
- 4- Attend and support the approval of draft statute and internal regulation of the Cambodian Agricultural Cooperative Alliance during the first founding general meeting
- 5- Shall perform all duties related to establishing the Cambodian Agricultural Cooperative Alliance in accordance with regulations and procedures of the Law on Agricultural Cooperatives.

Article 6. –

The Department of Agricultural Cooperative Promotion of the General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries shall play a role as a coordination unit in the process of organizing and establishing the Cambodian Agricultural Cooperative Alliance.

Within no longer than 12 (twelve) months before the first founding general meeting of the Cambodian Agricultural Cooperative Alliance, the Department of Agricultural Cooperative Promotion shall inform all agricultural cooperatives and agricultural cooperative unions in each capital/province in the Kingdom of Cambodia of the process of establishing the Cambodian Agricultural Cooperative Alliance.

Article 7. –

Agricultural cooperatives and agricultural cooperative unions shall be informed of the following:

- Necessity and importance of the establishment of the Cambodian Agricultural Cooperative Alliance
- Roles and duties of the Cambodian Agricultural Cooperative Alliance and benefits that the agricultural cooperatives and agricultural cooperative unions shall obtain
- Guideline for the selection of representative delegates of the agricultural cooperatives and agricultural cooperative unions for participation in the first founding general meeting of the Cambodian Agricultural Cooperative Alliance
- Other instructions under the framework of establishing the Cambodian Agricultural Cooperative Alliance

The Department of Agricultural Cooperative Promotion of the General General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries shall define the work program and guideline for the agricultural cooperatives and agricultural cooperative unions for organization and implementation toward the first founding general meeting of the Cambodian Agricultural Cooperative Alliance.

Article 8. –

The Board of Directors of the agricultural cooperatives and agricultural cooperative unions shall convene an extraordinary assembly to announce the membership of Cambodian Agricultural Cooperative Alliance and present the following to the members of their agricultural cooperatives and agricultural cooperative unions:

- Point out the importance and necessity of agricultural cooperatives and agricultural cooperative unions taking part in establishing the Cambodian Agricultural Cooperative Alliance as its top representative body
- Introduce the mission, roles and duties of the Cambodian Agricultural Cooperative Alliance under the framework of promoting the capacity and support for agricultural cooperatives and agricultural cooperative union and benefits from the Cambodian Agricultural Cooperative Alliance
- Introduce principles for the election of representative delegate candidates to attend the first founding general meeting, the election of the Board of Director candidates and of the supervisory committee candidates of the Cambodian Agricultural Cooperative Alliance who will participate in the establishment
- Elect representative members of the agricultural cooperatives or agricultural cooperative unions concerned to attend the election of the representative delegates, the candidates for the Board of Directors and the Supervisory Committee candidates of the Cambodian Agricultural Cooperative Alliance who will participate in the establishment

Article 9. –

The Municipal/Provincial Departments of Agriculture, Forestry and Fisheries shall have a duty to coordinate the selection of representatives of the agricultural cooperatives within the competent jurisdiction to attend the election of representative delegates to attend the first founding assembly, serving as candidates for the board of directors, and supervisory committee candidates of the Cambodian Agricultural Cooperative Alliance who will participate in the establishment.

The Municipal/Provincial Departments of Agriculture, Forestry and Fisheries shall organize the election of candidates for the representative delegates, the Board of Directors, and the Supervisory Committee of the Cambodian Agricultural Cooperative Alliance within the scope of the capital/province concerned.

Article 10. –

The specific number of representative delegates of the agricultural cooperatives and the specific number of the candidates for the Board of Directors and the Supervisory Committee within the scope of each capital/province shall be in proportion to the number of registered agricultural cooperatives and shall be defined as follows:

- 1- A Capital/Province with 1 (one) to 10 (ten) agricultural cooperative(s) shall have 2 (two) representative delegates, 2 (two) candidates for the Board of Directors or for the Supervisory Committee.
- 2- A Capital/Province with 11 (eleven) to 30 (thirty) agricultural cooperatives shall have 4 (four) representative delegates, 1 (one) candidate for the Board of Directors or for the Supervisory Committee.
- 3- A Capital/Province with 31 (thirty-one) or more agricultural cooperatives shall have 6 (six) representative delegates, 2 (two) candidates for the Board of Directors or for the Supervisory Committee.

Article 11. –

Municipal/Provincial Departments of Agriculture, Forestry and Fisheries shall have the duty to produce a report on the overall result of the election of representative delegates of the agricultural cooperatives, of candidates for the Board of Directors and for the Supervisory Committee within the competent jurisdiction to attend the first founding general meeting of the Cambodian Agricultural Cooperative Alliance that shall be forwarded to the Department of Agricultural Cooperatives Promotion as scheduled.

Article 12. –

The Department of Agricultural Cooperatives Promotion shall have the duty to coordinate the selection of representatives of agricultural cooperative unions to attend an election of representative delegates to attend the first founding general meeting to serve as candidates for the Board of Directors and Supervisory Committee candidates of the Cambodian Agricultural Cooperative Alliance who will participate in the establishment.

The Department of Agricultural Cooperatives Promotion shall organize the election of representative delegate candidates, candidates for the Board of

Directors, and Supervisory Committee candidates of the Cambodian Agricultural Cooperative Alliance.

Article 13. –

The specific number of representative delegates of the agricultural cooperative unions and the specific number of the candidates for the board of directors and supervisory committee candidates to attend the first founding general meeting of the Cambodian Agricultural Cooperative Alliance shall be defined as follows:

- 1- An agricultural cooperative union, having total working capital less than 50,000,000 Riels, shall have 2 (two) representative candidates and 1 (one) candidate for the Board of Directors, or 1 (one) Supervisory Committee candidate.
- 2- An agricultural cooperative union, having total working capital from 50,000,000 Riels to 100,000,000 Riels, shall have 4 (four) representative candidates and 1 (one) candidate for the Board of Directors, or 1 (one) Supervisory Committee candidate.
- 3- An agricultural cooperative union, having total working capital more than 100,000,000 Riels, shall have 6 (six) representative candidates, and 1 (one) candidate for the Board of directors or 1 (one) Supervisory Committee candidate

Article 14. –

The Department of Agricultural Cooperatives Promotion shall have the duty to synthesize the nationwide results and prepare a name list of the representative delegates, candidates for the Board of Directors, and the Supervisory Committee candidates of the agricultural cooperatives and agricultural cooperative union to attend the first founding general meeting of the Cambodian Agricultural Cooperative Alliance.

Article 15. –

Criteria for the representative delegates, the candidates for the Board of Directors, and the Supervisory Committee candidates to attend the first founding general meeting for the establishment of the Cambodian Agricultural Cooperative Alliance shall be defined as follows:

1. Qualification requirements for the representative delegate candidates for attending the first founding general meeting shall be as follows:
 - Proper educational qualification
 - Good moral conduct
 - Broad awareness of the role and importance of the Cambodian Agricultural Cooperative Alliance
2. Qualification requirements for the candidates for the Board of Directors or the Supervisory Committee shall be as follows:
 - Not older than 65 (sixty-five) years old
 - Proper educational qualification or professional skills
 - Possess proper knowledge and experience in leading and managing agricultural cooperatives or agricultural cooperative unions
 - Members of the Board of Directors shall not be spouses, biological parents, parents-in-law, biological children or

- biological siblings of any member of the Board of Directors or the Supervisory Committee;
- Members of the Board of Directors may not perform each other's roles as member of the Supervisory Committee or auditor or accountant of the Cambodian Agricultural Cooperative Alliance;
- Female candidates are encouraged and prioritized;
- Have never been convicted of any criminal offense;
- Other required conditions as decided by the general meeting.

Part 2: Establishment of Organizing Committee

Article 16. –

The Department of Agricultural Cooperatives Promotion of the General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries shall coordinate the establishment of an “**organizing committee**” that shall perform duties in the process of establishing and registering the Cambodian Agricultural Cooperative Alliance.

The General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries shall be entitled to propose representatives of agricultural cooperatives, agricultural cooperative unions and representatives of relevant units under the supervision of the Ministry of Agriculture, Forestry and Fisheries to take part in establishing the organizing commission as necessary.

The organizing committee shall play a role as the exercising duty that is composed of 7 (seven) or more members and shall perform its duties regarding the initial establishment of the Cambodian Agricultural Cooperative Alliance and shall be automatically resolved after the Cambodian Agricultural Cooperative Alliance has been officially registered.

The organizing committee for the establishment of the Cambodian Agricultural Cooperative Alliance shall be defined by a decision of the Ministry of Agriculture, Forestry and Fisheries.

Article 17. –

The organizing committee for the Cambodian Agricultural Cooperative Alliance shall have the duty to initially coordinate the establishment of the Cambodian Agricultural Cooperative Alliance as follows:

- 1- Prepare necessary documents for the Cambodian Agricultural Cooperative Alliance that shall be developed to be approved by the first founding general meeting
- 2- Convene the first founding general meeting of the Cambodian Agricultural Cooperative Alliance
- 3- Develop and submit an application for approval and registration of the Cambodian Agricultural Cooperative Alliance to the Department of Agricultural Cooperative Promotion of the General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries

Article 18. –

The organizing committee shall study and prepare documents for the first founding general meeting's approval in the process of establishing the Cambodian Agricultural Cooperative Alliance as follows:

- 1- Prepare the list of representative delegates of agricultural cooperatives and agricultural cooperative unions supposed to attend the first founding general meeting of the Cambodian Agricultural Cooperative Alliance
- 2- Prepare the list of members of the Board of Directors and the Supervisory Committee of the Cambodian Agricultural Cooperative Alliance to be submitted for approval by the first founding general meeting
- 3- Develop draft statute and internal regulation of the Cambodian Agricultural Cooperative Alliance
- 4- Develop draft documents on the mission, roles, duties and action plan of the Cambodian Agricultural Cooperative Alliance to be established under the framework of support and capacity building of the agricultural cooperatives and agricultural cooperative unions in the Kingdom of Cambodia
- 5- Prepare other documents as required.

Part 3: Organization of the First Founding General Meeting**Article 19. –**

The first founding general meeting of the Cambodian Agricultural Cooperative Alliance shall be held in the form of representative general meeting with the participation of the representative delegates of the agricultural cooperatives and the agricultural cooperative units elected to attend the first founding general meeting of the Cambodian Agricultural Cooperative Alliance in accordance with the procedure stated in this Prakas.

The first founding general meeting of the Cambodian Agricultural Cooperative Alliance can be held only if 2/3 (two-third) of all representative delegates supposed to attend the first founding general meeting are present.

Article 20. –

Representative delegates, candidates of the Board of Directors and of the Supervisory Committee of the agricultural cooperatives and agricultural cooperative units to attend the first founding general meeting of the Cambodian Agricultural Cooperative Alliance shall be fully entitled to pass comments during the assembly and have voting rights.

The organizing committee shall be entitled to invite representatives of ministries, institutions, social organizations, and other relevant parties to attend and observe the first founding general meeting of the Cambodian Agricultural Cooperative Alliance; however, the observers shall not have the right to vote.

Article 21. –

During the first founding general meeting of the Cambodian Agricultural Cooperative Alliance, the organizing committee shall perform the following duties:

- Pronounce the composition, roles and duties of the organizing committee for establishing the Cambodian Agricultural Cooperative Alliance
- Pronounce the objective of establishing the Cambodian Agricultural Cooperative Alliance
- Pronounce actual attendance by the representative delegates of the agricultural cooperatives and agricultural cooperative unions at the general meeting
- Pronounce the documents developed for establishing the Cambodian Agricultural Cooperative Alliance as stated in Article 18
- Hold an election to approve the statute, internal regulation, the composition of the Board of Directors, the Supervisory Committee, and the membership fees of the Cambodian Agricultural Cooperative Alliance, and approve other relevant tasks
- Develop a report of the first founding assembly with the attendance list with signatures or thumbprints of the members who attended the assembly attached

Chapter 3 **Preparation of Documents for the Registration**

Article 22. –

No longer than 30 (thirty) days after the first founding general meeting of the Cambodian Agricultural Cooperative Alliance has concluded, the organizing committee shall coordinate with the elected Board of Directors to submit an approval application and register the Cambodian Agricultural Cooperative Alliance department of agricultural cooperatives development of the General Directorate of Agriculture of the Ministry of Agriculture, Forestry and Fisheries to obtain legality for the Cambodian Agricultural Cooperative Alliance.

The application for registration of the Cambodian Agricultural Cooperative Alliance shall be duly certified by the commune or sangkat chief and governor of the city/district/*khan* governing board where the Cambodian Agricultural Cooperative Alliance is located.

Article 23. –

The application for registration of the Cambodian Agricultural Cooperative Alliance shall attach with the following documents:

1. Report of the first founding general meeting of the Cambodian Agricultural Cooperative Alliance
2. Document on the mission and action plan of the Cambodian Agricultural Cooperative Alliance
3. Statute and internal regulation of the Cambodian Agricultural Cooperative Alliance
4. List of the members of the Board of Directors and of the Supervisory Committee of the Cambodian Agricultural Cooperative Alliance specifying their identity, occupation and address
5. Logo, address and organizational chart of the Cambodian Agricultural Cooperative Alliance, and name list of the members in capitals/provinces

6. Sample signature or right thumbprint of the chairperson and members of the Board of Directors and members of the Supervisory Committee of the Cambodian Agricultural Cooperative Alliance

Article 24. –

The Department of Agricultural Cooperative Promotion of the General Directorate of Agriculture of Ministry of Agriculture, Forestry and Fisheries shall receive the application for Cambodian Agricultural Cooperative registration by issuing a receipt specifying the date of receiving the application.

The Department of Agricultural Cooperative Promotion of the General Directorate of Agriculture shall issue a certificate of the Cambodian Agricultural Cooperative Alliance's registration within no longer than 20 (twenty) working days from the date of receiving the accurate and sufficient application in compliance with the regulations and procedures of the Law on Agricultural Cooperatives.

The sample application and certificate of the Cambodian Agricultural Cooperative Alliance registration appear as the annex to this Prakas.

Article 25. –

In the event that the application for registration has been found improper or noncompliant with the Law on Agricultural Cooperatives, the Department of Agricultural Cooperatives Promotion shall inform the organizing committee to revise the registration application within no longer than 60 (sixty) days from the date of receiving the registration application in order to adjust points noncompliant for establishing the Cambodian Agricultural Cooperative Alliance concerned.

In the event that the organizing committee fails to make a correct adjustment within the period specified in the notice, the Department of Agricultural Cooperative Promotion shall coordinate with the organizing committee to adjust to register the Cambodian Agricultural Cooperative Alliance.

Article 26. –

After the Cambodian Agricultural Cooperative Alliance has been registered and recognized by the Department of Agricultural Cooperative Promotion of the General Directorate of Agriculture, the organizing committee shall finish its task and be automatically dissolved.

The Board of Directors of the Cambodian Agricultural Cooperative Alliance shall start to perform their roles and duties from the date the Cambodian Agricultural Cooperative Alliance has been officially registered.

The agricultural cooperatives and agricultural cooperative unions shall perform their roles and obligations as members of the Cambodian Agricultural Cooperative Alliance in accordance with the statute and internal regulation of the Cambodian Agricultural Cooperative Alliance and other relevant regulations in force.

Article 27 –

The Department of Agricultural Cooperative Promotion shall publicly introduce the registered Cambodian Agricultural Cooperative Alliance through

placing at information board of the Department of Agricultural Cooperative Promotion and in public within 15 (fifteen) days from the date of registration of the Cambodian Agricultural Cooperative Alliance.

Chapter 4 Final Provision

Article 28.—

Any provisions contrary to this Prakas shall be considered null and void.

Article 29.—

Secretary General, Inspector General, Cabinet Chief, Director General of the General Directorate of Agriculture, Directors of all relevant institutions under supervision of the Ministry of Agriculture, Forestry and Fisheries, Directors of Municipal/Provincial Departments of Agriculture, Forestry and Fisheries shall respectively implement this Prakas from the date of signature onwards.

Phnom Penh, 20 March 2018

Minister

**Ministry of Agriculture, Forestry and
Fisheries**

CC:

- Office of the Council of Ministers
- Ministry of Interior
- Ministry of Economy and Finance
- Secretary General of the Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo
Prime Minister
- Cabinet of Samdech, Excellencies, Deputy Prime
Ministers;
- All provincial municipal halls
- As stated in Article 29
- Royal Gazettes
- File