

KINGDOM OF CAMBODIA
NATION RELIGION KING

DRAFT LAW ON
COMPETITION OF CAMBODIA

Version 5.7

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CHAPTER I GENERAL PROVISIONS

Article 1: Purposes

The purposes of this law are to:

- Encourage fair business relations;
- Promote economic efficiency and the establishment of new businesses;
- Protect the national economy from harmful anti-competitive behaviour; and
- Assist consumers to obtain goods and services of higher quality at lower prices and with greater variety and greater choice.

Article 2: Objective

The objective of this law is to set out the provisions and procedures applicable in relation to practices which significantly prevent, restrict or distort competition.

Article 3: Scope

This law applies to all Persons conducting business activities, or any actions supporting business activities, which significantly prevent, restrict or distort competition in a Market in Kingdom of Cambodia regardless of whether the activities take place inside or outside the territory of the Kingdom of Cambodia.

Article 4: Definitions

Important definitions in this law are as follows:

1. **Agreement** means any form of contract, arrangement or understanding between Persons, regardless of whether it is written, verbal or implied, and can include direct or indirect coordination where that coordination has the object or effect of:

- a. influencing the conduct of one or more Persons in a Market; or
- b. disclosing a course of conduct which a Person has decided to adopt or is contemplating adopting in a Market.

2. **Business Combination** means the acquisition of the right of control, voting rights, shares or assets by one Person from any other Persons or the combination of two or more Persons which were previously independent from each other in order to acquire joint ownership of that combined Person.

3. **Conflict of Interest** means an interest in the form of a financial, political, family or personal interest, which may influence any person's performance of his or her official duties.

4. **Directorate** means the Directorate General of Cambodia Import Export Inspection and Fraud Repression (CAMCONTROL).

5. **Dominant Position** means a situation in which a Person, either individually or together with other Persons, has the power to act in a Market significantly without any effective constraint from other Competitors.

6. **Essential Facility** means infrastructure or resources which cannot be duplicated and, without access to which, Competitors cannot reasonably provide goods or services to their customers.

7. **Horizontal Agreement** means an Agreement between Persons who operate, or are likely to operate, at the same level in the production or distribution chain.

8. **Vertical Agreement** means an Agreement between Persons who operate, or are likely to operate, at different levels in the production or distribution chain.

9. **Market** means a market for any competing goods or services.

10. **Persons** mean natural persons or legal persons whether performing any actions for profit or not, registered or unregistered, privately owned or partly or wholly owned by the state.

11. **Informant** means a Person who is willing to provide information to the CCC regarding activities which may violate this law regardless of whether such activities have occurred, are occurring or will occur in the future.

12. **Competitor** means any Person who is in competition with any other Person in a Market or who has the potential to enter into competition with any other Person in a Market.

13. **Significantly prevent, restrict or distort** means the extent or degree of impact on competition for goods or services as determined by the CCC through economic analysis or any other means of analysis.

14. **Business** means the carrying on of activities:

- a. which involve goods or services which have been acquired or supplied or real rights to immovable property which have been acquired or over which control has been acquired; or
- b. which are done in an organized and specific manner;
- c. where the Persons who performed these activities intended to make a profit regardless of whether that activity is the main activity, or a secondary or occasional activity.

CHAPTER II COMPETENT INSTITUTION

Article 5: The Competition Commission of Cambodia

The Competition Commission of Cambodia (hereinafter “CCC”) shall be established and will be led by the Minister of Commerce, with the involvement of relevant ministries and institutions, and with the Directorate General of Cambodia Import Export Inspection and Fraud Repression (CAMCONTROL) (hereinafter “Directorate”) as its secretariat to perform duties and functions in relation to competition issues in accordance with the provisions of this law.

The organization, functioning and composition of the CCC shall be determined by Sub-Decree.

Article 6: Composition of the CCC

The CCC shall be composed of:

- | | |
|---|------------------|
| – The Minister of Commerce | as Chairman |
| – The Secretary of State of Commerce | as Vice Chairman |
| – A representative from the Ministry of Economy and Finance | as Vice Chairman |
| – A representative from the Ministry of Justice | as Vice Chairman |
| – A representative from the Ministry of Interior | as Member |

- A representative from the Ministry of Industry and Handicraft as Member
- A representative from the Ministry of Post and Telecommunications as Member
- A representative from the National Bank of Cambodia as Member
- A former Judge as Member
- Two individuals with legal knowledge and experience as Members
- Two individuals with economic knowledge and experience as Members

The former judge and individuals with legal knowledge and experience and individuals with economic knowledge and experience shall be neutral and shall be selected by the Ministry of Commerce. The selection procedures shall be determined by Prakas of the Minister of Commerce.

The number of members of the CCC may be increased or decreased as necessary with the maximum number not exceeding 15 members.

Article 7: Term and termination

Vice-Chairmen and other members of the CCC shall have a 5-year term. Vice-Chairmen and members of the CCC shall be eligible to serve a maximum of 2 (two) terms.

The term of a Vice-Chairman or a member of the CCC shall be terminated prior of its expiration where the Vice-Chairman or member:

- is removed by a majority vote of the CCC on the basis that the Vice-Chairman or member is physically or mentally unable to perform his or her duties or has behaved in a manner inconsistent with the behaviour required to serve as a Vice-Chairman or member; is removed at the request of his or her ministry or institution; or
- resigns as a Vice-Chairman or member. Where a Vice-Chairman or member is the representative of a ministry or institution, their resignation must be approved by his or her ministry or institution.
- As otherwise determined by the Sub-Decree on the organization, functioning and composition of the CCC.

Article 8: Functions and duties of the CCC

The CCC shall perform the following principal functions and duties:

1. Prepare policies and plans regarding to competition.
2. Advise on draft legislation and regulations regarding to competition.
3. Request the Government revise or amend any legislation, regulations or agreements which affect competition.
4. Issue decisions, orders and interim measures and impose fines at the request of the Directorate or on its own initiative to restore and promote competition.
5. Establish the rules and procedures related to calculating fines.
6. Establish rules regarding Conflicts of Interest for members of the CCC.
7. Establish other rules and guidelines to implement laws and regulations regarding competition.

Article 9: Functions and duties of the Directorate in relation to competition

The functions and duties of the Directorate in relation to competition shall be the following:

1. Study and make strategic policies and action plans for the promotion of competition;
2. Investigate any action which may be prohibited under this law or which may prevent, restrict or distort competition;
3. Prepare draft orders and interim measures for the CCC;
4. Represent the CCC in court;
5. Review and evaluate competition matters for the CCC;
6. Communicate with national and international institutions in relation to competition;
7. Advise and report on its operations to the CCC;
8. Perform such other duties as instructed by the CCC.

Article 10: Budget of the CCC

The budget of the CCC shall be included in the total budget of the Directorate General of CAMCONTROL of the Ministry of Commerce.

**CHAPTER III
UNLAWFUL ACTIVITIES WHICH PREVENT, RESTRICT OR DISTORT COMPETITION**

**Section 1:
Agreements which prevent, restrict or distort competition**

Article 11: Unlawful Horizontal Agreements

Persons are prohibited from making and implementing a Horizontal Agreement that directly or indirectly affects competition by:

1. Fixing, controlling or maintaining the price of goods or services;
2. Preventing, restricting or limiting:
 - the quantity of goods or services which are made available for sale;
 - the type of goods or services which are made available for sale;
 - the development of new goods or services;
3. Allocating geographic areas between Competitors;
4. Allocating customers between Competitors; or
5. Favouring one bidder in bids for a contract.

In addition to the Horizontal Agreements listed above, the CCC may determine any other Horizontal Agreement to be unlawful if that Agreement has or could have the object or effect of significantly preventing, restricting or distorting competition in a Market.

Article 12: Unlawful Vertical Agreements

Persons are prohibited from making and implementing a Vertical Agreement which directly or indirectly requires a purchaser to resell purchased goods or services at a minimum price set by the seller or which requires a purchaser to accept any conditions of this kind set by the seller.

Persons are prohibited from making and implementing a Vertical Agreement which has or could have the object or effect of significantly preventing, restricting or distorting competition in a Market by:

1. Requiring a purchaser to resell purchased goods or services only within a defined geographic area;

2. Requiring a purchaser to resell purchased goods or services only to specified customers or specified categories of customers;
3. Requiring a purchaser to purchase all or nearly all of its requirements for particular goods or services exclusively from the seller;
4. Preventing a seller from selling goods or services to another purchaser; or
5. Requiring a purchaser to purchase unrelated goods or services in addition to the goods and services that the purchaser wants to purchase.

In addition to the Vertical Agreements listed above, the CCC may determine any other Vertical Agreement to be unlawful if that Agreement has or could have the object and effect of significantly preventing, restricting or distorting competition in a Market.

Section 2: Abuse of a Dominant Position in a Market

Article 13: Unlawful activities by Persons with a Dominant Position in a Market

The activities listed below shall be unlawful if undertaken by a Person or Persons with a Dominant Position in a Market and such activities have the object or effect of significantly preventing, restricting or distorting competition in a Market:

1. Requiring or inducing a supplier or customer not to deal with a Competitor;
2. Refusing to supply goods or services to a Competitor;
3. Selling goods or services on the condition that the purchaser purchases separate goods or services unrelated to the object of the contract;
4. Selling goods or services below the cost of production; or
5. Refusing to give a Competitor or potential Competitor access to an Essential Facility.

In addition to the activities listed above, the CCC may determine any other activities of a Person or Persons with a Dominant Position in a Market to be unlawful if those activities have the object or effect of significantly preventing, restricting or distorting competition in a Market.

Article 14: Reasonable reasons for activities by Persons with a Dominant Position in a Market

Despite the provisions of Article 13, a Person or Persons with a Dominant Position in a Market may lawfully perform the activities referred to in Article 13 if the CCC determines that the Person or Persons have fulfilled the 2 (two) conditions below:

1. The Person or Persons establish a reasonable reason to legally perform the activities for the benefit of the business.
2. Those activities do not significantly prevent, restrict or distort competition in a Market.

Section 3: Business Combinations

Article 15: Business Combinations

Any Business Combination which has or may have the effect of significantly preventing, restricting or distorting competition in a Market shall be unlawful.

Business Combinations shall be subject to examination, monitoring and evaluation of their effect on competition by the CCC.

Rules and procedures for Business Combinations shall be determined by Sub-Decree.

**Section 4:
Responsibilities of natural persons**

Article 16: Responsibilities of natural persons

Any natural person who is involved in performing any unlawful activities under Article 11, 12, 13 or 15 of this law and is aware that such activities are unlawful shall be subject to penalty in accordance with Chapter VI of this law.

**Section 5:
Exemptions**

Article 17: Exemptions

Any Agreement or activity referred to in Article 11, 12, 13 or 15 of this law may be exempted, if the Agreement or activity fulfils the following requirements:

1. There are significant identifiable technological, economic or social benefits directly arising from the Agreement or activity which would not have arisen without the Agreement or activity having the effect of significantly preventing, restricting or distorting competition;
2. The technological, economic or social benefits arising from the Agreement or activity outweigh the anticompetitive effects of the Agreement or activity significantly preventing, restricting or distorting competition; and
3. The Agreement or activity would not eliminate competition in any substantial part of a Market for goods or services.

Article 18: Individual exemption of any Agreement or activity by the CCC

Any Person who considers that an Agreement or activity may violate Article 11, 12 or 13 of this law may apply to the CCC for an exemption prior to entry into the Agreement or performance of the activity. The CCC shall grant the exemption if the Agreement or activity does not violate Article 11, 12 or 13 of this law.

Any Person who seeks an exemption in accordance with Article 17 shall apply for that exemption from the CCC by providing evidence to establish that the requirements of Article 17 have been satisfied. The CCC will grant the exemption if the Agreement or activity meets all the requirements of Article 17. At the time of granting the exemption, the CCC shall determine the expiry date of the exemption.

The rules and procedures which apply to an application for exemption shall be determined by the CCC.

A fee shall be charged for an application for exemption in accordance with the Joint Prakas of the Minister of Commerce and the Minister of Economy and Finance.

Article 19: Collective exemption by the CCC

If, in the view of the CCC, certain categories of Agreements or activities in relation to particular goods or services fulfil the requirements of Article 17, the CCC has the power to grant a collective exemption for such Agreements or activities. At the time of granting a collective exemption, the CCC shall determine the expiry date of the exemption.

The rules and procedures which apply to an application for a collective exemption for certain categories of Agreements or activities shall be determined by the CCC.

Section 6 Leniency

Article 20: Leniency

The CCC has the power to establish a leniency policy to encourage those who have violated Article 11 of this law to agree to provide information about the violation of this law.

Persons entitled to leniency may be granted an exemption from the imposition of sanctions and penalties under this law, if the Persons provide significant evidence about the activities which violated Article 11 of this law.

The procedures in relation to leniency shall be determined by the CCC.

CHAPTER IV COMPLAINT AND INVESTIGATION PROCEDURES

Article 21: Institution for complaints, investigations and determinations

The CCC has the authority to receive complaints, conduct investigations and reach determinations regarding any violation or possible violation of the law on:

1. its own initiative;
2. receipt of a complaint from any Person; or
3. receipt of a complaint from any authorized regulator.

If necessary, the CCC may request cooperation from any authorized institution or regulator in order to perform the abovementioned functions and duties and those authorized institutions and regulators shall accordingly cooperate at the request of the CCC.

Article 22: Appointment and authority of investigators

The Directorate shall prepare a list of investigators who shall be appointed as judicial police officers. Those investigators shall be appointed and qualified as judicial police officers by Joint Prakas of the Minister of Commerce and Minister of Justice.

Investigators shall inspect, investigate and collect any evidence of a violation or possible violation of any provision of this law.

All relevant ministries and institutions shall accordingly cooperate with investigators at the request of the CCC.

Article 23: Search power

An investigator of the Directorate shall have the power to enter and search any premises without obtaining a search warrant in the case of flagrant offences in order to:

1. Investigate:
 - any Person who committed or is committing a violation or possible violation of this law; or
 - the nature and extent of any violation or possible violation of this law.
2. Search for and collect any evidence of:
 - a violation or possible violation of this law; or
 - the nature and extent of any violation or possible violation of this law.

If any premises subject to a search are also used as a residence, the investigator may enter and search the premises at any time during the business hours of the relevant business. The

investigator shall obtain approval from the prosecutor at the municipal or provincial court for a search outside these business hours and carry out the search in the presence of local authorities.

Inspection, search, and investigation procedures shall be determined by Prakas of the Minister of Commerce.

Any search of premises shall be performed in the presence of the Person responsible for the premises or, if the Person responsible for the premises is absent, in the presence of two witnesses who are not investigators or officers part of the search team.

An investigator shall not perform a search before 6:00 and after 18:00 unless:

- the search relates to a matter involving cooperation with the competition authority of one or more other countries and circumstances require searches to be performed simultaneously in Cambodia and one or more other countries; or
- the premises are open to the public at the time of the search or the search is performed during the premises' business hours.

Any conduct obstructing the performance of the functions or duties of an investigator is prohibited.

Article 24: Witness testimony

An investigator may question any witness if the investigator considers the testimony of the witness may assist the investigation.

If a potential witness refuses to cooperate or respond to questions from an investigator, the Directorate may request the prosecutor summon that witness to testify before the investigator.

Article 25: Protection of Informants

A legitimate Informant shall be entitled to:

1. protection of his or her personal information under Article 27 of this law;
2. protection from workplace discrimination;
3. personal security protection (if necessary); and
4. immunity from civil, criminal, or professional disciplinary action if that action arises from providing or disclosing confidential information to the CCC.

A legitimate Informant remains entitled to the above protections even if the information reported by the Informant could not lead to a finding of any violation of this law.

If an Informant provides false information or engaged in any violation of this law, the informant shall not be entitled to the protections referred to above unless otherwise determined by the CCC.

Article 26: Collection of evidence and notification

An investigator has the power to collect any evidence related to a violation of this law.

The Directorate may issue a written notice to any Person under investigation, any Person suspected of holding evidence, or potential witnesses:

1. to maintain and/or provide any evidence relevant to the investigation within the time period and in the manner specified in the notice;
2. to appear at the Directorate to give testimony at the time and place specified in the notice.

If necessary, at the request of the Directorate, the CCC may request cooperation from other relevant institutions to collect any evidence related to a violation of this law.

The destruction of evidence is prohibited.

Article 27: Information of a confidential nature

Information of a confidential nature includes confidential information which relates to a Person's business, the identity of an Informant or the identity of a Person under investigation, information which was collected during the course of an investigation and any other information as determined by the CCC.

Confidential information which relates to a Person's business refers to information that could cause serious damage to a Person's business if that information were disclosed, such as:

1. Technical or financial information relating to the Person;
2. Methods of assessing costs;
3. Secrets of production processes;
4. Supply sources;
5. Quantities produced and sold;
6. Market shares;
7. Customer and distributor lists;
8. Marketing plans;
9. Other information related to cost, price or sales strategies; or
10. Any confidential information related to the Person's business as specified by other laws.

Confidential information which relates to the identity of an Informant includes:

1. The name, address, place of birth and social network accounts of the Informant;
2. The name, address, place of birth and the social network accounts of the Informant's spouse, father, mother, children or siblings;
3. The image or voice of the Informant;
4. The image of the Informant's spouse, father, mother, children or siblings.

Any conduct disclosing or revealing any confidential information is prohibited.

Article 28: Confidentiality obligations

During an investigation, confidential information may only be disclosed by the Directorate where:

1. It is necessary to enable the Directorate to carry out its duties or functions pursuant to this law;
 2. It is permitted by another law;
 3. It will enable another government agency, domestic or foreign, to carry out its duties or functions;
- or
4. It is necessary to use in accordance with a Person's right of defence.

Disclosure of confidential information pursuant to Article 28(3) may only be made if the disclosure has been authorised by the Chairman of the CCC.

Article 29: Request for an interim measure

Where the Directorate considers it is necessary to issue an interim measure during an investigation, the Directorate may request the CCC issue an interim measure which requires any Person:

1. To suspend the operation of, and/or desist from acting on, any Agreement which is suspected of violating Article 11, 12, 13 or 15 of this law;
2. To desist from engaging in any conduct which is suspected of violating Article 11, 12, 13 or 15 of this law; or
3. To do, or refrain from doing, any act.

Article 30: Voluntary resolutions

The CCC has the authority to decide to approve a voluntary resolution requested by the Directorate and the decision shall be made public.

A voluntary resolution may only be made during the investigation stage of a matter, and shall set out for the Persons under investigation the conditions of the voluntary resolution pursuant to which the Persons must fulfill any obligations and/or pay any fine as agreed between the Directorate and the Persons under investigation.

Article 31: Conclusion of the investigation and hearing

Where the Directorate is unable to establish any violation of this law at the conclusion of its investigation, the Directorate shall provide a report on its investigation to the CCC. The CCC shall notify the Persons under investigation and any complainant of the results of the investigation.

If an investigation by the Directorate determines that the Persons have violated a provision of this law, the Directorate shall notify the alleged Persons and provide a report on the results of the investigation and the allegation to the CCC. Once it has received the report from the Directorate on the results of the investigation and the allegation, the CCC shall call the investigators of the Directorate and the alleged Persons to a hearing. The notice sent to the alleged Persons shall specify the following:

- The name of the alleged Person(s);
- The Article(s) alleged to have been violated under this law;
- The action(s) constituting the violation(s) of the law; and
- The evidence of the violation(s).

The rules and procedures which apply to a hearing held by the CCC shall be determined by Prakas of the Minister of Commerce.

Article 32: Rights of alleged Persons

Alleged Persons shall have the right to:

- Receive assistance from a lawyer;
- Receive assistance from a translator if deemed necessary;
- Object to a particular member of the CCC attending the hearing held by the CCC;
- Remain silent;
- Present evidence and call witnesses;
- Make submissions and ask questions during the hearing;
- Be provided with information related to the allegation and hearing procedures; and
- Other rights provided for in other applicable laws.

CHAPTER V
INTERIM MEASURES AND ORDERS OF THE CCC

Article 33: Interim measures

During an investigation by the Directorate, the CCC may issue an interim measure in the following circumstances:

1. At the request of the Directorate, where it has reasonable grounds to believe that Article 11, 12, 13 or 15 has been, or is likely to be, violated and the CCC considers it is necessary as a matter of urgency for an interim measure to be issued for the purpose of:

- a. Preventing serious and irreparable economic or other damage to any Persons;
or
- b. Protecting the public interest in a declared state of emergency.

The CCC may issue an interim measure if it is appropriate for the relevant purpose.

2. An interim measure of the CCC issued under paragraph 1 above may also require any Persons:

- a. To suspend the operation of, and/or desist from acting on, any Agreements which are suspected of violating Article 11, 12, 13 or 15 of this law;
- b. To do, or refrain from doing, any acts but shall not require the payment of money.

3. The CCC shall notify the Persons subject to any interim measure issued under paragraph 1 of that interim measure. Persons affected by an interim measure may appeal the interim measure within 7 (seven) working days from the date of receiving the interim measure.

4. A notice under paragraph 3 above shall indicate the reasons for the CCC issuing the interim measure.

5. The CCC may at any time withdraw an interim measure issued under paragraph 1 for an acceptable reason.

6. Any interim measure issued under paragraph 1 shall cease to have effect on the earlier of:

- a. The interim measure being withdrawn under paragraph 5; or
- b. The CCC issuing an order in the case; or
- c. 1 (one) year from the date the interim measure was issued or reissued for an acceptable reason.

Article 34: Orders

1. After receiving a request from the Directorate at the conclusion of an investigation, the CCC may issue an order to any Persons in relation to a violation of this law, in accordance with the following conditions:

- a. The order shall be issued to the Persons subject to the order, and the order must be made available to the public.
- b. The Persons subject to the order shall have an opportunity to exercise the rights provided for in Article 32.
- c. The order shall specify:

- The date and time by which the Persons must fulfil the obligations specified in the order;
- The expiry date of the order.

2. The order as issued shall specify the following:
 - a. A description of the article(s) of this law which have been violated;
 - b. The names and addresses of the Persons and/or the legal representatives of the Persons;
 - c. A statement regarding the due date for payment of any civil penalties and details of those penalties ordered pursuant to Articles 40, 41 and 42 of this law;
 - d. A detailed statement regarding any penalties imposed under Article 42 of this law;
 - e. The reasons for the CCC deciding to issue the order;
 - f. A summary of the opportunity provided to the alleged Persons in accordance with Article 32;
 - g. The date of the hearing; and
 - h. The decision of the CCC at the conclusion of the hearing.

3. The CCC may issue an order which requires any measure which the CCC considers necessary to reverse the effect of the unlawful activities.

Article 35: Procedures for issuing interim measures and orders

The procedures for issuing interim measures and orders shall be set out in Prakas of the Minister of Commerce.

Article 36: Appeals to a competent court

Any interim measure or order issued by the CCC may be appealed to a competent court within 15 working days from the date of receiving the interim measure or order.

Article 37: Effective date of interim measures and orders of the CCC

1. An interim measure shall be effective immediately notwithstanding any petition or appeal.
2. An order shall be effective from the later of:
 - a. 15 (fifteen) working days after the Persons subject to the order received the order;
 - b. After the period within which an appeal must be lodged has expired; or
 - c. After the last competent court has rejected an appeal.

Article 38: Enforcement of interim measures and orders of the CCC

The CCC may seek the assistance from a competent court to enforce any interim measure or order.

Article 39: Modifications of interim measures and orders of the CCC

Any Person subject to an interim measure or order of the CCC may petition the CCC to reconsider, modify or revoke the interim measure or order. The CCC may decide on reasonable grounds to refuse to consider a petition.

The CCC may, on its own initiative, correct any clear, unintentional errors in the wording of an interim measure or order.

**CHAPTER VI
PENALTIES AND OTHER SANCTIONS**

**Section 1
Penalties and Sanctions under Chapter III**

Article 40: Penalties for violations of Chapter III

Any action which violates Article 11, 12, 13, 15 or 16 of this law may be subject to the following civil penalties:

1. up to 10% (ten) percent of the total revenue of any natural person who engaged in the action during the period within which the violation took place; and/or
2. up to 10 % (ten) percent of the total revenue of any legal person and any related legal person which engaged in the action during the period within which the violation took place.

Article 41: Other sanctions for violations of Chapter III

1. In an order issued pursuant to Article 34 of this law, the CCC has the authority to require actions to remedy violations of this law, to impose sanctions for violations of Article 11, 12, 13, 15 or 16 of this law and to deter future violations of this law.

2. Remedial action is designed to restore, maintain and protect competition in Markets and orders requiring remedial action may include, in appropriate circumstances, measures:

- a. Prohibiting violators from continuing their unlawful actions;
- b. Requiring violators to sell specified assets or parts of their business;
- c. Requiring violators to license or transfer intellectual property rights;
- d. Requiring violators who have harmed other Persons to compensate those Persons for the financial harm suffered;
- e. Requiring violators or other Persons to take other specific actions necessary to restore competition;
- f. Requiring violators to return unlawfully obtained profits to the victims of their unlawful actions where the victims can be identified;
- g. Requiring unlawfully obtained profits where the victims of the unlawful actions cannot be identified or which cannot economically be distributed to individual victims to be distributed to social organizations which represent the interests of those harmed by the violation and to distribute any remaining unlawfully obtained profits to the National Treasury of Cambodia;
- h. Requiring violators to file reports demonstrating compliance with the orders of the CCC;
- i. Requiring violators to pay for experts appointed to advise the Directorate on the design of effective remedies and to report to the Directorate on compliance with the orders.

**Section 2
Penalties for procedural violations**

Article 42: Penalties

Persons who fail to appear before an investigator to give testimony pursuant to Article 24 of this law shall be liable to a term of imprisonment of 1 (one) month to 1 (one) year and to a fine of 100,000 riel (one hundred thousand riel) to 2,000,000 riel (two million riel) for a natural person, and a fine of up to 6,000,000,000 riel (six billion riel) for the first violation and up to 12,000,000,000 riel (twelve billion riel) for any subsequent violation for a legal person.

Persons who engage in any of the following actions shall be liable to a term of imprisonment of 2 (two) years to 5 (five) years and to a fine of 4,000,000 riel (four million riel) to 10,000,000 riel (ten million riel) for a natural person, and a fine of up to 6,000,000,000 riel (six billion riel) for the first violation and up to 12,000,000,000 riel (twelve billion riel) for any subsequent violation for a legal person:

- Obstructing the performance of the functions or duties of an investigator in violation of Article 23 of this law;
- Destroying evidence in violation of Article 26 of this law; or
- Disclosing confidential information in violation of Article 27 of this law

CHAPTER VII FINAL PROVISIONS

Article 43: Abrogation

Any provisions of other laws of the Kingdom of Cambodia contrary to this law are abrogated by this law.

Article 44: Enforcement of this law

All provisions other than the provisions in Sections 1, 2 and 3 of Chapter III of this law shall be immediately enforced after this law comes into effect.

The provisions in Sections 1 and 2 of Chapter III of this law shall be enforced 1 (one) year after this law comes into effect.

The provisions in Section 3 of Chapter III of this law shall be enforced 3 (three) years after this law comes into effect.