

REQUIREMENT FOR PROVISION OF PROFESSIONAL SERVICES

ENGINEERING SERVICES

KINGDOM OF CAMBODIA

Questionnaire on the Requirements for Provision of Professional Services

Services Sub-Sector: Engineering Services

Country Name: CAMBODIA

Notes:

- (1) Where there are different requirements/regulations/procedures for locals and foreigners please specify in your responses.
- (2) Briefly please define the main terms and acronyms used in your responses to the questionnaire (if applicable).

I. Regulation and Organisation of this Professional Services

1. Please describe in general the structure and organisation of this sub-sector and how it is being regulated in your country. This could include:
 - The range of the activities regularly practised by the professionals in this sub-sector in your country. Please indicate which of these activities that are NOT regulated in your country, if any.
 - Explanation of whether this sub-sector is regulated by law, self-regulated by a professional body, or a combination of both; whether the regulation is centralised or decentralised; etc.
 - List of concerned professional bodies and/or ministries/government agencies, the functions of each of them, and how they interact in regulating this sub-sector.

Answer (1):

Before the accession of Cambodia to ASEAN, ministries and government agencies regulated engineering practices of individual practitioners and companies. After the signing of the Mutual Recognition Arrangement (MRA) on engineering services, The Board of Engineers, Cambodia (BEC) was established by the Royal Decree No.

***ns¹/₄rkt¹/₄0409¹/₄413** dated on April 7th, 2009 aiming to mobilize and lead registered engineers in the Kingdom of Cambodia. Under this Decree, BEC is authorized to control only individual engineers. Engineering companies and firms remain to be regulated by ministries.*

BEC is led by 1 Secretary General accompanied by 6 deputy secretary generals chosen from senior professional engineers through voting by BEC's general assembly for 05 -year-old mandate (five). BEC was placed under the supervision of the Office of Council of Ministers of the Royal Government of Cambodia and to be functioned cross ministries.

Professional engineering services that are regulated and controlled under BEC are currently leading professions in Cambodia namely: civil, mining, mechanical,

electrical, environmental, chemical, agricultural and Information- Technology Engineering.

Under the Royal Decree of the establishment of BEC, Foreigners who are intended to execute the engineering profession in the Kingdom of Cambodia must carry out the registration with BEC and follow laws and provisions in force of the Kingdom of Cambodia

2. Please list down the relevant legislations/rules and regulations regulating this sub-sector in your country.

Answer (2)

*Royal Decree No. **ns¹/₄rkt¹/₄0409¹/₄413** dated on April 7th, 2009 and other regulations for individual engineers. Firms and companies are to be regulated by ministries of relevant disciplines.*

II. Qualification Requirements

3. What are the qualification requirements for individual practitioners in your country in terms of:

- professional education (e.g. whether shall be university/higher education degree, post-graduate education etc)
- professional examination/assessment
- work experience
- practice and training
- language skills

Answer (3)

Registrations of individual engineers in Cambodia are conducted in 3 categories:

1. *Preliminary registration (fresh engineers),*
2. *Professional Engineer Registration,*
3. *Temporary Registration for foreign engineers*

<i>Categories</i>	<i>Education</i>	<i>Years of experience</i>	<i>Certificate</i>	<i>Professional Examination</i>
1. Fresh Engineer	<i>Bachelor degree in Engineering</i>	<i>Not applicable</i>	<i>Academic certificate</i>	<i>N/A</i>
2. Professional Engineer	<i>Bachelor degree or higher degree in engineering</i>	<i>At least 7 years</i>	<i>Academic certificate and professional experience to be signed by employer</i>	<i>Yes</i>
3. Temporary Registration (foreign engineer)	<i>Bachelor degree or higher degree in engineering</i>	<i>At least 7 years</i>	<i>Academic certificate and experiences be certified by institution of origin country or Ministry for foreign affair</i>	<i>Yes</i>

4. Please specify the number of years/months required for each of the above, as well as the availability of alternative routes (e.g. degree route and non-degree route) to achieve the qualifications required. If different qualification requirements exist for different activities or types of work, please specify.

Answer (4):

(See answer to Q. No. 3)

5. Are there any other qualification requirements apart from those set out in Q.3 above (e.g. minimum age, registration with a professional body, restriction on the scope of practice, place of origin/citizenship/residency requirements)? Please specify.

Answer (5): N/A

6. Who conducts/supervises the professional examination/assessment?

Answer (6):

National Monitoring Committee of BEC

7. Are the professional examinations/assessments conducted at regular intervals? Please specify the frequency, fees charged, and differences in practice adopted by individual provinces/states.

Answer (7):

- The professional examinations (for national engineer only) are conducted twice a year for Professional Engineer Examination at BEC*
- fees are at Riels 200,000.00*
- No individual province is allowed currently*

III. Qualification Procedure

8. What are the procedures involved in order to qualify as a professional in this sub-sector, including the approving authorities involved, their respective requirements, the fees charged and the timelines that need to be observed? How long does it normally take to complete the procedures?

Answer (8):

An applicant who meets the requirements mentioned in answer to Q. No. 3 may:

- *Submit an application by completing a form (including necessary declarations, and original copy of academic qualifications for verification, and the payment of the fee Riels 200,000.00*
- *Submit to the National Monitoring Committee's Office together with a thesis which is consisted of report of work experiences.*
- *Applicants will be asked to attend a professional examination conducted by the National Monitoring Committee.*
- *Applicant who can demonstrate that they are competent and pass the examination will be accepted for registration.*
- *It takes between 2 and 6 months to complete the procedures.*

IV. Recognition Arrangements

9. Are there any existing mechanisms (e.g. automatic recognition or mutual recognition arrangements at government level or between professional bodies) to take account of qualifications, experience, expertise, license etc. acquired or obtained by foreign professionals in another country? Please explain the mechanism and specific requirements.

Answer (9):

Foreign or national engineer who graduated from foreign institutions shall have academic certificate verified and certified by the Cambodian Accreditation Committee of Royal Government of Cambodia.

Currently, Cambodia does not have any mutual recognition arrangement with foreign countries at government level. However, at the professional level BEC accepted the mutual recognition of ASEAN Engineers Register established under the ASEAN Federation of Engineering Organization (AFEO).

10. Please give a brief explanation of foreign reciprocity provisions/requirements for granting registration to professionals from foreign countries, if any.

Answer (10): N/A**V. Licensing Requirements****(a) For Individuals**

11. Apart from the qualification requirements mentioned above, what are the licensing requirements for individuals in your country, for example:

- membership in a professional body
- registration with the relevant ministry or any other institution

- absence of criminal record
- taking of an oath
- minimum and/or maximum age
- subscription to a professional indemnity insurance (including any minimum specification)
- place of origin/citizenship/residency requirement
- continuing professional development (CPD)
- others (please specify)

If different licensing requirements exist for different activities, please specify.

Answer (11a):

There is no restriction based on age, citizenship or residency status, and no requirement on membership of other professional body. However, it is strongly recommended to have the certification of absence of criminal record.

(b) For Firms (Including Regulations Governing Establishment)

Answer (11b):

Firms, companies, organizations may register directly with relevant ministries. However, engineers to be employed by firms, companies, organizations shall be registered engineers formally recognized by BEC

12. Are professional firms regulated? If yes, are there any specific licensing requirements, for example:

- legal form in which one can establish (e.g. partnership, incorporation, other)
- minimum capital
- minimum/maximum number of partners
- qualifications of individual partners
- membership in a professional body
- incorporation or registration with the relevant ministry or any other institution
- requirements regarding natural persons carrying out professional services on behalf of the firm, including any restrictions on foreign firms employing local professionals
- requirements regarding ownership (voting rights) of the firm, including place of origin/citizenship/residency requirements of board of directors and restrictions on partnership with local firms.
- requirements regarding management/administration of the firm, including place of origin/citizenship/residency requirements of board of directors, minimum number/ percentage of local directors, managers etc.
- others (please specify)

If different requirements exist for different activities, please specify.

Answer (12):

Firms supplying professional engineering services are required to apply to the Ministry of Land Management, Urban planning and Construction and the Ministry of Public works and Transport. These firms can be established in forms of private corporation, Limited Corporation, partnership, incorporation. The leader/executive manager of the firm is required to have professional practicing certificate recognized by BEC. There is no requirement for minimum capital. Firms with 100% foreign owned capital or foreign joint-venture firms can only be established in form of limited company.

13. Is the use of international or foreign firms names restricted? Please specify.

Answer (13):

N/A

VI. Licensing Procedures (For Both Individuals and Firms)

14. What are the procedures required for application for license and/or renewal of license, including the authorities involved, their respective requirements (including documentation), and fees charged? How long does it normally take to obtain or renew a license? Please specify in case of differences between individuals and firms.

Answer(14):

- License of National professional engineer is permanent upon annually fee payment Riels 150,000.00*
- License of Temporary (foreign) engineer is valid for one year, but renewable at fee Riels 1,600,000.00. No additional document required for renewal of license*

VII. Regulations Governing Entry and Temporary Stay of Natural Persons for the Purpose of Supplying the Professional Services

15. Is the entry and stay of professionals subject to labour market tests or any other restrictions? Please specify.

Answer (15):

It is stipulated in the Labor Law that, only those foreign professionals and technical persons whose skills and expertise are not available in Cambodia can be employed to work in Cambodia.

VIII. Professional Ethics

16. What activities/disciplines are subject to professional ethical codes? Please specify the main policy objectives of these codes.

Answer (16):

Code of Ethics for Engineering Profession adopted by BEC has main objectives to:

- *Enhance the morality of engineers,*
- *Enhance the dignity and honesty of engineering practices,*
- *Enhance the quality and efficiency of engineering career, and*
- *Protect the public interest.*

17. Which body or institution develops this code and monitors its implementation? What are the consequences in case of breach of the ethical code by a professional or a firm?

Answer (17):

A disciplinary committee of BEC was delegated the power to monitor performance of individual registered engineer. Disciplinary measures to be imposed to any registered engineer depend on the seriousness of the breach of the Code of ethics:

- *Warning,*
- *Reprimand,*
- *Temporary professional discharging of not more than 2 years,*
- *Revoke the License or degrading honorary title.*

IX. Appeal Mechanisms and Dispute Resolution Procedures

18. Do individuals or firms have the right to appeal if their application is rejected or their license withdrawn?

Answer (18):

Individuals have the right to appeal if their application for registration or license is rejected or license withdrawn.

19. What body or institution is responsible for the resolution of disputes?

Answer (19):

Appeal may be made to the Council of BEC.

20. Please provide a summary of the mechanism/procedures and a list of relevant legislation/regulations.

Answer (20):

N/A

X. Additional Information

21. Is it possible to obtain further or updated information on the regulatory regimes of the professional services concerned through web-sites, journals, or brochures? What sort of information is included? Please give details.

Answer (21):

Please refer to <http://www.bec.gov.kh>. Currently, information is currently available in Khmer. English translation will be soon given.

22. Please provide contact details (name, address, fax, telephone, email address, etc.) of the persons who can provide further information/clarification on this sub-sector in your country.

Answer (22):

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