

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

Royal Government of Cambodia  
No. 11/ANK/BK

**ANU-KRET  
ON BUILD-OPERATE-TRANSFER (BOT) CONTRACT**

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret of September 24, 1993 on the Appointment of the First Prime Minister and the Second Prime Minister of the Royal Government of Cambodia;
- Referring to the Reach Kret of November 1, 1993 on the Formation of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/RKM/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kram No. 03/NS/94 of August 5, 1994 promulgating the Law on Investment of the Kingdom of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/83 of October 24, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to the Reach Kram No. NS/RKM/1096/18 of January 24, 1996 on the Establishment of the Ministry of Economy and Finance;
- Referring to Reach Kret No. CS/RKT/0897/147 of August 7, 1997 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Pursuant to the Proposal of the Senior Minister and the Minister of Economy and Finances;
- Pursuant to the approval of the Council of Ministers of December 18, 1997.

**IT IS HEREBY DECIDED**

**CHAPTER 1  
GENERAL PROVISIONS**

**ARTICLE 1:**

A Build-Operate-Transfer (BOT) project is a concession contract in which a Principal, grants a concession to a Concessionaire who is responsible for the construction and operation of a facility over the period of the concession before finally transferring the facility, at no cost to the Principal, as a fully operational facility.

**ARTICLE 2:**

This Anu-kret shall cover only for project where the State or public legal entities as a Principal and private legal entities as concessionaire. It shall not cover for project between private individuals.

A ministry, institution and competent authority responsible for related infrastructure projects shall have the power on behalf of the Royal Government of Cambodia to

enter into a BOT contract pursuant to the terms and conditions as stipulated in this Anu-kret.

Beside the State, State owned legal entities shall also have the power to enter into a BOT contract pursuant to the terms and conditions as stipulated in this Anu-kret.

**ARTICLE 3:**

Such transfer shall be done at the latest at the expiration date of the management period as stipulated in the contract.

**ARTICLE 6:**

The ministry or a public legal entity could enter into a BOT contract with physical or legal person of Khmer or foreign nationality or with the consortium which was

The selection procedures shall be as follows:

- a. For any contract in which the Royal Government of Cambodia is a party, there shall be a consensus between the Minister in charge of the related project, the Minister of Economy and Finance and the CDC.
- b. For any contract acted on behalf of a public legal entity by the supervising authority, the formality shall be made pursuant to a Prakas of the Minister of Economy and Finance.

**ARTICLE 10:**

For any contract approved on behalf of the Royal Government of Cambodia, the technical and financial selection of the Concessionaire shall be defined by:

1. a joint decision made between the Minister in charge of the related project, the Minister of Economy and Finance and the CDC for investment project costing less than or equal to 5 million dollars.
2. a decision of the Prime Minister pursuant to a joint proposal of the Minister in charge of the related project, the Minister of Economy and Finance and the CDC for investment project costing less than or equal to 10 million dollars.
3. a decision of the Council of Ministers pursuant to a joint proposal of the Minister in charge of the related project, the Minister of Economy and Finance and the CDC for investment project costing more than 10 million dollars.

For contract approved on behalf of a public legal entity, the technical and financial selection of the Concessionaire shall be made by the supervising authority of that public legal entity.

After selecting the Concessionaire, the authority that approved the project shall issue a BOT license. The license shall be issued only against the Concessionaire depositing its security deposit pursuant to a Prakas of the Ministry of Economy and Finance on the implementation of this Anu-kret. The license shall define the rights and obligations of the parties to the BOT contract.

**ARTICLE 11:**

Based on the BOT license, it shall be prepared a detailed contract stipulating the rights and obligations of the contracting parties.

The contract shall be signed by:

- a. The Concessionaire and the Minister in charge of the related project, the Minister of Economy and Finance and the CDC for any contract approved on behalf of the Royal Government of Cambodia.
- b. The Concessionaire and the supervising authority of the public legal entity, the Minister of Economy and Finance and the CDC for any contract approved on behalf of the public legal entity.

The Concessionaire shall form his company and register it under the laws of the

**Ung Huot**

**Hun Sen**

Has informed and Submitted to