



Draft of Concept Note on

The Reflection Meeting

on Prakas No.101 MoEF PrK

“the Joint Working Group on Taxation Law between GDT and NGO/Association”

Venue: Tonle Basac II Restaurant

Date: March 11, 2019 (8:00 am – 12:00 pm)

1. Introduction

The legal framework and the recent trend of enforcement related to the work of CSOs in Cambodia has posed some significant concerns. To some extend the building partnership with government is the new modernized approach. This could create opportunities for CSOs to use the platform effective and beneficial to the change, particularly their capacity and affordability to comply with the law and the potential for advocacy agenda in changing the tax law and its related regulations. The realization of tax obligation provided the Taxation Law 1997 is the main thing posting them worrisome about the compliance while the level of understandings the law is remaining low, despite the law enacted in 1997. The major problem of the CSOs to the taxation law compliance is the understanding of the taxation law and the ability and affordability to comply with the tax law. Since April 2018, the Ministry of Economy and Finance issued a Prakas (Circular) on Instruction on Tax Obligation for NGOs/Association and it is the first historic legal separate framework for NGOs/Association after the LANGO had been enacted in 2015 that sets lots of legal mandates to CSOs in Cambodia. Despite the Prakas is made intentionally to provide more clarities of provisions provided in the Taxes Laws of 1997, but CSOs are in a very difficult landscape to accept the new enacted law but new norm as well as the understanding the language of the law respectively. As per nearly two-year effort of CCC in initiating the constitution of the joint platform between the representatives of the Govt. and CSOs, finally the Joint Working Group on Taxation Law between GDT and NGO/Association constituted and recognized by law under the Ministry’s Prakas (Circulation) No. 101 MoEF PrK, dated 30 January 2019. The Prakas lays down the composition of GDT and the NGO/Association the partnership duties of the Joint Working Group including: promote the strengthening/ the enforcement of the existing taxation law and its related regulations; review and interpret language of the taxation law and its related regulations where there is the existence of the ambiguity and un-clarity in the tax law and its related regulations as it is deemed necessary; review all challenges related to the enforcement of taxation rules and procedures with the purposes to create the culture of truth between the taxpayers and the enforcement of the taxation law and its related regulations more effectively and smoothly; review and settle all Adhoc

challenges which related to the taxation issues and the strengthening the implementation of code of conduct of professional consultants of law, accounting, independent auditors and tax law service agencies.

To make partnership platform workable, more effective and productive, numbers of meetings among CSOs are needed to do.

The first meeting, which is laid down in the following agenda, is aiming (1) to reflect the Prakas No.101 MoEF PrK among the CCC-Members of Taxation Working Group, Members of CSOs Legal Professionals Hub and Members of the Joint Working Group on Taxation Law between GDT and NGO/Association whose names listed in the Prakas, and (2) to discuss the action plan, way-forwards and internal mechanism responding to the given duties.

2. Objectives

- To reflect the Prakas No.101 MoEF PrK amongst the CCC-Members of Taxation Working Group, Members of CSOs Legal Professionals Hub and Members of the Joint Working Group on Taxation Law between GDT and NGO/Association whose names listed in the Prakas No 101 MoEF PrK
- To reflect the Instructions No. 006 MoEF dated 30 Jan 2019 on the Taxes Incentive for Associations and Non-Government Organizations Which Registered for Taxes.
- To discuss the action plan, way-forwards and the agree internal mechanism for working to respond the given duties listed in the Prakas.

3. Participants

There will be around 45-50 participants (Members of CCC-Taxation Working Group and NGOs/associations decision makers, Members and Non-Members of CCC and Taxes Expert) from NGOs/associations in Phnom Penh capital.

4. Agenda

Time	Topic	Speakers/ Responsible team
8:00- 08:10 am	Registration of Participants	CCC team
8:00– 08:05 am	National Anthem and Briefing about the objectives of the Meeting	CAN Team
8:05– 08:20 am	Welcome Remark for the Meeting	Mr. Soeung Saroeun Executive Director of CCC.
8:20 – 08:40 am	- Brief Report on the Constitution of the Joint Working Group and the Prakas No. 101 MoEF PrK.	Mr. Khorn Bunthong, Head of Operations or Mr. Soteara Yoeurng, Coalition Building, Advocacy

		and Networking (CAN) Manager
8:40 – 9:10 am	Reflection from CCC-Members of Taxation Working and the Members of Joint-Working on Taxation Law between GDT and NGOs/Associations	All Participants
9:10- 10:00	Presentation on the Instructions on the Taxes Incentive for Associations and Non-Government Organizations Which Registered for Tax and a need for clarities for interpretation on the forgiveness of the taxes His analysis on the Instructions Question & Answer and Discussion on the presentation	By Dr. Adam Clen CCC Taxation Volunteer Participants
10:00- 10:15 am	Taking group photo and coffee break	All
10:15 am– 11:50 am	<ul style="list-style-type: none"> • Discussion on the possible proposed Action Plan and Internal Mechanism for CSOs Taxation Law Working Group • The agreed Action Plan and International Mechanism for CSOs Taxation Law Working Group 	Mr. Yoeurng Sotheara & Participants
11:50 -12:00 pm	Concluding Remark of the Meeting	Ms. Solinn LIM, CD of Oxfam
12:00 pm	Solidarity Lunch	All

Note: This drafted Agenda is subject to be revised in case it's deemed necessary.