



**KINGDOM OF CAMBODIA**  
**NATIONAL RELIGION KING**

**ROYAL GOVERNMENT OF CAMBODIA**

**Nº. 37 ANKR.BK**

**SUB-DECREE**

**ON**

**THE ORGANIZATION AND FUNCTIONING OF THE CAMBODIA  
COMPETITION COMMISSION**

**ROYAL GOVERNMENT**

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen the Royal Decree No. NS/RKT/0918/925 dated 06 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 Adjustment to the Composition of the Royal Government of the Kingdom of Cambodia,
- Having seen the Royal Kram 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. NS/RKM/0196/16 dated 24 January 1996, promulgating the Law on the establishment of the Ministry of Commerce,
- Having seen the Royal Kram No. NS/RKM/1021/013 dated 5 October 2021, promulgating the Law on Competition,
- Having seen the Sub-Decree No. 38 ANKR.BK dated 16 March 2020, on the Organization and Functioning of the Ministry of Commerce,
- Referring to the request of the Minister of Commerce.

**HEREBY DECIDES  
CHAPTER I  
GENERAL PROVISIONS**

**Article 1.–**

This Sub-Decree defines the Organization and Functioning of the Cambodia Competition Commission (hereinafter “CCC”) with a purpose to encourage and promote effective implementations of the Law on Competition and to help consumers access high-quality, low price, diverse and versatile products and services.

**CHAPTER II  
COMPOSITIONS, FUNCTIONS AND DUTIES OF CCC**

**Article 2.–**

The CCC has the following compositions:

- |  |                         |
|--|-------------------------|
| - The Minister of Commerce   | Chairman                |
| - 1 Secretary of State of the Ministry of Commerce   | Permanent Vice-Chairman |
| - 1 Secretary of State of the Office of the Council of Ministers                                   | Vice-Chairman           |
| - 1 Secretary of State of the Ministry of Economy and Finance                                      | Vice-Chairman           |
| - 1 Secretary of State of the Ministry of Interior   | Vice-Chairman           |
| - 1 Secretary of State of the Ministry of Industry, Science,<br>Technology and Innovation          | Member                  |
| - 1 Secretary of State of the Ministry of Justice  | Member                  |
| - 1 Secretary of State of the Ministry of Post<br>and Telecommunications                           | Member                  |
| - 1 Representative from the National Bank of Cambodia  | Member                  |
| - 1 Former judge   | Member                  |
| - 2 Individuals with legal knowledge and experience  | Member                  |
| - 2 Individuals with economic knowledge and experience   | Member                  |
| - Director General of Consumer Protection, Competition and<br>Fraud Repression Directorate-General | Member                  |

The CCC may request for additional members if needed.

The Composition of CCC shall be determined by the Decision of the Royal Government.

**Article 3.–**

The CCC shall have the following functions and duties:

- Establish policies and plans regarding competition.
- Advice on draft regulations regarding competition to the Government.
- Request the Government to revise or amend any national and international regulations, which affects competition.
- Issue decisions, interim measures and impose fines on the agreements or activities which violated the law on competition including any business combination which prevents, restricts, or distorts competition.
- Prepare the formalities and procedures on calculating fines.
- Prepare rules regarding Conflicts of Interest for members of CCC.
- Prepare the requirements and procedures of Business Combinations.

- Prepare the requirements and procedures for granting individual permission for any agreement or activity related to competition.
- Prepare the requirements and procedures for granting collective permission for any agreement or activities related to competition.
- Prepare the requirements and procedures for the leniency policy on pecuniary fines.
- Cooperate with national institutions or regulators, foreign states, and international agencies related to competition.
- Receive, review and resolve complaints related to competition as stated in the Law on Competition.
- Establish other regulations and rules under the authority of CCC related to competition.
- Perform other duties assigned by the Prime Minister.

### **CHAPTER III FUNCTIONING OF CCC**

#### **Article 4.–**

Relevant ministries and institutions shall appoint representatives as members of CCC after receiving a request from the Minister of Commerce and Chairman of CCC.

Independent members of CCC shall be selected by the Minister of Commerce through legal procedures.

The status of independent members of CCC shall be decided by the Head of the Royal Government at the request of the Minister of Commerce.

Upon receiving the composition of representatives from the relevant ministries and institutions and receiving the candidacy for independent members of CCC, Minister of Commerce as the Chairman of CCC must propose to the Royal Government for the appointment of the composition of CCC.

#### **Article 5.–**

The CCC shall hold plenary meeting at least 4 (four) times a year. In necessary case, the CCC can hold a preliminary meeting upon the invitation of the Chairman of CCC.

In case the Chairman of CCC is absent, the Chairman shall delegate the right to the permanent Vice-Chairman or any Vice-Chairman to chair the meeting on his behalf.

The CCC shall decide based on the majority vote of CCC members presented. In case of an equal number of votes, the Chair shall have the casting vote.

#### **Article 6.–**

Working procedures of CCC shall be determined by the internal rules.

#### **Article 7.–**

The CCC shall have the right to use the Logo and Seal of the Ministry of Commerce.

#### **Article 8.–**

The membership of the CCC members shall be terminated or changed based on one of the following conditions as below:

- a. At the request of the Head of respective ministries and institutions.
- b. Voted for dismissal by two-third vote of CCC members present, in case a member is physically or mentally incapacitated or has shown inappropriate behaviours as a member of CCC.
- c. Convicted of any offenses related to competition or any misdemeanour or criminal crimes.
- d. Deceased.

**Article 9.-**

The CCC members who have the conflict of interest must withdraw from the CCC meeting. In case the members who have the conflict of interest refuse to withdraw from the meeting, the CCC shall vote for decision after the member has defended himself/herself in front of the meeting. The requirement of the withdrawal as CCC members shall be defined in the internal rules.

**Article 10.-**

The CCC shall have the Consumer Protection, Competition and Fraud Repression Directorate-General (CCF) as its secretariat.

The Director General of the Consumer Protection, Competition and Fraud Repression Directorate-General shall be the Head of the Secretariat of CCC.

Functions and duties of CCC Secretariat shall be determined by the decision of the Minister of Commerce and Chairman of CCC.

**Article 11.-**

The CCC may establish specific Competition Case Committee to scrutinise and examine the competition case and request the CCC to issue a decision in accordance to Article 28 of the Law on Competition.

A Competition Case Committee shall consist of a minimum of three (3) and a maximum of five (5) Commission Members as below:

- The Chair of Competition Case Committee
- The CCC member who is a Director General of CCF
- At least one (01) who is independent member of CCC.

The Competition Case Committee shall report on the results of the scrutiny and examination to the CCC.

**CHAPTER IV  
FINANCIAL RESOURCES OF CCC**

**Article 12.-**

The financial resource and budget of CCC shall consist of:

- The CCC has the resource supported by the national budget which is a separate budget within the annual budget of the Ministry of Commerce;
- The CCC has the right to manage and allocate the capital in accordance with procedures and as defined in the law and legal documents from legitimate sources of the cooperation inside and outside of the country.

Besides the resources and budget prescribed in the paragraph 1, the CCC shall also have other resources from the pecuniary fines and other services that have been determined by a Joint Prakas between the Minister of Economy and Finance and the Minister of Commerce.

**Article 13.-**

Allowances of the CCC shall be determined by a Joint Prakas between the Minister of Economy and Finance and the Minister of Commerce.

**CHAPTER V  
FINAL PROVISIONS**

**Article 14.–**

Any provisions that are contrary to this Sub-Decree shall be abrogated.

**Article 15.–**

Minister in charge of the Council of Ministers, Minister of Economy and Finance, Minister of Commerce, and ministers of all relevant ministries and institutions shall implement this Sub-Decree from the date of signature.

Thursday, the 1<sup>st</sup> Day of the waning moon of the 3<sup>rd</sup> month,  
in the year of the Ox, Trei Sak, B.C. 2565

Phnom Penh, 17 February 2022

**Prime Minister**  
[Seal and Signature]

**Samdech Akka Moha Sena Padei Techo HUN SEN**

Having informed Samdech Akka Moha Sena Padei Techo the Prime Minister

For Signature

**Minister of Commerce**

[Signature]

**PAN SORASAK**

**Recipients:**

- Ministry of the Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, His Excellency and Her Excellency the Deputy Prime Ministers
- As stated in Article 15
- Royal Gazettes
- Documentation and Archive